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**LOCAL RULES OF COURT
OF
THE DISTRICT COURTS
& THE COUNTY COURT-AT-LAW¹
OF
THE COUNTIES OF BLANCO, BURNET, LLANO & SAN SABA**

D R A F T
VERSION OF JAN 12, 2006



District Courts
1701 E. Polk St.
Burnet, Tx 78611
512-756-5436
fax 512-756-8478
www.dcourt.org

Burnet County
Court-at-Law
220 S. Pierce St.
Burnet, TX 78611
512-756-5449
fax 512-756-_____

¹ Of only Burnet County at the time of adoption of these Rules.

1 **ADOPTION OF THE RULES**

2 The foregoing Local Rules of Court for the 33rd Judicial District Court and the Adopting
3 County Court-at-Law² were adopted by their respective Presiding Judges on _____,
4 subject to approval of the Supreme Court of Texas.

5 _____
6 Guilford L. Jones, III,
7 Presiding Judge, 33rd Judicial District
8

W.R. “Randy” Savage,
Presiding Judge
Burnet County Court-at-Law

9 _____
10 Dan H. Mills,
11 Presiding Judge, 424 Judicial District

12 **APPROVAL BY THE SUPREME COURT**

13 The Supreme Court of Texas approved the foregoing rules on ____ by Order No. ____

² At the time of the adoption of these rules only Burnet County had a statutory county court. These rules are drafted so that – at its option – any other statutory county court may adopt these rules, subject to Supreme Court approval.

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12	16.4.1	WITHDRAWAL OF COUNSEL IN CIVIL CASES SHALL BE GOVERNED BY RULE	
13	10	<u>-36-</u>
14	16.4.1.1	Notice to Client (<u>-36-</u>)	
15	16.4.1.2	Orders (<u>-37-</u>)	
16	16.4.1.3	No Delay of Trial (<u>-37-</u>)	
17	RULE 17	MISCELLANEOUS LOCAL RULES	<u>-37-</u>
18	17.1	<u>SETTLEMENT WEEK</u>	<u>-37-</u>
19	17.2	<u>MISCELLANEOUS LOCAL RULES</u>	<u>-37-</u>
20	17.3	<u>JUDICIAL BUDGET MATTERS</u>	<u>-37-</u>
21	17.4	<u>RELATIONSHIP WITH OTHER GOVERNMENTAL BODIES, THE PUBLIC AND</u>	
22		<u>THE NEWS MEDIA</u>	<u>-37-</u>
23	17.5	<u>FORMS</u>	<u>-37-</u>
24	RULE 18	PROCEDURE FOR ADOPTION AND AMENDMENT OF LOCAL RULES .	<u>-37-</u>
25	Appendices	<u>Appendix 1 - 1</u>
26			

1

Preamble

2 **Policy Statement**

3 The 33rd and 424th Judicial Districts are each composed of the counties of Blanco, Burnet,
4 Llano and San Saba. The Districts have general jurisdiction as provided in Article ___ of the
5 Texas Constitution for civil, criminal, family, juvenile and specified matters. Management of a
6 general jurisdiction, multi-county court system presents unique problems which require the
7 understanding and cooperation of all stakeholders. Stakeholders include the judges, attorneys,
8 civil litigants and criminal defendants, district attorney, district clerks, adult and juvenile
9 probation departments and various related agencies such as county attorneys, law enforcement or
10 the department of protective and regulatory services.

11 The Burnet County Court-at-Law has jurisdiction in Burnet County as set forth in Section
12 ____, Texas Government Code.

13 It is the purpose of the Courts to provide a system of effective case flow for all cases
14 filed. Taking into account the rights of litigants, their attorneys, the costs associated with cases
15 filed, the responsibility of ensuring all parties a fair and timely resolution of their disputes, and
16 numerous other factors and case management studies, the Court will implement rules and
17 procedures to accomplish this purpose. It is to be noted that the Courts have asked for and
18 received suggestions from the local bar and has adopted many of the suggestions provided by
19 committees named by the Highland Lakes Bar Association (the only organized Bar Association
20 in the affected counties) for this specific purpose.

21 It is the responsibility of the Courts to establish procedures for the timely and effective
22 disposition of cases. The courts are charged with the responsibility of ensuring civil litigants and,
23 in criminal cases, both the State of Texas and all defendants, a fair and timely resolution of their
24 civil disputes or criminal accusations, and the courts are in the best position to establish neutral
25 rules and policies without adversely affecting either side's right to a fair trial. Effective
26 management of the judicial system will build continuing respect by the community for the
27 judicial system, minimize the costs and maximize the probability that cases will be timely
28 resolved. It is the purpose of these rules to establish such procedures.

29 These rules are not intended to conflict with any applicable promulgated statute or rule,
30 and in the event of such conflict, the promulgated rule or statute shall prevail.

31 **Policy Goals**

32 The goals of each Court is:

- 33 (A) To provide an effective and fair procedure for the timely disposition of all cases.
34 (B) To provide a mechanism to gather needed case information in order to make
35 appropriate judicial management decisions.

- 1 (C) To establish reasonable rules and policies to require the disposition of cases without
2 unnecessary delays or interruptions.
3 (D) To establish early judicial intervention with attorney input in order to have an orderly and
4 speedy proceeding.
5 (E) To provide parties and their respective attorneys a clear understanding of the specific
6 chronological order and requirements of scheduled events in their respective case.

7
8 **WHEREAS,**

9 **NOW BE IT RESOLVED** that

1

Summary

2

1 **RULES**

2 **RULE 1 APPLICABILITY AND EFFECTIVE DATE**

3 These Rules shall be effective after approval by the Supreme Court of Texas.

4 **RULE 2 DEFINITIONS**

5 2.1 “JUDGE OR THE COURT”

6 means the judge presiding in the court applicable in the context.

7 2.2 “DISTRICT JUDGE”

8 means the Presiding Judge of the applicable District according to the context. The phrase
9 “district judges” refers to an action taken mutually by both presiding district judges.

10 2.3 “ASSIGNED JUDGE”

11 means a judge assigned by the Presiding Judge of the 3rd Administration Judicial Region
12 pursuant to Sect. 74.____ or ____ of the Texas Government Code.

13 2.4 “DISTRICT”

14 means the 33rd or 424th Judicial District, or both, according to the context.

15 2.5 “THE COUNTY”

16 means one, or each, of the four counties of the District, as applicable in the context.

17 2.6 “COUNTY COURT-AT-LAW”

18 means the County Court-at-Law of Burnet County or of any other county adopting these
19 rules.

20 2.7 “THE COURTS”

21 means both the district courts and the county court-at-law.

22 2.8 “CLERK” OR “THE CLERK”

23 means the district clerk as to matters in the district courts and the county clerk as to
24 matters in the county court-at-law, as applicable in the context, and “clerks” refer to the district
25 clerk and each of the county clerks.

26 2.9 “COUNSEL”

27 When necessary to the context, the term “counsel” shall refer to conduct of a party
28 proceeding *pro se*. All rules of court promulgated by competent authority, including these Local
29 Rules, shall apply to *pro se* parties just as they apply to attorneys.

30 2.10 “PROSECUTING ATTORNEY”

31 refers to the District Attorney or County Attorney as applicable in the context.

32 2.11 “

33 2.12 :

34 2.13 “

35 2.14 “

1 **RULE 3 GENERAL**

2 3.1 PROMULGATED FORMS

3 Forms (such as Notice of Setting, Case Information Sheet, etc.) will be designed and
4 promulgated from time to time by the judges. Those forms will be published separately from
5 these Rules and do not require the approval of the Supreme Court for modification. Such forms
6 are available in the office of the clerk of the court and may also be available in electronic form
7 on the court website.

8 3.2 COURT SESSIONS, ANNUAL CALENDARS, HOLIDAYS

9 3.2.1 DISTRICT COURTS

10 The district courts shall each publish annually a joint calendar setting out a schedule for
11 jury and non-jury weeks for each respective court. Copies of such calendar will be kept in the
12 district clerk's office and the county clerk's office and will be furnished upon request.

13 3.2.2 COUNTY COURT-AT-LAW.

14 The County Court-at-Law shall publish a calendar annually setting out a schedule for
15 jury and non-jury weeks for each respective court. Copies of such calendar will be kept in the
16 district clerk's office and the county clerk's office and will be furnished upon request.

17 3.2.3 OFFICIAL HOLIDAYS

18 The District Court will, in each county of the District, observe those holidays set by
19 consensus of the county public officials and published by the Commissioners Court of the
20 County, except as ordered otherwise in order to dispose of the work of the Court in a timely
21 manner.

22 3.3 HOURS OF COURT PROCEEDINGS

23 Court shall be held at such times as may be determined expedient by the judge of each
24 court.

25 3.4 WHERE TO FILE IN THE DISTRICT COURTS

26 Notwithstanding the court of filing, the district courts have concurrent jurisdiction and
27 automatic bench exchange.

28 3.4.1 CRIMINAL CASES – 33RD

29 However, the criminal docket will be shared between the 33rd and 424th. The
30 single-district filing scheme is done for convenience of the clerk's docketing and scheduling by
31 the court coordination staff.

32 3.4.2 JUVENILE CASES – 33RD

33 The judge of the 33rd district court is designated as the Juvenile Court Judge and the
34 Chair of the Juvenile Boards of each of the counties.

35 3.4.3 CHILD PROTECTION (CPS) – 33RD

36 CPS cases will continue to be heard by the Associate Judge for the Cluster Court. The
37 33rd Judicial District is the one which by Supreme Court order is part of that Cluster Court, thus

1 the filings need to remain in the 33rd. However, either district court can hear CPS cases that are
2 returned to the referring court.

3 3.4.4 FAMILY & GENERAL CIVIL

4 3.4.4.1 Blanco County – 424th

5 3.4.4.2 Burnet County – 33rd except
6 that family law cases are filed in the 33rd or the Burnet County Court-at-law as
7 determined from time-to-time by the respective local administrative judges by local
8 administrative order.

9 3.4.4.3 Llano County – 424th

10 3.4.4.4 San Saba County – 33rd

11 3.5 STATISTICAL REPORTING TO OFFICE OF COURT ADMINISTRATION

12 The case statistics reported by each district clerk to the Office of Court Administration
13 shall be reported jointly for the district courts.

14 **RULE 4 SETTINGS – OBTAINING AND GIVING NOTICE THEREOF**

15 4.1 APPLICABILITY

16 The provisions of this setting apply to all dockets both civil and criminal, and to both jury
17 and non-jury settings, except where another section clearly provides another method or
18 procedure.

19 4.2 RESOURCES FOR SETTINGS

20 The court maintains web-based resources for referencing its master settings calendar (at
21 www.dcourt.org/webcal) and for making a setting request via a web-form (complete instructions
22 at www.dcourt.org/forum/online_setting). **The online setting request is the preferred method
23 as it provides automatic documentation of the request, saves time and resources in the
24 office of the court administrator and provides written confirmation of the setting.**

25 4.3 OBTAINING A DATE

26 A request to the court coordinator for a setting may be made by telephone, facsimile,
27 mail, webform (see [4.2](#)), email (to admin@dcourt.org) or any other method that may be utilized
28 by the court coordinator from time to time for receiving such requests. Opposing counsel must
29 be contacted in advance in an attempt to determine a mutually agreeable date and the requesting
30 attorney shall represent that either (1) all counsel agree on the requested date, or (2) that
31 agreement could not be reached after consultation with all counsel of record.

32 4.3.1 CONTENTS OF REQUEST

33 Each request for a setting shall contain a clear description of the matters to be heard, the
34 time estimated to be required for the hearing and the affirmation required in [4.3](#) above.

35 The judge should not be requested to sign an order setting cases except when a show
36 cause order is necessary, or when some rule of law requires that an order for a setting be signed
37 by a Judge and entered in the minutes by the Clerk.

1 4.4 GIVING NOTICE OF SETTING

2 Upon approval of the setting date the requesting attorney shall by 5:00 p.m. of the first
3 business day next following, initiate service of notice on all parties by a document that is
4 separate from the pleading to which it relates. The notice shall be in substantially the format of
5 the promulgated form and shall expressly state the time estimated to be required for the hearing
6 as well as the affirmations of [4.3](#) above.

7 4.5 CONFLICTING SETTINGS

8 4.5.1 RESOLUTION BY AGREEMENT.

