

LOCAL RULES OF COURT

TARRANT COUNTY, TEXAS

Tarrant County Local Rules

Part 1. General Rules

Rule 1.01: Title, Scope, Authority and Application of Local Rules

(a) These rules are the Local Rules of Court of Tarrant County, Texas. They shall govern proceedings in the District Courts and Statutory County Courts of Tarrant County, Texas, for the purpose of securing uniformity and fairness in those proceedings and in order to promote justice.

(b) These rules are adopted by the trial judges of the district and county courts acting in Council pursuant to the inherent power of courts to control and guide the trial and disposition of causes, and pursuant to the provisions of the Supreme Court's order of September 13, 1999, as amended, adopting Rules of Judicial Administration and to the provision of the Court Administration Act, Sec. 74.093, Government Code, as amended.

(c) These rules are standing orders of all District and Statutory County Courts of this county, now existing or as may be created hereafter. Knowing or intentional violation of these rules may be punished by contempt or other sanction authorized by law or by rules of procedure as the trial judge may deem appropriate.

Rule 1.02: Parties Proceeding Pro Se

(a) Any natural person proceeding on his own behalf without an attorney shall be expected to read and follow these Local Rules and the Texas Rules of Civil Procedure, the Rules of Evidence, the Code of Criminal Procedure, and the Rules of Appellate Procedure as may be appropriate in the particular case. Failure to comply may be sanctioned, fined or punished as in other cases.

(b) All requirements of these rules applicable to attorneys or counsel apply with equal force to pro se litigants. Pro se litigants are required to provide address and telephone listings at which they can be reached by Court personnel and opposing counsel. Failure to accept delivery or to pick up mail addressed to the address provided by a pro se litigant will be considered constructive receipt of the mailed or delivered document and may be established by a postal service receipt for certified or registered mail or comparable proof of delivery. Wherever "counsel" is used it includes a party not represented by an attorney.

Rule 1.03: Assignment of Causes and Transfers

(a) Except as provided elsewhere in this Rule, cases will be filed by random selection in courts designated for the subject matter of the litigation.

(b) All juvenile matters shall be assigned to the court or courts designated to hear juvenile matters under Sec. 51.04, Family Code.

(c) All delinquent tax suits shall be assigned to the court designated by the Local Administrative Judge.

(d) Every suit or proceeding in the nature of a bill of review or otherwise, seeking to attack, avoid or set aside any judgment, order or decree shall be filed in and assigned to the Court in which such judgment, order or decree was rendered.

(e) Every ancillary garnishment shall be assigned to the Court in which the suit is pending to which the garnishment is ancillary. Garnishments after judgment shall be assigned to the court which rendered the judgment on which the garnishment is based.

(f) Cases may be transferred between District Courts and Statutory County Courts, subject to the jurisdictional limitations of the court to which they are transferred. Motions to transfer and to consolidate shall be filed in the earliest filed case. In suits under the Family Code where a Court is the court of continuing jurisdiction or court with mandatory or exclusive jurisdiction, such motions will be filed in that Court.

Rule 1.04: Jury and Non-Jury Weeks

(a) Jury and Non-Jury weeks for all of the trial courts for any calendar year shall be designated by order not later than the second Friday in October of the preceding calendar year.

(b) Non-jury matters may be set and tried in jury weeks subject to the jury docket. With the concurrence of the Local Administrative Judge, any one case requiring a particularly large jury panel may be specially set by the court in a non-jury week and a special venire summoned for that case alone.

Rule 1.05: Bankruptcy

(a) Notice of Filing

(1) Whenever any party of litigation in these courts files for protection under the bankruptcy laws of the United States, it shall be the responsibility of that party's counsel in these courts: (i) to promptly notify the affected court(s) by immediately telephoning the Court Coordinator; and (ii) within three (3) days of any bankruptcy filing, to provide written notice to the affected court(s) and all counsel that a bankruptcy has occurred giving the name and location of the bankruptcy court, the bankruptcy cause number and style, the date of filing and the name and address of counsel for the bankrupt.