9 When attorneys have conflicting court settings, they should try to resolve the conflict by
10 agreement with opposing counsel and the courts involved. If agreement cannot be reached,
11 counsel should ask the judges of the conflicting courts or their staff to confer and seek
12 resolution. Judges will ordinarily, in the exercise of their discretion, give preference to federal
13 settings, criminal settings, special settings, and older settings. When one court setting
14 unreasonably delays the others, the opposing attorneys may inform the courts of the delay and
15 seek assistance.

16 4.5.2 RESOLUTION BY RULE.

17 When conflicts cannot be resolved by agreement, the involved courts shall resolve the
18 conflict by reference to Rule ___ of the Local Administrative Rules of the 3rd Administrative
19 Judicial Region.

20 **RULE 5 CERTIFICATES OF SERVICE & CONFERENCE–DETAIL REQUIRED**

21 5.1 CERTIFICATES OF SERVICE

22 5.1.1 CIVIL CASES

23 In addition to all requirements of the Rules of Civil Procedure, a certificate of service in
24 civil cases (including family law and juvenile cases) shall not simply state that a pleading was
25 sent to “All counsel of record” but shall explicitly list each recipient with full mail, fax, email or
26 hand/courier delivery method set forth.

27 5.1.2 CRIMINAL CASES

28 Every pleading in a criminal case shall comport with these rules regarding certificates of
29 service..

30 5.2 CERTIFICATE OF CONFERENCE BETWEEN COUNSEL.

31 No counsel for a party shall file, nor shall any clerk accept for filing, any motion unless
32 accompanied with a "Certificate of Conference" signed by counsel for movant in one of the
33 forms set out in Rule [5.2.2](#). This rule does not apply to motions that could potentially dispose of
34 the entire action such as by way of plea to the jurisdiction, motions for summary judgment, and
35 motions for new trial.

36 5.2.1 PRIOR TO THE FILING OF A MOTION

1 counsel for the potential movant shall personally attempt to contact counsel for the
2 potential respondent to hold or schedule a conference to resolve the disputed matters. Counsel
3 for the potential movant shall make at least three attempts to contact counsel for the potential
4 respondent. The attempts shall be made during regular business hours on at least two separate
5 business days.

6 5.2.2 A "CERTIFICATE OF CONFERENCE" SHALL MEAN

7 For the purposes of Rule [4.3](#), [5.2](#), the appropriate one of the following four paragraphs
8 **(verbatim)**:

9 5.2.2.1 Conference failed:

10 "By my signature below I certify that: Counsel for movant and counsel for respondent
11 have personally conducted a conference at which there was a substantive discussion of every
12 item presented to the Court in this motion and despite best efforts the counsel have not been able
13 to resolve those matters presented.

14 Signed on {date} {signature of counsel}" ,

15 **OR**

16 5.2.2.2 Opposition no response:

17 "By my signature below I certify that: Counsel for movant has personally attempted to
18 contact the counsel for respondent to resolve the matters presented as follows:

19 {List all Dates, times, methods of contact, results}

20 Counsel for the movant has caused to be delivered to counsel for
21 respondent and counsel for respondent has received a copy of the
22 proposed motion. At least one attempt to contact the counsel for
23 respondent followed the receipt by counsel for respondent of the proposed
24 motion. Counsel for respondent has failed to respond or attempt to resolve
25 the matters presented.

26 Signed on {date} {signature of counsel}" ,

27 **OR**

28 5.2.2.3 No contact, emergency:

29 "By my signature below I certify that: Counsel for movant has personally attempted to
30 contact counsel for respondent , as follows:

31 {List all Dates, times, methods of contact, results}

32 An emergency exists of such a nature that further delay would
33 cause irreparable harm to the movant, as follows:

34 {details of emergency and harm}.

35 Signed on {date} {signature of counsel}" ,

36 **OR**

37 5.2.2.4 Resolved:

1 "By my signature below I certify that: Counsel for movant and counsel for respondent
2 have personally conducted a conference and counsel for respondent [choose appropriate choice
3 or reword as appropriate to show authorization for the Court to enter the order] {concurs with
4 this motion | does not object to this motion}.

5 Signed on {date} {signature of counsel}"

6 **RULE 6 CIVIL CASES**

7 **6.1 FILING OF PAPERS**

8 All pleadings, motions, orders and other papers, including exhibits attached thereto, when
9 offered for filing or entry, shall be descriptively titled and pre-punched at the top of the page to
10 accommodate Clerk's 2 3/4" center-to-center flat-filing system. Each page of each instrument
11 shall, in the lower margin thereof, be numbered and titled; e.g., "Plaintiff's Original Petition -
12 Page 2." Orders and Judgments shall be separate documents completely separated from all other
13 papers. If documents not conforming to this Local Rule are offered, the Clerk before receiving
14 them shall require the consent of a Judge. Counsel shall furnish the Clerk with sufficient copies
15 to perfect all service or notices.

16 **6.2 OBJECTIONS TO ASSIGNED JUDGE**

17 As set forth in Government Code Sect. ____, each party to a civil case may exercise one
18 objection to an assigned judge. In order to protect judicial economy and prevent abuse of the use
19 of the objection, the rules in this Section govern when and how such object is to be made.

20 **6.2.1 WHEN TO OBJECT**

21 Unless another deadline is set in an order or notice indicating the assignment of a judge
22 other than the presiding judge, objection shall be lodged within 10 days after being served with a
23 setting order or notice stating the assignment, or at least three days prior to the hearing,
24 whichever date comes first.

25 **6.2.2 GOOD FAITH OBJECTION**

26 The use of the objection to an assigned judge shall not be made substantially for the
27 purpose of obtaining a delay in the hearing to which such judge was assigned.

28 **6.2.3 FORM AND SERVICE OF THE OBJECTION**

29 The objection shall be in writing in a document separate from any other pleadings, filed
30 with the clerk and served on all parties in strict compliance with Government Code Sect. ____;
31 and a courtesy copy shall be sent by the most expedient means available to the court coordinator.

32 **6.3 MOTIONS AND DISCOVERY**

33 **6.3.1 AGREED MATTERS.**

34 The Court does not require a separate motion or hearing on agreed matters, except for
35 continuances in cases over one year old or as otherwise provided. All uncontested or agreed
36 matters should be presented with a proposed form of order and must reflect the agreement of all

1 parties either (a) by personal or authorized signature on the form of order, or (b) in the certificate
2 of conference on the motion.

3 6.3.2 BRIEFS

4 Except in case of emergency, briefs relating to a motion (other than for summary
5 judgment) set for hearing must be served and filed with the Clerk no later than three working
6 days before the scheduled hearing. Briefs in support of a motion for summary judgment must be
7 filed and served with that motion; briefs in opposition to a motion for summary judgment must
8 be filed and served at or before the time the response is due; reply briefs in support of a motion
9 for summary judgment must be filed and served no less than three days before the hearing. Briefs
10 not filed and served in accordance with this Rule will most likely not be considered by the Court.
11 Any brief that is ten or more pages long must begin with a summary of argument.

12 6.3.3 COURTESY COPIES

13 Counsel are reminded that the District Courts sit in four counties on a variety of dockets.
14 Courtesy copies of certain papers should be delivered directly to the judge's office as follows:
15 (1) Briefs and (2) motions for summary judgment and responses or replies thereto.

16 6.4 SUBMISSION OF ORDERS AND JUDGMENTS

17 6.4.1 TIME FOR TENDER.

18 Within calendar 14 days after the Court has announced a verdict or judgment or the Court
19 receives a written announcement of settlement from either party or from a mediator, counsel for
20 the prevailing party shall submit to the Court a proposed judgment or dismissal order, unless
21 ordered otherwise. Failure to so furnish the Court with such a proposed judgment or dismissal
22 order will be interpreted to mean that counsel wish the Court to enter an Order of Dismissal with
23 prejudice with costs taxed at the Judge's discretion.

24 6.4.2 TENDER FOR APPROVAL.

25 Except for proposed orders tendered at a hearing, proposed orders on contested matters
26 should be submitted by the prevailing party after notification of the Court's ruling.

27 6.4.2.1 Judge signature line.

28 Every draft of a judgment, decree, or order which is submitted through the District
29 Clerk's office to be signed by a Judge or Associate Judge after a trial or hearing shall have typed
30 on it below the line for the Judge's signature the name of the Judge who presided at said trial or
31 hearing. Each such draft shall also be accompanied by a letter stating the name of the Judge or
32 Associate Judge who presided and the date and nature of the trial or hearing.

33 6.4.2.2 Tender time, objections.

34 Proposed orders should be tendered to the opposing party at least three working days
35 before they are submitted to the Court. The opposing party must either approve the proposed

1 order as to form or file objections in writing with the Court. If an order is not approved as to
2 form and no objections are filed within five days of the submission of the proposed order, the
3 proposed order is deemed approved as to form. Nothing herein prevents the Court from making
4 and signing its own order at any time after the hearing in accordance with the Texas Rules of
5 Civil Procedure. It is not required that counsel obtain the signature of the party and no order
6 shall be delayed on account of a represented party failing or refusing to approve the form of
7 order.

8 6.4.2.3 Order on separate document.

9 A draft of an order shall not be typed on the same page with a pleading, motion,
10 certificate of service, or any part thereof, and each such draft shall have a heading showing the
11 cause number, the style of the case, and the court in which it is pending.

12 6.4.2.4 No use of “entered.”

13 The word “entered” should not be used in the line provided immediately above the
14 Judge’s signature to show the date on which a judgment, decree, or order is signed.

15 6.5 DIFFERENTIATED CASE MANAGEMENT – DISTRICT COURT

16 In order to allocate scarce judicial resources efficiently while preserving the right of the
17 litigant to a full and fair trial, it is the intent of the district judge to differentiate between cases
18 according to their anticipated complexity and length. In the discretion of the courts and in
19 accordance with established rules of procedure, cases will be generally assigned according to
20 levels and the assigned level will determine the “time track” to which the case is assigned.

21 6.5.1 GOALS OF EACH LEVEL

22 6.5.1.1 Track One

23 Suits in which plaintiffs seek only monetary relief of \$50,000.00 or less. (See
24 Tex. R. Civ. P. 190.1. These cases will be concluded at the trial level no later than
25 10 months from the date of filing. 90% of these cases will be concluded within six
26 (6) months. 98% will be concluded within eight (8) months. 100% will be
27 concluded within 10 months.

28 6.5.1.2 Track Two

29 Suits in which plaintiffs seek relief not defined in Tex. R. Civ. P. 190.1 and which
30 are not expected to require a discovery control order pursuant to Rule 190.4. This
31 rule will continue to apply even if a discovery control order is entered, the
32 “Track” definition being independent of the Rule 190.4 plan. A “Track Two” case
33 will be assigned such designation where it is expected by the judge, after
34 consultation with counsel, that the case can be tried within 15 months, that no
35 more than 25 hours of deposition time will be needed by each side, that document
36 production is not expected to exceed 500 pages per side and that no more one
37 day’s expert testimony will be needed per side. These cases will be concluded at

1 the trial level no later than 15 months from the date of filing. 90% will be
2 concluded within 10 months. 98% will be concluded within 12 months. 100% will
3 be concluded within 15 months.

4 6.5.1.3 Track Three

5 Cases not falling within tracks one or two will be assigned to Track Three. These
6 cases will be concluded within 18 months. 90% will be concluded within 12
7 months. 98% will be concluded within 15 months. 100% will be concluded within
8 18 months. All Track Three cases will have a discovery control order under Rule
9 190.4.

10 The Court realizes that there may be extenuating circumstances and retains the right to
11 schedule cases as it sees appropriate in accomplishing the goals as set out herein above.

12 6.5.2 COURT'S DEFAULT SCHEDULING ORDER

13 The court has a default form of scheduling order that will be imposed in whole or in part
14 where the court finds it necessary to make an order on its own. It is attached to these rules as an
15 appendix and is also available on the court website.

16 6.5.3 CASE TRACK DEFINITIONS AND TIME FRAMES

17 6.5.3.1 Track Events:

18 Each case has significant events which are here described by function, and the
19 times for each event varies according to the track level to which the case is
20 assigned. Those times are set forth in the table set forth below and are keyed to
21 that table by letters in parentheses.

22 6.5.3.2 **Discovery Control Conference:**

23 Counsel shall confer (Conference Date) within (A) days after the date of the first
24 answer filed in the case, as to a trial date and content of a Discovery Control
25 Order.

26 If counsel agree on content and deadline dates, the plaintiff named first in
27 the lawsuit shall thereafter submit a scheduling order to the court within (B) days
28 after the Conference Date. If counsel do not agree, a hearing must be requested
29 and the request received by the court within (C) days after the Answer Date. A
30 hearing will be held and an order entered within (D) days after the Answer Date.
31 If no hearing is requested within the designated time or if an agreed order is not
32 submitted, the court will enter its own order on or after 5:00 o'clock p.m. (B) days
33 from the Answer Date.

34 6.5.3.3 **Joinder of Parties, etc.:**

1 Joinder of Parties, Plaintiff’s Designation of Expert Witnesses, Defense
2 Designation of Expert Witnesses, Discovery Deadlines, and any other matter,
3 except those matters outlined in the rules following regarding dispositive motions,
4 challenges to experts and alternative dispute resolution will be done by agreement
5 of counsel, or by the court if no agreement is reached, as outlined in Rule [6.5.3.2](#).
6 Any agreement by the attorneys shall not conflict with the assigned trial date or
7 other events set by the court.

8 **6.5.3.4 Filing of Dispositive Motions:**

9 All dispositive motions shall be filed and necessary hearings requested no
10 later than (E) days before trial date. If the court fails to rule within 30
11 days, and upon the request of one of the parties, a hearing will be held for
12 the specific purpose of assessing the remainder of the Docket Control Order and
13 trial date.

14 **6.5.3.5 Challenges to Experts:**

15 All challenges to expert witnesses or objections to expert witnesses shall be filed as
16 follows:

17 6.5.3.5.1 For Tracks One and Two, challenge to the Plaintiff’s expert
18 witnesses shall be filed at least (F) days before the trial date.

19 6.5.3.5.2 For Track Three, all challenges or objections to expert witnesses
20 shall be made within 45 days following the latter of the following dates: 1)
21 Designation; 2) Furnishing of written report and curriculum vitae; or 3)
22 Deposition. Neither of these events may conflict with Rule [6.5.3.7](#).

23 6.5.3.5.3 If the court strikes the expert the Plaintiff shall have 30 days to
24 designate a new expert. During those 30 days, the court will not consider any
25 motions for summary judgment as concerns expert witnesses. If a new expert
26 is designated, the opposing parties will have 30 days to designate any rebuttal
27 experts. Challenge to Defense expert witnesses shall be filed at least (G) days
28 before trial date. If the court strikes the expert, the Defense will have 30 days
29 to designate a new expert. During those 30 days, the court will not consider
30 any motions for summary judgment as concerns expert witnesses.

31 **6.5.3.6 Alternative Dispute Resolution:**

32 ADR shall take place no later than (H) days before trial. ADR may take place at any
33 earlier time to which the parties may agree or at a time designated by the court, whichever is
34 sooner. Cases will automatically be sent to the Dispute Resolution Center or a Neutral Mediator,
35 selected by the parties, to be set at least (H) days before trial, unless the attorneys agree to an
36 earlier date and that date is available with the Center. The court may designate a date prior to the
37 (H) day period if it deems it necessary to accomplish the purpose and goals of the Court.

38 **6.5.3.7 30 Days Prior To Trial:**

1 During this period, the court at its discretion may set a Trial Management Conference, a
 2 Scheduling Conference (the court may set other scheduling conferences throughout the
 3 proceeding of the case and prior to this period), a Settlement Conference, or any other hearing or
 4 matter the court deems appropriate to accomplish the purpose and goals of the Court.

5 6.5.3.8 Time Tables (District Court)

STEP #	MAX. MOS.	APPLICABLE DAYS CORRESPONDING TO LETTER KEY							
		Days After First Answer				Days Prior to Trial Date			
		Counsel Discovery Conference	Sched Order Due	Request SO Hearing	Hearing on SO (NLT)	File Disp. Motions	Chall. P's Xprts	Chall. D's Xprts	ADR Dead- line
TRACK ↓		A	B	C	D	E	F	G	H
One:	10	20	30	25	35	75	90	60	30
Two:	15	30	40	35	45	105	120	90	30
Three:	18	45	60	50	65	105	(*)	(*)	60

11 (*) See Rule [6.5.3.5.2](#).

12 6.5.4 DEFINITIONS USED IN CASE LEVELS

13 6.5.4.1 Dispositive Motions:

14 These motions include Motions to Transfer Venue, Motions to Dismiss, Pleas to the
 15 Jurisdiction, Pleas in Bar, Motions for Summary Judgment and Pleas in Abatement. (Summary
 16 Judgment Motions will be heard by submission of briefs only unless oral arguments have been
 17 requested and granted by the trial court.)

18 6.5.4.2 ADR: Alternative Dispute Resolution

19 6.5.4.3 DCM: Differentiated Case Management

20 6.5.4.4 TMC: Trial Management Conference

21 6.6 DIFFERENTIATED CASE MANAGEMENT
 22 – COUNTY COURT-AT-LAW

23 In order to allocate scarce judicial
 24 resources efficiently while preserving the
 25 right of the litigant to a full and fair trial, it is

26 the intent of the district judge to differentiate between cases according to their anticipated

Not yet determined if Judge Savage wants DCM rules. If so, and if he wants the identical procedures, just the timetable can be varied.

1 complexity and length. In the discretion of the courts and in accordance with established rules of
2 procedure, cases will be generally assigned according to levels and the assigned level will
3 determine the “time track” to which the case is assigned.

4 6.6.1 GOALS OF EACH LEVEL

5 6.6.1.1 Track One

6 These cases will be concluded at the trial level no later than 12 months from the
7 date of filing. 90% of these cases will be concluded within 8 months. 98% will be
8 concluded within 10 months. 100% will be concluded within 12 months.

9 6.6.1.2 Track Two

10 These cases will be concluded at the trial level no later than 18 months from the
11 date of filing. 90% will be concluded within 14 months. 98% will be concluded
12 within 16 months. 100% will be concluded within 18 months.

13 6.6.1.3 Track Three

14 These cases will be concluded within 24 months. 90% will be concluded within 18
15 months. 98% will be concluded within 20 months. 100% will be concluded within
16 24 months.

17 The Court realizes that there may be extenuating circumstances and retains the right to
18 schedule cases as it sees appropriate in accomplishing the goals as set out herein above.

19 6.6.2 CASE TRACK DEFINITIONS AND TIME FRAMES

20 6.6.2.1 Track Events:

21 Each case has significant events which are here described by function, and the times for
22 each event varies according to the track level to which the case is assigned. Those times are set
23 forth in the table set forth below and are keyed by letters in parentheses.

24 6.6.2.2 **Discovery Control Conference:**

25 Counsel shall confer (Conference Date) within (A) days after the date of the first
26 answer filed in the case, as to a trial date and content of a Discovery Control
27 Order.

28 If counsel agree on content and deadline dates, the plaintiff named first in
29 the lawsuit shall thereafter submit a scheduling order to the court within (B) days
30 after the Conference Date. If counsel do not agree, a hearing must be requested
31 and the request received by the court within (C) days after the Answer Date. A
32 hearing will be held and an order entered within (D) days after the Answer Date.
33 If no hearing is requested within the designated time or if an agreed order is not
34 submitted, the court will enter its own order on or after 5:00 o’clock p.m. (D)
35 days from the Answer Date.

36 6.6.2.3 **Joinder of Parties, etc.:**

1 Joinder of Parties, Plaintiff’s Designation of Expert Witnesses, Defense
2 Designation of Expert Witnesses, Discovery Deadlines, and any other matter,
3 except those matters outlined in the rules following regarding dispositive motions,
4 challenges to experts and alternative dispute resolution will be done by agreement
5 of counsel, or by the court if no agreement is reached, as outlined in Rule [6.6.2.2](#).
6 Any agreement by the attorneys shall not conflict with the assigned trial date or
7 other events set by the court.

8 **6.6.2.4 Filing of Dispositive Motions:**

9 All dispositive motions shall be filed and necessary hearings requested no
10 later than (E) days before trial date. If the court fails to rule within 30
11 days, and upon the request of one of the parties, a hearing will be held for
12 the specific purpose of assessing the remainder of the Docket Control Order and
13 trial date.

14 **6.6.2.5 Challenges to Experts:**

15 All challenges to expert witnesses or objections to expert witnesses shall be filed as
16 follows:

17 6.6.2.5.1 For Tracks One and Two, challenge to the Plaintiff’s expert
18 witnesses shall be filed at least (F) days before the trial date.

19 6.6.2.5.2 For Track Three, all challenges or objections to expert witnesses
20 shall be made within 45 days following the latter of the following dates: 1)
21 Designation; 2) Furnishing of written report and curriculum vitae; or 3)
22 Deposition. Neither of these events may conflict with Rule [6.6.2.7](#).

23 6.6.2.5.3 If the court strikes the expert the Plaintiff shall have 30 days to
24 designate a new expert. During those 30 days, the court will not consider any
25 motions for summary judgment as concerns expert witnesses. If a new expert
26 is designated, the opposing parties will have 30 days to designate any rebuttal
27 experts. Challenge to Defense expert witnesses shall be filed at least (G) days
28 before trial date. If the court strikes the expert, the Defense will have 30 days
29 to designate a new expert. During those 30 days, the court will not consider
30 any motions for summary judgment as concerns expert witnesses.

31 **6.6.2.6 Alternative Dispute Resolution:**

32 ADR shall take place no later than (H) days before trial. ADR may take place at any
33 earlier time to which the parties may agree or at a time designated by the court, whichever is
34 sooner. Cases will automatically be sent to the Dispute Resolution Center or a Neutral Mediator,
35 selected by the parties, to be set at least (H) days before trial, unless the attorneys agree to an
36 earlier date and that date is available with the Center. The court may designate a date prior to the
37 (H) day period if it deems it necessary to accomplish the purpose and goals of the Court.

38 **6.6.2.7 30 Days Prior To Trial:**

1 During this period, the court at its discretion may set a Trial Management Conference, a
 2 Scheduling Conference (the court may set other scheduling conferences throughout the
 3 proceeding of the case and prior to this period), a Settlement Conference, or any other hearing or
 4 matter the court deems appropriate to accomplish the purpose and goals of the Court.

5 6.6.2.8 Time Tables (Court-at-Law)

	MAX. MOS.	APPLICABLE DAYS CORRESPONDING TO LETTER KEY							
TRACK		A	B	C	D	E	F	G	H
6 7 One: Suits in which plaintiffs 8 seek only monetary relief of \$50,000.00 9 or less. (See Tex. R. Civ. P. 190.1. 10 Changes to this rule will be made in 11 accordance with the rules of procedure, 12 i.e. monetary amount, if necessary.)	12	20	30	23	30	105	120	90	30
13 Two: All cases as outlined in 14 Tex. R. Civ. P. 190.3.	18	30	40	33	40	105	120	90	30
15 Three: All cases as outlined in 16 Tex. R. Civ. P. 190.4.	24	45	60	50	60	105	(*)		30

17 (*) See Rule [6.6.2.5.2](#).

18 6.7 FILINGS IN A COUNTY WITH A COURT-AT-LAW

19 6.7.1 THE CLERK FOR THE COURT-AT-LAW

20 6.7.1.1 For District Court jurisdiction.

21 The District Clerk serves as the Clerk of the Court-at-Law for all matters whereby that
 22 Court derives its jurisdiction from the District Court.

23 6.7.1.2 For County Court jurisdiction.

24 The County Clerk serves as the Clerk of the Court-at-Law for all matters whereby that
 25 Court derives its jurisdiction from the Constitutional County Court.

26 6.7.2 FILINGS, CIVIL, OTHER THAN FAMILY LAW CASES

27 The District Clerk will file all new civil cases, other than family law cases, to the district
 28 court.

29 6.7.3 FILINGS, CIVIL, FAMILY LAW CASES

1 The District Clerk will assign Family law cases to the District Court or County Court at
2 Law as may be directed from time to time by administrative order of the Local Administrative
3 Judge.

4 6.7.4 FILINGS, COUNTY CIVIL

5 The County Clerk will file all new county level civil cases in the County Court at Law.

6 6.8 CASE INFORMATION SHEETS REQUIRED IN DISTRICT COURT

7 6.8.1 CASE INFORMATION SHEET WITH NEW PETITION

8 A “Case Information Sheet” must be filed along with a new petition, and a “Response
9 Information Sheet” must be filed along with an original answer in all civil and family cases.