(2) Compliance with this rule will enable the Courts to pass over cases

affected by bankruptcy and to try other cases on the docket.

(3) Failure to comply with this rule may be punished by sanctioning counsel and, in appropriate cases, the party once the bankruptcy is concluded.

(b) Conclusion of Bankruptcy

Once a bankruptcy has been concluded, whether by discharge, denial of discharge, dismissal or otherwise, counsel shall promptly notify the Court Coordinator so that the affected cases may be restored to the active docket or be dismissed as may be appropriate.

Rule 1.06: Filing Papers

(a) All pleadings, motions, notices, and any other paper, document or thing made a part of the record in any civil, family law or criminal case shall be filed with the Clerk.

(b) All briefs, proposed orders and judgments shall be presented to the Court Coordinator.

(c) On dates on which county offices will be closed other than weekends and holidays, the Clerks will designate a location within the courthouse complex where papers may be filed.

(d) All filed motions seeking affirmative relief from the court will either be accompanied by an Order in such form as to grant or deny the motion, or said Order will be brought to the hearing on the motion.

Rule 1.07: Filing Responses to Discovery

(a) The following discovery responses and related material SHALL be served upon all other lead counsel or parties and filed with the Clerk in accordance with the Texas Rules of Civil Procedure and the Texas Civil Practice and Remedies Code; those denoted [OPTIONAL] SHALL be served, and MAY be filed, accordingly:

(1) Texas Rules of Civil Procedure:

1. Rule 194. Requests for Disclosure and Non-Documentary Responses [194.2(a), (b), (c), (d), (e), and (f)1, 2, and 3]

2. Rule 196.

Responses and Objections to Requests for Production [The responsive documents produced therewith are NOT to be filed. See 1.07(b) (1)].

3. Rule 197.
Answers and Objections to Interrogatories to Parties.
4. Rule 198.
Answers and Objections to Requests for Admission.
5. Rule 199.
Notices of Deposition. [OPTIONAL]
6. Rule 176, 199.
Subpoena and Subpoena Duces Tecum. [OPTIONAL]
7. Rule 200.
Notices of Deposition by Written Question. [OPTIONAL]

(2) Texas Rules of Evidence:

1. Rule 902(10).
Affidavit in connection with "Business Records Accompanied by Affidavit" [The documents accompanying the Affidavit are NOT to be filed. See 1.07(b) (2)].

(3) Texas Civil Practices and Remedies Code:

1. Sec. 18.001.
Affidavit in connection with "Affidavit Concerning Cost and Necessity of Services." [Documents attached to the Affidavit are NOT to be filed. See 1.07(b) (3)].

(b) The following discovery documents and related materials SHALL be served upon all other lead counsel or parties in accordance with the Texas Rules of Civil Procedure and the Texas Civil Practice and Remedies Code, but SHALL NOT BE FILED with the clerk except on Special Order.

(1) Texas Rules of Civil Procedure:

1. Rule 194 Documentary responses to Request for Disclosure [Rule 194.2 (f)(4), (g), (h), (i), (j), and (k)]
2. Rule 196.
Documents or tangible items produced in connection with Requests for Production.

3. Rule 199.
Depositions.

4. Rule 199.
Documents produced pursuant to a Subpoena Duces Tecum.

5. Rule 200. .
Documents obtained by Deposition by Written Questions.

(2) Texas Rules of Evidence:

1. Rule 902(10).
“Business Records Accompanied by Affidavit.” Documents accompanying these Affidavits are NOT to be filed.

(3) Texas Civil Practices and Remedies Code:

1. Sec. 18.001.
“Affidavit Concerning Cost and Necessity of Services.” Documents accompanying the Affidavit are NOT to be filed.

(c) The party responding to discovery requests, or the party initiating discovery to a non-party, has the following additional responsibilities:

(1) Serve upon all other lead counsel or parties, discovery material listed in Rule 1.07 (b) as required therein; but the same shall NOT be filed with the Clerk except on Special Order.