10 A form of the Information and Response sheets will be promulgated by the Local
11 Administrative Judge from time to time with one format for family law cases and another for all
12 other civil cases.

13 The District Clerk will accept filings on new cases without a completed “Case
14 Information Sheet” being attached; however, the clerk will inform the filing party that the “Case
15 Information Sheet” must be filed within five (5) days of the date of filing the petition or the case
16 will be placed on a “Dismiss for Want of Prosecution” docket by the court. The District Clerk
17 will accept answers for filing without a completed “Response Information Sheet”, but will
18 inform the filing party that a completed “Response Information Sheet” must be filed within five
19 (5) days of the filing of the answer.

20 **RULE 7 FAMILY LAW CASES**

21 7.1 GENERAL CIVIL RULES APPLICABLE

22 The provisions in Rule 6 apply to all cases under the Texas Family Code except where a
23 provision under this Rule 7 specifically requires otherwise.

24 7.2 PARENTAL NOTIFICATION

25 An application for an order under Section 33.003, Family Code , may be filed in a district
26 court, or the county court-at-law. The application must be filed with the district clerk of the
27 county, who will assign the application to a court as provided by these local rules. If the county
28 clerk receives an application under this rule, the application must be accepted, but the county
29 clerk must then transfer it instanter to the district clerk, and must advise the person tendering the
30 application where it is being transferred.

31 The district clerk will assign the application to the appropriate court utilizing a rotating
32 system. Each of the eligible courts will be assigned applications under this section for a period of
33 one calendar month pursuant to the following schedule:

34 Month 1 (January): 33rd District Court

35 Month 2: County Court-at-Law

1 Month 3: 424th District Court
2 Month 4 and beyond, repeat rotation.

3 If the judge of the assigned court is unavailable, then the district clerk shall assign the
4 application to the judge next in the rotation.

5 7.3 POLICY STATEMENT

6 The Judges recognize that family law cases have peculiarities which require special
7 consideration such as reconciliation efforts and counseling. Each court retains the right to
8 schedule a case as it deems appropriate and must do so when the interest of justice requires,
9 taking into consideration the complexity and circumstances of the case pursuant to Rule 190.5 of
10 the Texas Rules of Civil Procedure, as amended.

11 7.4 CASE LEVEL AND TIME STANDARDS FOR CASE DISPOSITION

12 7.4.1 TRACK ONE:

13 Any suit for divorce not involving children in which a party pleads that the value of the
14 marital estate is more than zero but not more than \$50,000 should be concluded at the trial level
15 within three months from the answer due date.

16 7.4.2 TRACK TWO:

17 Any suit brought under Title 1, 2, or 5 of the Texas Family Code or involving substantial
18 property issues should be concluded at the trial level no later than nine months from the answer
19 due date.

20 7.4.3 TRACK THREE:

21 Any suit brought under Title 1, 2, or 5 of the Texas Family Code or substantial property
22 issues, or complex legal or factual issues should be concluded at the trial level no later than 12
23 months from the answer due date.

24 7.5 SCHEDULING CONFERENCE FOR TRACK TWO AND THREE FAMILY CASES.

25 A scheduling conference will be set approximately 30 to 45 days after the answer due
26 date. Prior to the scheduling conference, the parties may seek temporary orders, proceed with
27 discovery or set the case for hearings or final trial in accord with the Texas Rules of Civil
28 Procedure and these rules.

29 7.5.1 DOCKET CONTROL ORDER

30 At the time of the scheduling conference, or by agreement prior to the date of the
31 scheduling conference, a Docket Control Order will be entered scheduling the case for trial and
32 setting forth deadlines and agreements of the parties necessary to prepare the case for trial. It is
33 expected that the time table for such cases will contain the events and occur on the timetables set
34 forth in Rule [6.5.3](#), [6.6.2](#) above for general civil Track Two cases.

1 If an attorney or a pro se party fails to appear at a scheduling conference without good
2 cause, the Docket Control Order may be entered in his or her absence.

3 7.6 CHILD PROTECTION (CPS) CASES

4 7.6.1 ASSIGNMENT TO ASSOCIATE JUDGE.

5 All cases for protection of children where the State of Texas seeks managing
6 conservatorship shall be assigned to the Associate Judge as designated from time to time by the
7 Presiding Judge of the Third Administrative Judicial Region.

8 7.6.2 CASE LEVEL AND TIME STANDARDS FOR CASE DISPOSITION

9 All such cases shall be disposed of as provided by statute.

10 7.7 ANCILLARY PROCEEDINGS, TEMPORARY ORDERS AND EMERGENCY MATTERS

11 7.7.1 REQUESTS FOR TEMPORARY RESTRAINING ORDERS

12 The attorney making the request and submitting same to the judge shall state in writing
13 that: (1) to the best of his knowledge the respondent is not represented by counsel, or (2) he has
14 tried and has been unable to contact opposing counsel about the application, or (3) opposing
15 counsel has been notified of the application and does not wish to be heard, or (4) notifying the
16 respondent or his counsel would cause irreparable harm to the movant.

17 7.7.2 WHERE AN ASSOCIATE JUDGE HAS BEEN DULY APPOINTED

18 for the district court and county court-at-law and the following may be heard originally
19 by the associate judge:

20 7.7.2.1 motions to modify child support;

21 7.7.2.2 motions to modify visitation orders;

22 7.7.2.3 motions for temporary restraining orders and motions for temporary orders
23 in suits for divorce or annulment;

24 7.7.2.4 motions for temporary restraining orders and motions for temporary orders
25 in suits affecting the parent-child relationship;

26 7.7.2.5 a habeas corpus proceeding;

27 7.7.2.6 motions to enforce child support;

28 7.7.2.7 hearings requested pursuant to Title 4 of the Texas Family Code;

29 7.7.2.8 hearings required by Chapter 262 and 263 of the Texas Family Code;

30 7.7.2.9 motions to transfer;

31 7.7.2.10 motions to withdraw;

32 7.7.2.11 motions to dismiss;

33 7.7.2.12 any other matter referred to the associate judge by the presiding judge.

34 7.7.3 ALL MOTIONS ON ANCILLARY PROCEEDINGS, TEMPORARY ORDERS AND
35 EMERGENCY MATTERS

1 shall be presented to the court coordinator for scheduling for hearing before the associate
2 judge or presiding judge as applicable. Proper notice shall be the responsibility of the moving
3 attorney or pro se party. A Docket Control Order shall not be required for hearings set out above
4 unless ordered by the Judge.

5 7.7.4 HEARINGS ON TEMPORARY ORDERS

6 It is the policy of the courts that hearings on temporary orders are conducted in a manner
7 and in a length of time so as to minimize the further fracturing of the marital relationship and
8 (where applicable) the parent-child relationships. To that end, the judge may limit the amount of
9 time allotted for court hearings until the parties have mediated the temporary matters.

10 7.7.4.1 Usual time limit.

11 Except for good cause shown, temporary orders hearings where the parties have not
12 mediated the temporary matters will be limited to one (1) hour, 30 minutes per side.

13 7.7.4.2 Referral to ADR.

14 Any case that announces for more than the time limit in Rule [7.7.4.1](#), or after hearing and
15 such time limit has been reached, the parties should expect that the Court may refer the case to
16 ADR for immediate mediation of the temporary matters. Therefore, counsel who anticipate the
17 greater time need are well-advised to initiate ADR on their own, prior to requesting a hearing on
18 temporary orders. The courts have mediators available for prompt mediation of these matters.

19 7.7.4.2.1 Nothing in this Rule should be construed as requiring a person
20 who has been subjected to spousal abuse to mediate any matter relating to
21 such abuse. In a referral to ADR in that circumstance the parties shall limit
22 the mediation issues to matters essential only to temporary protection of
23 persons and property and, where applicable, protection, support and
24 conservatorship of children.

25 7.7.4.3 Temporary Orders Hearing Following ADR.

26 Following ADR procedures, the parties may request a hearing for the purpose of
27 obtaining court approval of the matters settled at mediation or obtaining a Court ruling on
28 unresolved matters. Where either child support or spousal support is at issue each side shall
29 prepare and exchange at least two (2) days in advance the information required in Rule [7.9.2](#).

30 7.8 REFERRAL TO IV-D ASSOCIATE JUDGE

31 7.8.1 WHERE AN ASSOCIATE JUDGE FOR TITLE IV-D MATTERS HAS BEEN DULY
32 APPOINTED

33 for the district court and county court-at-law and the following will be heard originally by
34 the associate judge:

35 7.8.1.1 All “IV-D” cases

36 filed pursuant to Title IV-D of 42 U.S.C. Sections 651, et seq.,
37 by direction of § 201.101 et seq. of the Family Code;

1 7.8.1.2 All support, contempt, and visitation matters
2 in which the Texas Department of Human Resources is represented by the Texas
3 Attorney

4 General’s Office;

5 7.8.1.3 Any other matter referred to a master by the presiding judge.

6 7.8.2 TIME FOR DISPOSITION OF TITLE IV-D CASES

7 Title IV-D cases must be completed in accordance with § 201.110 of the Texas
8 Family Code.

9 7.9 DOCUMENTS REQUIRED IN FAMILY LAW CASE

10 7.9.1 CASE INFORMATION SHEET

11 A “Case Information Sheet” and “Response Information Sheet” as promulgated for
12 family law cases must be filed as set forth in Rule [6.8](#) above.

13 7.9.2 WHERE CHILD OR SPOUSAL SUPPORT AT ISSUE

14 In all cases in which support of a spouse and/or child(ren) is in issue, whether temporary
15 or final, each party shall furnish to the court and opposing party:

16 7.9.2.1 Income and expenses statement.

17 A statement of monthly income and expenses on the form promulgated by the Court from
18 time-to-time or otherwise in at least as much detail as would be provided if using the
19 promulgated form.

20 7.9.2.2 Tax returns.

21 Copies of that party’s federal income tax returns for the two calendar years prior to the
22 hearing.

23 7.9.2.3 Payroll data.

24 All payroll statements, pay stubs, W2 forms, and 1099 forms which evidence that party’s
25 earnings for the calendar year prior to the hearing and from January 1 of the current year through
26 the date of the hearing.

27 7.9.2.4 Financial statements.

28 Copies of any financial statements filed by that party with any financial institution in the
29 two years prior to the hearing.

30 7.9.2.5 Child support information.

31 In all suits involving child support, each party who is a parent shall furnish to the court
32 the information described for determination of child support set out in Section 154.063, Texas
33 Family Code, as amended.

34 7.9.3 INVENTORY AND APPRAISEMENT, WHEN REQUIRED

1 In all cases in which the character,
2 value or division of property or debts is in
3 issue, each party shall file, not less than thirty
4 (30) days prior to final hearing, a sworn
5 inventory and appraisal of all of the separate and community property owned or claimed by
6 the parties and all debts and liabilities owed by the parties.

Consider making this filed w/in XXX days
after answer date.

7 7.9.4 COMPOSITE INVENTORY AND APPRAISEMENT

8 After each party's sworn inventory
9 and appraisal has been filed, the parties
10 shall file a composite inventory and

Create form and furnish as Excel sheet.

11 appraisal worksheet, which will include all items on each party's sworn inventory and
12 appraisal. The petitioner shall initiate the composite inventory and forward it to the
13 respondent for completion not less than seven (7) days prior to trial. The respondent shall
14 complete and file the composite inventory with the court and serve a copy of the same on the
15 petitioner not less than three (3) days prior to trial. On the composite inventory, each party will
16 indicate in the space provided any asset or liability he or she requests as an award from the court.
17 All values assigned by the parties will be assumed by the court to fairly represent the value each
18 party assigns to the asset or liability described.

19 7.9.5 SANCTIONS FOR FAILURE TO FILE REQUIRED INVENTORY

20 If a party or the parties fail to prepare and/or file the initial inventory as required, the
21 court may conduct a pretrial hearing and make such orders with regard to the failure as are just,
22 including but not limited to, sanctions pursuant to Rule 215(2)(b) of the Texas Rules of Civil
23 Procedure, as amended.

24 7.10 DURATION OF ORDERS

25 No temporary order shall exceed one year in duration from the date the order is signed,
26 except by agreement of the parties or order of the court.

27 7.11 PARENT EDUCATION AND FAMILY STABILIZATION COURSE

28 7.11.1 SEMINAR MANDATORY

29 All parties in original suits affecting the parent-child relationship or in suits to modify
30 existing orders of conservatorship or possession shall attend and complete an educational
31 seminar. The content of the seminar or course shall include, but not be limited to:

- 32 , the emotional effects of divorce on parents;
- 33 , the emotional and behavioral reactions to divorce by young children and
- 34 adolescents;
- 35 , parenting issues relating to the concerns and needs of children at different
- 36 developmental stages;

1 stress indicators in young children and adolescents;
2 conflict management;
3 family stabilization through development of a co-parenting relationship;
4 the financial responsibilities of parenting;
5 family violence, spousal abuse, and child abuse and neglect; and
6 the availability of community services and resources.

7 7.11.2 COMPLIANT COURSES

8 A course taken in compliance with Section 105.009 of the Texas Family Code, as
9 amended, satisfies the requirements of this rule. A list of approved programs in the area and
10 dates and times for such programs can be obtained from the office of the District Clerk. Parties
11 who wish to satisfy the requirement with another program may submit information regarding the
12 program to the referring court to whom the case is assigned for approval prior to enrollment in
13 the program. The requirement of a parenting program may be waived by the referring court for
14 good cause shown.

15 7.11.3 FEES

16 Each party shall attend the seminar or approved service of equal value at that party's sole
17 cost and expense. The fee shall be payable to the service provider prior to the program date. The
18 fee for the seminar shall be reduced or waived in cases of indigency as determined by the court.

19 7.11.4 DEADLINE FOR COMPLETION

20 The seminar shall be initiated within thirty days from the answer due date, and evidence
21 of completion filed with the court at least seven days prior to the final hearing.

22 7.11.5 VERIFICATION OF ATTENDANCE

23 Each party completing the seminar shall be provided with a certificate of attendance
24 which that party shall present to the court prior to final hearing of the case.

25 7.11.6 SANCTIONS

26 The court may take appropriate action with regard to a party who fails to attend or
27 complete a course or seminar ordered by the court, including holding the party in contempt of
28 court, striking pleadings, or invoking any sanction provided by Rule 215, Texas Rules of Civil
29 Procedure, as amended.

30 **RULE 8 JUVENILE DELINQUENCY & SUPERVISION CASES**

31 8.1 FILING

32 All juvenile cases will be filed in and heard by the 33rd District Court.

33 8.2 GENERAL CIVIL RULES APPLICABLE

34 The provisions in Rule 6 apply to all
35 cases under the Juvenile Justice Code except
36 where a provision under this Rule 8
37 specifically requires otherwise.

Need details re: pretrial, attorneys, settings, discovery (tie to Crim)
--

1 **RULE 9 ALTERNATIVE DISPUTE RESOLUTION (ADR)**

2 9.1 POLICY

3 It is the policy of the Courts to encourage the peaceable resolution of disputes and early
4 settlement of pending litigation, including family law litigation, by referral to alternative dispute
5 resolution (ADR) pursuant to the Texas Alternative Dispute Resolution Procedures Act, Texas
6 Civil Practice and Remedies Code, Chapter 154.

7 9.2 ADR MANDATORY

8 No jury or nonjury trial shall be conducted in any case (except juvenile delinquency
9 cases) until all contested issues have been referred to an ADR procedure and ADR has been
10 unsuccessful, or the Court has determined that ADR is inappropriate for the case. ADR shall be
11 completed no later than 30 days prior to trial.

12 9.3 MANNER OF REFERRAL

13 It is anticipated that the parties shall cooperate in an ADR procedure, under the terms and
14 conditions ordered by the Court. An order of referral shall be issued in any of the following
15 circumstances:

16 9.3.1 ON MOTION OF A PARTY

17 which motion may be made by informal letter request to the Court Coordinator and a
18 copy to the opposing side. If no objection is received by an opposing side within five working
19 days after the date of the request a referral order will be issued by the Court.

20 9.3.2 PURSUANT TO A LEVEL 3 DOCKET CONTROL ORDER

21 Upon entry of a Level 3 order if the parties have not previously agreed upon a mediator
22 the Court will select a mediator and issue a referral order. If the parties have agreed upon a
23 mediator they shall coordinate among themselves and with the mediator to set a mediation date
24 for completion in accordance with the Level 3 order.

25 9.4 MEDIATOR SELECTION

26 The Court has mediators qualified and willing to perform mediation services and, except
27 when the parties have agreed upon a mediator, the Court will select from the mediator pool in a
28 fair manner but attempting to match the skills and background of the mediator to each case.

29 9.5 PROCEDURE UPON ISSUANCE OF REFERRAL ORDER

30 9.5.1 MEDIATION DEADLINE PERIOD

31 The mediation will be held within 45 days from the date of the Mediation Order
32 (Mediation Period), on a date and time to be established by the Mediator in consultation with the
33 attorneys of record and any unrepresented parties.

34 9.5.2 INITIAL CONTACT TO MEDIATOR

1 Each attorney of record and each unrepresented party **shall, within 10 business days**
2 **from the date of the Order**, provide to the Mediator at least five available dates falling within the
3 Mediation Period. The Mediator shall set the mediation date, time and place by notice to all
4 counsel of record and any unrepresented parties, which notice shall have the same force and
5 effect as a setting order entered by this Court.

6 9.5.3 ATTENDANCE AND SETTLEMENT AUTHORITY

7 All parties and counsel shall comply with the Local Rules and the directives of the
8 Mediator. All parties shall attend the Mediation Hearing with their counsel of record. Particular
9 attention is drawn to the requirement that any entity party is required to have a person present at
10 the Mediation Hearing with full settlement authority which does not require consultation with or
11 approval from any other person, board, council or other form of governing body or supervisor.

12 9.5.4 STATEMENT OF THE ISSUES

13 Counsel of record are to submit to the Mediator a brief statement of the principal issues
14 involved in the case **at least three business days prior to the Mediation**, and in no instance
15 later than 21 days after the date of this Order.

16 9.5.5 SETTINGS SUSPENDED

17 Except on leave of Court or as permitted by a Level 3 discovery plan, no settings will be
18 made in this cause until the Mediation has been completed and certification of such completion
19 is submitted to the Court Administrator with any setting request.

20 9.5.6 NO DELAY IN SETTINGS

21 In the event that a time period has previously been established relating to the disposition
22 of this cause, this referral will not delay or modify any time period relating thereto, unless
23 expressly ordered by subsequent action of this Court.

24 9.5.7 STAY OF MOTIONS AND DISCOVERY

25 Except upon notice and hearing and for good cause shown, Motion and Discovery
26 practice may continue during the Mediation Period.

27 9.5.8 NEUTRALITY AND CONFIDENTIALITY

28 As provided by statute, the Mediator will encourage and assist, but will not compel or
29 coerce the parties in reaching a settlement of the dispute and, unless the parties agree otherwise
30 in writing, all matters, including the conduct and the demeanor of the parties and their counsel
31 during the settlement process, shall remain confidential and may never be disclosed to anyone,
32 including this Court.

33 9.5.9 BINDING NATURE OF SETTLEMENT

34 Any settlement reached between the parties shall be binding upon the parties and is
35 unrevocable and may, without further hearing or consent of the parties, be made the basis of a
36 judgment to be entered by this Court, unless all parties expressly agree to the contrary in writing.

37 9.5.10 MEDIATOR FEES

1 The Court will from time to time make findings, pursuant to Tex. Civ. Prac. & Rem.
2 Code Ann. §154.054 and enter an administrative order setting a reasonable fee for compensation
3 of the Mediator, which fee shall be shared equally between or among the parties. When the
4 mediation has been set and the mediator has determined the probable time required, he shall
5 require of the parties that a deposit be made with him (held in trust) of the anticipated mediation
6 fee, which deposit shall be made by each party at least three days prior to the mediation session.

7 9.5.10.1 Direct Payments

8 Mediation fees will be paid directly to the Mediator. However, upon conclusion of the
9 mediation the mediator will make a report to the Court of the amount charged, the amount paid
10 by each party, any sum still owing by any party and the amount of any refund due to a party.
11 Such report shall be forwarded to the referring Court for approval and filing with the District
12 Clerk.

13 9.6 OBJECTION TO REFERRAL

14 If the court enters an order of referral to an ADR procedure, any party may object to such
15 referral pursuant to Texas Civil Practice and Remedies Code, Chapter 154.

16 Upon the filing of an objection, the court shall schedule a hearing. If the Court finds that
17 there is a reasonable basis for the objection, the court shall order that the case not be referred to
18 an ADR procedure and order the case set for trial on the merits.

19 **RULE 10 TRIAL MANAGMENT AND ANNOUNCEMENT DOCKETS (OTHER THAN CRIMINAL)**

20 These “Trial Management” rules will govern both general civil and family law trials
21 (other than temporary orders hearings in family law cases which are dealt with in Rule [7.7.4](#)) and
22 both bench trials and jury trials except where clearly not applicable (e.g. proposed jury charges
23 are obviously not required for a bench trial).

24 10.1 PRETRIALS

25 10.1.1 BENCH TRIALS

26 10.1.2 JURY TRIALS

27 10.2 READINESS ANNOUNCEMENTS

28 This announcement rule will apply to all final trials on the merits, jury or non-jury, and
29 there will be two docket announcements as follows:

30 10.2.1 BY 5:00 P.M. ON THE 2ND WEDNESDAY PRIOR

31 to the trial date a preliminary announcement of readiness will be made by fax to 512-756-
32 8478 or email to admin@dcourt.org, **only**.

33 10.2.1.1 Format.

34 The announcement shall be in substantially the form as promulgated from time-to-time..

1 10.2.1.2 Joint announcement.

2 By agreement, one attorney may announce for all attorneys of record.

3 10.2.1.3 If pretrial required.

4 If it is anticipated that a pretrial hearing will be necessary it should already have been
5 scheduled or now should immediately be scheduled with the Court Coordinator.

6 10.2.2 BY 5:00 P.M. ON THE WEDNESDAY IMMEDIATELY PRIOR

7 to the trial date a final announcement of readiness will be made by fax or email, only. No
8 physical appearance is necessary at this docket announcement unless a hearing has been
9 scheduled.

10 10.3 SUBMISSIONS REQUIRED PRIOR TO TRIAL

11 Also see Rule [12.6.4](#) regarding application of these rules to criminal cases. No later than
12 five (5) days prior to the trial date the following submissions shall be exchanged among all
13 counsel of record with a copy to the Court where indicated:

14 10.3.1 ELECTRONIC SUBMISSION TO THE COURT

15 The following matters shall be submitted in electronic form to the Court, either by
16 emailing (to admin@dcourt.org) or submission on CD or DVD (but not 3.5" floppy disc):
17 requested jury questions, instructions and definitions, proposed findings of fact and conclusions
18 of law, and any proposed order.

19 10.3.2 REQUESTED JURY QUESTIONS

20 (if a jury trial) , instructions and definitions and a copy to the Court.

21 10.3.3 WITNESS LISTS

22 and two copies to the Court (one of which will be for the Court Reporter).

23 10.3.4 A VOCABULARY

24 (two copies, one of which will be for the Court Reporter) of all words, terms and phrases
25 of a legal, technical, scientific or other specialized nature not used in everyday language.

26 10.3.5 PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW (IF A BENCH TRIAL)

27 (which pleading should be styled “{name of party}'s Proposed Findings of Fact and
28 Conclusions of Law”). It shall also be furnished electronically to the Court in either Microsoft
29 Word or WordPerfect format either via e-mail or on either a 3.5" floppy disc or a CD-rom.

30 10.3.6 MOTIONS IN *LIMINE*

31 with a copy to the Court.

32 10.3.7 EXHIBIT LISTS

33 and two copies to the Court (one of which will be for the Court Reporter).

34 10.3.8 EXHIBITS

1 which shall be pre-marked and 3-hole punched³ on the left side in a 3-ring binder
2 notebook with number tabs and the notebook clearly labeled as to the party submitting the
3 exhibits.

4 10.3.8.1 A courtesy copy for the Court
5 (for bench trials) should be included, preferably in a 3-ring binder and tabbed.

6 10.3.8.2 Witness copy.
7 When a single witness will be examined regarding a large number of exhibits (*e.g.* an
8 expert with many background documents) a separate set (not numbered separately, however) will
9 be furnished for ease and speed of reference by the witness on the witness stand.

10 10.3.9 COPY OF YOUR “LIVE” PLEADING

11 *i.e.* your petition, answer, counter-claim, etc. on which the trial is being conducted.