(2) Retain the original or exact copy of the discovery responses and related material listed in Rule 1.07 (b) while the case and any related appellate proceedings are pending and for one year thereafter, and sign and file a Certificate of Written Discovery with the clerk when necessary.

(3) Sign and file A Certificate entitled “Certificate of Written Discovery” with the Clerk whenever discovery materials listed in Rule 1.07 (b) are retained and/or sent to another party. The certificate may list more than one document. The certificate shall identify:

1. the document containing the discovery material,
2. counsel or parties to whom the document is sent, and
3. the date the discovery response or related matter is served on other counsel or parties.

(d) Related matters:

(1) MOTIONS INVOLVING DISCOVERY DISPUTES.

If relief is sought concerning any discovery dispute, a party may file copies of only those portions of the material related to the dispute, without obtaining a Special Order.

(2) SUMMARY JUDGMENT AND OTHER PRE-TRIAL MOTIONS.

A party may file discovery and related material in support of a motion for summary judgment, or for any response or reply to such a motion, or for any other pretrial motion, response, or reply, without obtaining a Special Order. Only the portions of a deposition related to the motion, response, reply or other pre-trial matter may be filed without a Special Order.

(3) APPEAL OR OTHER POST-JUDGMENT PURPOSES.

A party may file discovery materials not previously on file for use on appeal or for other post-judgment purposes, without a Special Order.

(4) COURT REPORTER'S CERTIFICATE.

Nothing in this rule shall alter the requirement for filing the court reporter's certificate required by Rule 203, Texas Rules of Civil Procedure.

(5) Rule 621a. RESPONSES, ANSWERS AND OBJECTIONS TO "DISCOVERY AND ENFORCEMENT OF JUDGMENT." The discovery device used pursuant to this rule shall be governed by the Supplemental Tarrant County Local Rules applicable to that particular discovery device.

(e) Special Order:

Documents listed in (b) of this Rule may not be filed by agreement and shall be filed only after obtaining a Special Order, following a hearing on Motion for Special Order showing good cause therefore.

Rules 1.08 through 1.09-Reserved

Rule 1.10: Resolution of Conflicting Settings

(a) Where an attorney has settings in two or more courts which conflict preference shall be as follows:

(1) Trials on the merits in any court take precedence over hearings, motions and other temporary matters in any other court;

(2) All proceedings in any court take precedence over depositions and other out of court discovery activities; and

(3) All other conflicts in trial settings shall be resolved as provided in the Rules of the Eighth Administrative Judicial Region, Rule 10. (see Appendix)

(b) For the purpose of this rule, settings in the District Courts or Bankruptcy Courts of the United States or in the general jurisdiction trial court of any sister State will be treated as settings in a district court of Tarrant County.

(c) Any attorney having a previously scheduled oral argument in any appellate court shall be given a reasonable time to travel to and from that court and make argument provided the attorney advises the trial judge of the scheduled argument before the commencement of trial.

Rule 1.11: Vacations of Attorneys

If a case is set for trial by the court on a date for which an attorney has planned a vacation, the attorney will notify the Court as soon as the notice of trial setting is received and the case may be reset for a different time at the discretion of the court. If plans for a vacation are made by an attorney after a trial setting notice has been received, the attorney will immediately notify the Court and other parties with a request that the case be reset for a different time. The Court will rule on such request after giving all parties to the lawsuit an opportunity to respond to the request.

Rule 1.12: Judicial Absences

Whenever a judge anticipates an absence of more than five (5) court days due to vacation, illness, national service, attendance at legal education courses, attendance to the meetings of judicial or bar committees, or otherwise, then that judge shall so inform the Presiding Judge of the Eighth Administrative Region so that another judge may be assigned to the court.

Rule 1.13 through 1.98-Reserved

Rule 1.99: Repeal and Effective Date

- (a) All prior Local Rules are repealed as of the effective date of these rules.
- (b) These rules are effective January 1, 1999, or at such later date as they may be approved by the Supreme Court. They shall govern all proceedings occurring on or after their effective date.

Part 2. _____

Rules 2.01 to 2.99-Reserved

Part 3. Rules for Disposition of Civil Cases