12 10.4 DEMONSTRATIVE EXHIBITS

13 shall be shown to opposing counsel prior to commencement of *voir dire*.

14 10.5 AUTOMATIC ADMISSION OF EXHIBITS

15 Unless a written objection to an exhibit when exchanged as provided above is made at
16 least three working days prior to the trial date then the same shall be considered by the Court to
17 have been stipulated to as to both authenticity and admissibility. Limited stipulations (such as to
18 authenticity but not admissibility or admissibility predicated on first authenticating, etc.) may be
19 made in conjunction with an objection.

20 10.6 LIMINE ORDERS, INSTRUCTIONS & MOTIONS

21 The Standard Orders in *Limine* as promulgated from time-to-time are automatically
22 granted to each side and shall not be repeated in a party's Motion in *Limine*.

23 **RULE 11 DISMISSAL FOR WANT OF PROSECUTION**

24 11.1 DISMISSAL DOCKET

25 The court may set a “Try or Dismiss” Docket. All cases other than those with a Level 3
26 Docket Control Order in effect and which have been on file for more than one (1) year and
27 which appear to have become inactive may be dismissed for want of prosecution unless retained
28 on the docket by order of the court, after hearing and for good cause shown.

29 11.2 OTHER DISMISSALS FOR WANT OF PROSECUTION

³ Except, as to the original thereof, if the 3-hole punching would destroy a part of the exhibit then it may be placed in a plastic carrier or mounted in another fashion for its protection.

1 The court, on its own motion, may dismiss a case for want of prosecution. The procedure
2 provided in Rule 165a of the Texas Rules of Civil Procedure, as amended shall apply.

3 **RULE 12 FELONY CRIMINAL CASES**

4 12.1 POLICY GOALS

5 The goals of the District Court with respect to the courts hearing criminal matters are:

- 6 (1) To provide an effective and fair procedure for the timely disposition of criminal
7 cases;
8 (2) To provide a mechanism to gather needed case information in order to make
9 appropriate judicial management decisions; and
10 (3) To establish reasonable rules and policies to require that cases be disposed of without
11 unnecessary delays or interruptions.

12 12.2 FILING AND RETURN OF INDICTMENT

13 All criminal cases shall be filed in the 33rd Judicial District Court. However, both the 33rd
14 and 424th District Courts shall hear criminal matters, both pretrial and trial. The exact scheduling
15 between the two courts shall be as determined from time to time by the Local Administrative
16 District Judge after consultation between the judges.

17 12.3 DIFFERENTIATED CASE MANAGEMENT.

18 In order to effectuate these goals, it is the intent of the Court to differentiate between
19 cases according to their anticipated complexity and length. Upon the filing of an Indictment a
20 Docket Control Order will issue establishing pretrial and trial dates. This Order will be entered
21 at the time the case is called for arraignment. ~~Cases will not be differentiated as to time to trial~~
22 ~~at this time but may be done so at a later date on the motion of either side or on the Court's own~~
23 ~~motion.~~

24 12.3.1 CASE DIFFERENTIAL LEVELS TO FINAL DISPOSITION

25 In the discretion of the courts, cases will be generally assigned, under these policies and
26 rules, into one of the following levels:

27 12.3.1.1 Level One:

28 Level One cases are defined as felony cases with an estimated length of trial of two days
29 or less and/or presenting no complex legal issues. It is expected that these cases will reach
30 disposition in no more than three (3) months from the date of arraignment.

31 12.3.1.2 Level Two:

32 Level Two cases are defined as felony cases with an estimated length of trial of more
33 than two but less than six days, and/or presenting significant legal or factual issues. It is expected
34 that these cases will reach disposition in no more than four (4) months from the date of
35 arraignment.

1 12.3.1.3 Level Three:

2 Level Three cases are defined as felony cases with an estimated length of trial of more
3 than five (5) days and/or presenting complex legal and/or factual issues. It is expected that these
4 cases will normally reach disposition in no more than six (6) months from the date of
5 arraignment except where special requirements of the case require a longer time to trial in the
6 interest of justice.

7 12.4 DISPOSITION WITHOUT TRIAL

8 The courts recognize that an early and amicable disposition will minimize costs to the
9 taxpayers and defendants. The courts will encourage early disposition of cases without the
10 necessity of a trial whenever possible.

11 12.5 CRIMINAL CASE MANAGEMENT: FROM CASE FILING TO DISPOSITION

12 12.5.1 INITIAL APPEARANCE

13 Initial appearances before a magistrate pursuant to Article 15.17, Code of Criminal
14 Procedure and appointments of counsel for indigent defendants will all be conducted pursuant to
15 the Court’s Indigent Defense Plan which is published under separate cover, but which is
16 incorporated herein for all purposes as if expressly set forth in these rules.

17 12.5.2 PROSECUTOR’S FILING DECISION

18 The courts will encourage the Prosecuting Attorney to make a filing decision or present a
19 case to a Grand Jury within 30 days after receiving the case from law enforcement and will
20 encourage all law enforcement agencies to file their case with the District Attorney within 10
21 days after a defendant’s arrest.

22 12.5.3 TIME TO ARRAIGNMENT

23 Felony Arraignments will be held within 30 days of indictment.

24 12.5.4 ATTORNEY APPEARANCES

25 12.5.4.1 If Hired

26 An attorney hired by a defendant will immediately file a Notice of Appearance (which
27 may be in letter form) with the appropriate clerk’s office and notify the District Attorney’s
28 Office and the appropriate court coordinator by forwarding to them a copy of said Notice.

29 12.5.4.2 If Appointed

30 An attorney appointed by the Court will make initial contact with the client in accordance
31 with the Indigent Defense Plan. No other Notice of Appearance is necessary.

32 12.5.5 HEARING SCHEDULES & EVENTS

33 The time from the filing of an Indictment to each additional step, and the scheduling
34 events to trial are as follows:

35 12.5.6 ARRAIGNMENT OR OTHER 1ST APPEARANCE DOCKET.

36 12.5.6.1 Counsel and Defendant shall appear

1 at the first appearance docket. Arraignment may be waived, but the Defendant's presence
2 is required nevertheless.

3 12.5.6.2 Scheduling Order.

4 A Scheduling Order will be filed in each case setting forth the dates and times for all
5 hearings and the final trial date. A copy of the Scheduling Order will be given to the State's
6 attorney and Defense attorney (or to the Defendant who at the time is unrepresented). No
7 further notices will be provided except in the event of the resetting of a date.

8 12.5.6.3 Open file discovery.

9 The State will normally have a discovery packet available for the Defense pursuant to the
10 Discovery Control Plan as set forth in Rule [12.7](#). Regardless of that accommodation, it is the
11 responsibility of the Defense to obtain discovery consistent with these rules and the District
12 Attorney's open file policy.

13 12.5.6.4 Conference required.

14 At arraignment (or such other time as the Defendant first appears with counsel), attorneys
15 for the State and Defendant shall confer face to face to review the case, to review and consider
16 any plea bargain offer, review the offense report and discovery, and take such other steps as may
17 be necessary or helpful to give genuine initial consideration to resolving the case. The District
18 Attorney shall make a written plea bargain offer to the defense or shall state that no offer will be
19 forthcoming. Counsel are excused only after either filing the Joint Pre-Trial Announcement form
20 promulgated by the Court or directly conferring with the Court on the status of the case
21 following the conference.

22 12.5.7 PRELIMINARY PRETRIAL/STATUS DOCKET.

23 Any preliminary pretrial matters may be heard at this time including (by way of
24 example) discovery motions (subject to restrictions set forth below), suppression motions and
25 requests by court-appointed Defense for interpreters, investigators or experts. Plea negotiations
26 at this time are encouraged and plea bargains will result in a later setting for entry of the plea.
27 See Rule [12.5.10](#) in this regard. Counsel shall again confer face to face and are excused only
28 after either filing the promulgated certificate of conference or directly conferring with the Court
29 on the status of the case following the conference.

30 12.5.7.1 A preliminary jury trial docket

31 showing the tentative order of trial will be available at this date both in hard copy and on
32 the Court's internet email list for criminal dockets. It will include the cases not reached on prior
33 dockets.

34 12.5.7.2 Plea bargain agreements

35 (PBA) reached shall be memorialized using the promulgated form and will be set for a
36 plea on the Plea Docket (see Rule [12.5.11.1](#)) on the date set forth herein or on any other date at
37 the discretion of the Court. See Rule [12.5.10](#) for the full procedures to be followed after
38 reaching a PBA.

1 12.5.8 ART. 28.01 FILING DEADLINE MODIFIED.

2 Notice is hereby given pursuant to Art. 28.01, Sect. 2, C.C.P. of a Pretrial hearing date as
3 set forth in the Setting Order filed in each case. All Art. 28.01 Motions must be filed and served
4 upon the other side at least 14 days prior thereto (rather than the seven days provided in the
5 C.C.P.).

6 12.5.9 ANNOUNCEMENT/DISPOSITION/ART. 28.01 DOCKET.

7 Announcements shall be made by both sides as to request for either the plea docket (para.
8 [12.5.11.1](#)) or to remain on the trial docket. No negotiating is permitted during this setting until
9 all motions have been heard. Pretrial matters will be handled as follows for the cases
10 announcing for the trial docket:

11 12.5.9.1 All pending pretrial motions
12 will be heard on this date, **provided that the Defense has provided a Notice of**
13 **Hearing. THE NOTICE OF HEARING MUST BE FILED WITH THE CLERK, WITH A COPY TO THE**
14 **COURT ADMINISTRATOR, AND SERVED UPON THE STATE WITH 5 DAYS NOTICE OF THE**
15 **SPECIFIC MOTIONS TO BE PRESENTED TO THE COURT FOR DETERMINATION.**

16 12.5.9.1.1 The Notice shall further be specific of the exact matters
17 complained of if multiple matters are asserted in a motion. For example, if a
18 motion to suppress seeks to suppress different items, or to suppress a single
19 item for different reasons, the Notice must be specific as to the item and
20 grounds to be advanced; or if a motion to quash the indictment sets up
21 multiple grounds the Notice must specify which grounds will be advanced at
22 the hearing.

23 12.5.9.1.2 If the Notice is not sufficiently specific
24 and if the State is not prepared as a result thereof, then the Motion thereby affected is
25 subject to being reset for an additional hearing prior to the trial date, or may be deemed by the
26 Court to have been waived unless the Defense can show good cause for the failure to give proper
27 notice.

28 12.5.9.2 Pretrial motions will not be carried to trial
29 except as may be allowed by the Court in a specific case for good cause shown, and only
30 if the Court is satisfied that such deferral of a hearing will not result in a waste of court or jury
31 time.

32 12.5.10 PROCEDURE TO PROCESS A PBA IN PREPARATION FOR PLEA:

33 At any time that a Plea Bargain Agreement (PBA) is reached and filed with the Clerk, or
34 at any time that the attorneys for the State and the Defense represent in good faith that they
35 believe the case will be settled without the necessity of a jury trial, then the following steps shall
36 be taken:

37 12.5.10.1 Fax copy of the fully executed PBA

1 to DA, Court Administrator, Community Supervision and Corrections Dept. (CSCD)
2 (even if probation is not involved), and District Clerk (for preparation of a bill of costs).

3 12.5.10.2 Plea docket.

4 The case will be moved to a plea docket track and removed from its trial docket and any
5 remaining pretrials. The case will be set for entry of the plea on the next convenient plea docket.

6 12.5.10.3 Interview for PSI.

7 **DEFENDANT SHALL IMMEDIATELY (NO LATER THAN THE END OF THE NEXT BUSINESS**
8 **DAY AFTER SIGNING THE PBA) MAKE AN APPOINTMENT WITH CSCD FOR AN INTERVIEW AND**
9 **PREPARATION OF A PRESENTENCE INVESTIGATION AND INITIAL REVIEW WITH CSCD OF THE**
10 **TERMS AND CONDITIONS OF PROBATION (WHERE APPLICABLE).**

11 12.5.10.4 The State shall prepare the “plea packet” and judgment.

12 Those materials will be delivered to Defense at least 3 business days prior to any plea
13 docket setting on the case for counsel’s prior review with defendant.

14 12.5.10.5 Defense shall review the plea packet
15 with defendant PRIOR to day of court, have defendant sign and swear before notary at
16 attorney’s office, or at the jail if incarcerated.

17 12.5.11 NON-JURY DISPOSITION (I.E. PLEA) DOCKET.

18 The procedure on this day will be:

19 12.5.11.1 Defense attorneys appear prior
20 to the start of court to have defendant sworn in front of the Clerk if not already done or to
21 review plea papers with their clients so that all preparations are finalized prior to the beginning
22 of court.

23 12.5.11.2 **COURT TIME WILL NOT BE TAKEN**
24 **FOR ATTORNEYS TO REVIEW PLEA PAPERS WITH THEIR CLIENTS EXCEPT IN**
25 **EXTRAORDINARY CIRCUMSTANCES.**

26 12.5.11.3 Fee vouchers.

27 Court appointed attorneys other than the Contract Public Defender’s office will present
28 their fee vouchers to the Court for approval of the amount and entry of same into the judgment.

29 12.5.11.4 Pleas will be taken
30 and sentence imposed. Except in extraordinary circumstances and for good cause shown,
31 imposition of sentence will not be deferred.

32 12.5.11.5 Probation interview.

33 Defendants receiving a probated sentence will remain and confer with CSCD to finalize
34 probation matters.

35 12.5.11.6 Punishment hearings before the Court
36 (such as on open pleas of guilty) may also be set on this day.

37 12.5.11.7 Court Costs are due and payable

1 at time of plea in cash or “good” funds. Defense will contact the Clerk in advance to
2 ascertain the correct amount.

3 12.5.11.8 Fines and restitution

4 including court appointed attorney fees (if applicable) will be due as determined by the
5 Court by a date either written into the judgment or as set forth in a separate order in a county
6 where a financial compliance and collections department exists.

7 12.5.11.9 If plea fails.

8 If the case has been set on the plea docket but is not disposed of at that time, and if not
9 continued further to another Plea docket, it will be placed on the next available jury trial docket
10 and given priority as to the order of trial on that docket.

11 12.6 TRIAL MANAGEMENT

12 12.6.1 THE ORDER OF THE TRIAL DOCKET WILL BE SET

13 by the Court during the “28.01”
14 docket date after input from both sides with
15 the customary preference being given to jail
16 cases and older cases but with the final order being at the discretion of the Court. The complete
17 trial docket with the final order of trial will be available in the Clerk’s office and on the Court’s
18 internet email list within a few days.

this is a departure ... need discussion.

19 12.6.1.1 For the first three trial
20 cases

21 exhibits must be pre-marked,
22 stipulations made of uncontroverted facts,
23 and documentary evidence pre-admitted
24 where no genuine issue exists as to
25 authentication or admissibility. Objections to
26 admissibility of documents must be made at
27 this time for ruling by the court prior to trial.

I have some concern about whether this can really be done at the 28.01 or if at an additional pretrial, perhaps morning of the jury trial start – but that would preclude doing anything other than those pretrials on that date.

28 12.6.2 ALL TRIAL CASES TO APPEAR

29 Defendants and attorneys must appear for all cases on the trial docket. On this day pleas
30 may be entered and the number one case will have Motions in Limine and any pending pretrial
31 matters heard. All other cases will remain on standby for the remainder of the week.

32 12.6.3 PRE-TRIAL MATTERS

33 All pre-trial matters should be concluded at the final pre-trial hearing prior to the
34 trial date. If any new matters arise after the final pre-trial hearing, they should be
35 brought to the trial court’s attention as soon as they are discovered.

36 12.6.4 TRIAL SUBMISSIONS (SEE ALSO [10.3](#))

1 The rules set forth in Rule [10.3](#) for submission of materials prior to trial shall apply to
2 criminal trials, including both jury and non-jury trials and also including final trials on Motions
3 to Revoke Probation or Requests to Adjudicate, except as may be clearly inapplicable to criminal
4 cases.

5 12.6.4.1 Proposed jury charge and instructions
6 shall be submitted to the Court by both the State and the Defense as provided in Rule
7 [10.3](#) except that upon request, the Court will hold such request in confidence until an appropriate
8 time for a charge conference, either informal or formal.

9 12.6.4.2 Defendant’s submissions
10 are not compelled by this rule to any extent that the defendant in a criminal case may not
11 constitutionally be compelled to provide any such submissions in advance.

12 12.6.5 WITNESSES

13 The attorneys shall arrange for all witnesses to be immediately available as needed
14 in order that there shall be no interruptions or delays. Any scheduling problems
15 shall be brought to the attention of the court immediately. The attorneys shall
16 instruct all witnesses not to discuss any aspect of the case in or around the
17 courtroom or in the vicinity of any prospective juror and not to communicate in
18 any fashion with any prospective juror or sworn juror.

19 12.6.6 PAPERWORK FOLLOWING TRIAL

20 Immediately following a trial, the district attorney’s office will prepare any
21 required paperwork, i.e., judgment of guilt, judgment of not guilty, etc., and
22 present all such paperwork to the court for signature.

23 12.7 DISCOVERY CONTROL PLAN

24 This Discovery Control Plan which implements the District Attorney’s open file policy
25 will be followed for each case unless modified by order of the district judge either *sua sponte* or
26 upon motion, hearing and showing of good cause to modify the discovery plan. The plan to be
27 followed is set forth as follows:

28 12.7.1 **ONLY A BONAFIDE MOTION FOR DISCOVERY MAY BE FILED.**

29 **The Court will not consider motions which are merely repetitive of these rules.** The
30 District Attorney’s office has an open file policy and a Discovery Motion may be filed only after
31 the defense has obtained discovery from the State and believes that there is something not yet
32 received, or if the State has failed to furnish discovery to the defense after proper request. Should
33 there be items to which these local rules are not responsive and for which the defense needs to
34 ascertain discovery, a motion may be filed when defense counsel believes in good faith that such
35 matter is not covered by these rules. Further, the following discovery rules shall apply which are
36 cumulative of and not in place of the State’s voluntary open file policy:

1 12.7.2 THE STATE IS ORDERED:

2 12.7.2.1 Witness list.

3 To file with the Clerk of the Court a list of all witnesses the State intends to call on their
4 case in chief (for either guilt or punishment phases) at least ten (10) days prior to the trial, and
5 furnish a copy of same to the defense on or before the same day (for actual receipt by the defense
6 on or before such date). Such list shall contain full name and address for each witness. *See*
7 *Richardson v. State*, 744 S.W.2d 65 (Crim. App. 1987). Such list further shall include the
8 information for any rebuttal witnesses for which the State can reasonably anticipate the defense.
9 *See Hoagland v. State*, 494 S.W.2d 186 (Crim. App. 1973).

10 12.7.2.2 Witness statements.

11 To furnish, in accordance with *Gaskin v. State*, 353 S.W.2d 467 (Crim. App. 1961), all
12 reports or statements given by a witness for the State. This shall further include any tape
13 recordings of witness reports or statements which qualify under *Gaskin*. *See Cullen v. State*, 719
14 S.W. 2d 195 (Crim. App. 1986). This provision is not intended to abrogate the attorney work-
15 product privilege as to statements made to the State’s attorney which qualify for that privilege.
16 Advance inspection is encouraged – see Rule ?.

17 12.7.2.3 Statements of defendant, confessions.

18 To furnish all written or recorded statements of the defendant, along with all confessions
19 or statements, whether verbal or otherwise, which the State will contend were made in
20 compliance with Art. 38.22 C.C.P., including all portions of offense reports containing either a
21 verbatim account or a summary of any portion of the same. This provision does not reach
22 statements of the defendant which were not the result of custodial interrogation.

23 12.7.2.4 To Permit Inspection of:

24 12.7.2.4.1 All items seized from the defendant;

25 12.7.2.4.2 All items seized from any co-defendant or accomplice;

26 12.7.2.4.3 All physical objects to be introduced as part of the State's case;

27 12.7.2.4.4 All documents, photographs, investigative charts or diagrams to
28 be introduced as part of the State’s case;

29 12.7.2.4.5 All contraband, weapons, implements or criminal activity seized or
30 acquired by the State or its agents in the investigation (and this rule shall
31 constitute sufficient authority to any law enforcement or other agency of the
32 State to permit inspection of such items);

33 12.7.2.4.6 All tangible items of physical evidence collected by the State or its
34 agents concerning the alleged offense; such as (by way of example and not
35 intended to be inclusive) latent fingerprints, voiceprints, hairs, fibers, trace
36 metal detections, weapons, fingernail scrapings, body fluids, handwriting
37 exemplars, ballistics, tire tracks, paint scrapings, photographs, analytical

1 results of intoxilyzer tests, patrol car audio or video tapes, and DWI video
2 tapes;

3 12.7.2.4.7 All psychiatric reports concerning the defendant, known to the
4 State;

5 12.7.2.4.8 All business reports or governmental records to be introduced as
6 part of the State's case;

7 12.7.2.4.9 All audio or video tape recordings which contain the defendant's
8 image or voice;

9 12.7.2.4.10 Any and all lab reports including but not limited to autopsy reports
10 (other than reports produced by or at the request of expert witnesses for the
11 State, except if the report is to be introduced as part of the State's case then it
12 shall be produced as provided in Rule [12.7.2.4.4](#) hereof).

13 12.7.2.5 Sexual assault victim forensic interviews.

14 Upon request, to permit defense counsel, the defendant and any expert witness for the
15 defendant who is consulting or who may testify regarding such matters to view any video tape or
16 listen to any audio tape containing images or the voice of a person under the age of 17 who is
17 alleged to be the victim of sexual assault.

18 12.7.2.5.1 Such viewing/listening shall be afforded pursuant to C.C.P. Art.
19 38.071 Sec. 2(a)(7) as a predicate to admissibility of such tape and not in
20 amplification of discovery rights except as expressly set forth herein.

21 12.7.2.5.2 At a minimum, the State shall afford the viewing opportunity at
22 least the day/evening prior to the day the State expects to offer the tape. The
23 State is encouraged to afford that opportunity in the week prior to
24 commencement of trial so that jury time is not needlessly wasted.

25 12.7.2.5.3 Except under extraordinary circumstances and upon prior motion
26 and hearing thereon, copies of such tapes will not be ordered to be made for
27 use by the defense.

28 12.7.2.6 Extraneous offenses.

29 Upon request by the defense pursuant to Rule 404(b), Texas Rules of Evidence or Art.
30 37.07, C.C.P., to give notice, with date, time and place, of all extraneous offenses which may be
31 admissible against the defendant in the State's case in Chief, (14 days after request is received by
32 the State or 10 days before trial, whichever is sooner). Once requested, this provision shall be
33 self-actuating without the necessity of further Order of the Court.

34 12.7.2.7 Cooperative witness agreement.

35 To inform the Defense of all promises of benefit or leniency afforded to or for the benefit
36 of any accomplice or prospective witness in connection with the witness's proposed testimony or
37 other cooperation with regard the alleged offense.

38 12.7.2.8 Criminal histories.

1 To inform the Defense of certain “known” convictions as set forth below. By these
2 provisions the State is not required to prepare criminal histories on the classes of persons
3 indicated unless the State has reasonable cause to believe that such convictions may exist. When
4 giving such notices, only the information necessary to describe and identify the conviction and
5 the record thereof shall be furnished and the “rap sheet” privilege shall not be breached. Such
6 information shall be furnished not later than 10 days prior to trial. The convictions to be noticed
7 under this Rule are:

8 12.7.2.8.1 those which may be admissible in evidence or used for
9 impeachment of the defendant, pursuant to Rule 609, Texas Rules of
10 Evidence;

11 12.7.2.8.2 those which are admissible for impeachment concerning any of the
12 State's proposed witnesses. See, e.g. *Giglio v. United States*, 405 U.S. 150,
13 154 (1972); and

14 12.7.2.8.3 Convictions, pending charges or suspected criminal offense
15 concerning any accomplice proposed to be used as a witness by the State.

16 12.7.2.9 Search warrants.

17 To furnish copies of any search warrants and supporting affidavits.

18 12.7.2.10 Brady material.

19 To provide Defense with all exculpatory evidence pursuant to *Brady v. Maryland* and
20 related cases, i.e. that which is both favorable to the accused and material either to guilt or
21 punishment. Such exculpatory evidence shall specifically include (by way of reminder and not
22 intending to alter any requirement under *Brady* or its progeny):

23 12.7.2.10.1 Any person who was unable to identify the defendant in a lineup.
24 See *Ex-parte Adams*, 768 S.W.2d 281 (Crim. App. 1981).

25 12.7.2.10.2 Prior inconsistent statements of a witness if qualifying under
26 *Brady*. See *Ex-parte Adams*, *id.*

27 12.7.2.11 Expert witnesses, Disclosure, *Voirdire* and Challenge.

28 Without the necessity of a specific request by either side, and in accordance with Art.
29 39.14(b), Texas Code of Criminal Procedure, each side shall disclose to the other each person a
30 party may use at trial to present expert testimony under Rules 702, 703 or 705, Texas Rules of
31 Evidence.

32 12.7.2.11.1 Such disclosure shall be in writing and include, at a minimum, the
33 name and address of such person. Disclosures shall be served upon the
34 opposing party as follows no later than 20 days prior to trial. Upon proper
35 motion and after hearing either side may request earlier disclosure.

36 12.7.2.11.2 Any motion under T.R.E. 705(b) for *voirdire* of an expert prior to
37 testimony will ordinarily be taken up at the time of trial in such manner as to
38 not unduly waste jury time. However, if either party anticipates that an

1 extensive Rule 705(b) examination will be required, such shall be made
2 known to the Court so that an additional pretrial hearing for this purpose and
3 for possible challenge to the expert or the testimony to be given may be
4 scheduled prior to the date of trial.

5 12.7.2.11.3 The provisions of this Rule [12.7.2.11](#) do not pertain to opinion
6 testimony by a lay witness offered and admissible under Rule 701, Texas
7 Rules of Evidence.

8 12.7.2.12 State's possession, actual or constructive.

9 It is to be understood that the State will allow the inspection of previously listed items which
10 are in the possession of the State's attorneys or which are known or with the exercise of due
11 diligence known to be in the possession of the investigating officers or other agents of the State.
12 **The State shall notify the Defense of the specific agency having custody of any evidence not in**
13 **the control of the State's attorney. Thereafter, it shall be the responsibility of the defense to**
14 **arrange inspection with that agency, and the State shall insure the cooperation of such agency.**

15 12.7.2.13 Prior inspection of reports encouraged.

16 In appropriate cases, the State is encouraged to allow the inspection of offense reports
17 and witness statements in addition to the above items. However, such reports and statements are
18 normally work product of the State and are therefore protected from mandatory disclosure unless
19 the contents are exculpatory. Such statements and reports must of course be tendered to the
20 Defense for cross-examination on proper request under Gaskin or related requirements.

21 12.7.2.14 Jury aids, inspection by Defense.

22 In the event that documents, diagrams, models or charts are prepared as "jury aids" at the
23 direction of the State's attorneys before trial, such items will be considered work product but will
24 be provided for inspection by the Defense no later than the morning that testimony is to begin.

25 12.7.2.15 Comprehensive discovery.

26 These rules are intended to dispose of all pre-trial discovery and specified request
27 motions that have been traditionally filed. Because of the extensive nature of the discovery
28 herein ordered, it will be considered that such orders are acceptable to the Defense pending the
29 review of the evidence and documents as ordered. In the event that further particularized
30 discovery is considered necessary, the Defense may file a written Motion for Discovery,
31 addressing only matters not covered in this Order, and such Motion will be presented to the
32 Court at the earliest practical opportunity before trial but in any event no later than the occasion
33 of the Art. 28.01 pretrial hearing.

34 12.7.2.16 Discovery packet.

35 It is anticipated that normally the State will have a discovery packet available at
36 arraignment (See [12.5.6.3](#)) as a convenience to both the State and Defense, and to enable the
37 earliest possible consideration of disposition of the case. In any event, except as otherwise noted

1 herein, The State shall furnish the above inspections within 15 days after the date of the first
2 appearance of Defendant with counsel, and in every event on or before ten (10) days prior to trial
3 or any agreed upon date which agreed date of compliance shall be reduced to writing and signed
4 by State's attorney and Defense attorney.

5 12.7.2.17 Discovery compliance, how.

6 The State, at its option, may comply with these discovery rules by either:

7 12.7.2.17.1 allowing inspection by the Defense; or

8 12.7.2.17.2 by furnishing true copies of discovery materials within the time
9 designated. A reasonable charge not to exceed \$5.00 per case plus \$0.25 per
10 page produced may be made to other than court-appointed counsel for the
11 furnishing of a discovery packet, which fee shall be returned to the general
12 budget of the District Attorney's office. If a discovery packet fee would
13 exceed \$25, inquiry shall first be made of defense counsel if he wishes a
14 packet to be furnished or to make an inspection.

15 12.7.3 DEFENSE RESPONSIBILITY FOR OBTAINING DISCOVERY PRODUCTS

16 It is the intent of these discovery rules in conjunction with the State's open file policy
17 that the DEFENSE ATTORNEY IS RESPONSIBLE for physically obtaining the discovery from the
18 State, by arranging a mutually convenient date for inspection, in obtaining a "discovery packet"
19 or otherwise making arrangements for access to or inspection of discovery matters.

20 12.8 WITHDRAWAL OR SUBSTITUTION OF COUNSEL

21 12.8.1 HEARING REQUIRED

22 Subject to Rule 12.8.2, no attorney will be allowed to withdraw from a case without a
23 hearing to (1) determine the reason, and (2) advise the defendant of his rights if the motion is
24 granted.

25 12.8.2 SUBSTITUTION OF COUNSEL MAY BE GRANTED WITHOUT A HEARING

26 if a motion is filed with the joint signatures of the attorney of record, the substituted
27 attorney and the defendant.

28 12.9 BOND AND BOND FORFEITURE

29 12.9.1 BOND AS SET BY MAGISTRATE

30 In all cases, the bond set by a magistrate shall remain in effect after indictment or
31 complaint unless the judge in whose court the case is pending resets the bond.

32 12.9.2 BOND FORFEITURE

33 will be promptly initiated upon a defendant's failure to appear for any hearing for which
34 he/she is required to appear.

35 **RULE 13 MISDEMEANOR CRIMINAL CASES**

36 13.1

Judge Savage needs to draft

1 **RULE 14 JURY MANAGEMENT**

2 14.1 ELECTRONIC JURY SELECTION PLAN

3 Each county of the District has adopted an Electronic Jury Selection Plan as authorized
4 by
5 law.

6 14.2 ELECTRONIC JURY SELECTION PLAN - BURNET COUNTY-COURT-AT-LAW

7 Burnet County has adopted an Electronic Jury Selection Plan for its court-at-law as
8 authorized by law.

9 **RULE 15 NON-JUDICIAL PERSONNEL**

10 15.1 NON-JUDICIAL PERSONNEL SUPERVISION

11 The Judge shall supervise the court administration program and shall be responsible for
12 all administrative matters peculiar to the courts (as distinguished from judicial matters), subject
13 to Section 72.002(2) of the Texas Government Code and the Rules of Judicial Conduct. The
14 Judge shall periodically review the case flow procedures and operations of the court
15 administration program and shall implement necessary changes.

16 15.2 QUALIFICATIONS OF NON-JUDICIAL PERSONNEL

17 The Court shall determine the qualification of personnel in the administrative office.

18 15.3 EMPLOYEE ADMINISTRATION

19 15.3.1 DISTRICT COURT NON-JUDICIAL PERSONNEL

20 Non-Judicial personnel employed in the office of the District Judge are employees of the
21 District and subject solely to the supervision of the Presiding Judge. Payment of compensation
22 and administration of benefits shall be provided by the County of Burnet as the lead county in
23 the district.

24 15.3.1.1 At-will employment.

25 Such employees are employed at the will of the Local Administrative Judge.

26 15.3.1.2 Personnel policy.

27 Such employment relationship shall be governed by, and as described in, the Burnet
28 County Employee Handbook except as provided otherwise by the Local Administrative Judge.

29 **RULE 16 ATTORNEYS IN COURT**

30 16.1 CONDUCT AND DECORUM OF COUNSEL

31 16.1.1 ALL LAWYERS SHALL DRESS IN KEEPING WITH PROPER COURTROOM DECORUM,
32 and all male lawyers shall wear coats and ties while in the attendance of the Court.

33 16.1.2 COUNSEL MUST ADDRESS ONLY THE COURT

34 While the court is in session all remarks of counsel shall be addressed to the Court and
35 not to opposing counsel or the judge as an individual.

36 16.1.2.1 Rise to Address the Court

1 In addressing the judges, lawyers shall at all times rise and remain standing to address the
2 judge from their position at the counsel table, unless permission has been granted to approach the
3 bench.

4 16.1.3 COUNSEL SHALL REMAIN AT THE PODIUM
5 while interrogating witnesses, except as may be necessary in handling or displaying
6 exhibits or demonstrating evidence, or as otherwise directed by the court.

7 16.1.4 LAWYERS SHALL ADVISE THEIR CLIENTS AND WITNESSES
8 of proper courtroom decorum and seek their full cooperation therewith.

9 16.2 REQUESTS FOR CONTINUANCE

10 16.2.1 CONTENTS OF MOTION

11 Unless counsel for all parties consent in writing to the request for a continuance and the
12 same is approved by the Court, a motion must be filed pursuant to Rule 251, et seq. of the Texas
13 Rules of Civil Procedure, as amended. The motion must be accompanied by an order setting the
14 motion for a hearing. Any motion that does not meet these requirements will be denied without
15 prejudice to the right to refile.

16 16.3 CONFLICT IN TRIAL SETTINGS

17 16.3.1 DUTY OF COUNSEL TO NOTIFY
18 COURT

19 (1) Whenever an attorney has two or more cases on trial dockets for trial at the same
20 time, it shall be the duty of the attorney to bring the matter to the attention of the courts
21 concerned immediately upon learning of the conflicting settings.

22 (2) Priority of Cases in Event of Conflict

23 Insofar as practicable, the affected courts shall attempt to agree upon which case shall
24 have priority.

There's another section dealing with
conflicts. Need to clean up.

25 16.4 ATTORNEY WITHDRAWAL

26 16.4.1 WITHDRAWAL OF COUNSEL IN CIVIL CASES SHALL BE GOVERNED BY RULE 10
27 of the Texas Rules of Civil Procedure, as amended, and the following rules.

28 16.4.1.1 Notice to Client

29 If another attorney is not to be substituted as attorney for the party, or if the party does
30 not consent to the motion to withdraw, the withdrawing attorney shall notify the client in writing
31 and set the motion to withdraw for a hearing with notice of the date and time of the hearing
32 provided to the client and counsel for any parties.

33 16.4.1.2 Orders

1 All orders granting withdrawal of counsel shall require withdrawing counsel to notify his
2 or her client of all pending settings, deadlines and the status of discovery known to withdrawing
3 counsel.

4 16.4.1.3 No Delay of Trial

5 Unless allowed in the discretion of the Court, no motion to withdraw shall be granted
6 when it is presented within thirty (30) days of the trial date or at such a time as to require a delay
7 of trial.

8 **RULE 17 MISCELLANEOUS LOCAL RULES**

9 17.1 SETTLEMENT WEEK

10 Settlement Weeks shall be scheduled
11 for the weeks of the Region 3 Judicial
12 Conference and the Annual Judicial
13 Conference as designated on the courts' calendar, so far as is practical; otherwise they will be
14 scheduled by the local administrative judge.

Need to work out details here.

15 17.2 MISCELLANEOUS LOCAL RULES

16 Any local rule or order heretofore entered by the court shall remain in full force and
17 effect unless in conflict with these adopted rules.

18 17.3 JUDICIAL BUDGET MATTERS

- 19 (A) ~~The district court shall submit budgets to the commissioners court in a timely~~
20 ~~fashion for all departments within their jurisdiction.~~
21 (B) ~~The county court-at-law shall submit budgets to the commissioners court in a~~
22 ~~timely fashion for all departments within their jurisdiction.~~

23 17.4 ~~RELATIONSHIP WITH OTHER GOVERNMENTAL BODIES, THE PUBLIC AND THE~~
24 ~~NEWS MEDIA~~

25 ~~The Court shall at least once each year review their relationship with other~~
26 ~~governmental bodies, the public and the news media.~~

27 17.5 FORMS

28 Forms required by these rules are available from the District Clerk's Office, the County
29 Clerk's Office, the Administrative Office of the District court and the Administrative Office of
30 the County Court at Law. ~~and the Associate Judges' Court.~~

31 **RULE 18 PROCEDURE FOR ADOPTION AND AMENDMENT OF LOCAL RULES**

1 Amendment of these local rules may be determined by the Court by majority vote at any
2 Court' meeting upon three (3) days prior notice of presentation of amendments.

Appendices

(Need TOC for appended matters–if any)

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