LOCAL RULES OF COURT

TARRANT COUNTY, TEXAS

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 though 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. <u>Rules for Disposition of Civil Cases</u>

Rule 3.01: Disposition of Civil Cases

(a) On its own motion or by agreement of the parties, the Court will refer a case for resolution by an alternative dispute resolution procedure under Chapter 154, Civil Practice and Remedies Code. Any party may move for such referral if agreement cannot be reached.

(b) Pre-trial hearings or orders will not be required in every case, but upon request of any party or on its own motion the Court may set a hearing under Rule 166, Texas Rules of Civil Procedure, to consider such matters as might aid in the disposition of the action.

(c) Cases will be set for trial by the Court upon written request and representation of any party that the case will be ready for trial. The request may ask for a setting on a specific trial week, but not sooner that 75 days from the date of the request for the initial trial setting. All further trial settings may be set at a time deemed reasonable by the Court. Other parties will file a written response to the request within seven (7) days after receipt stating any objection to the request for setting. Unless the Court determines that the case is not ready for trial, the case will be set for trial on the date requested or the nearest date that the docket of the Court will permit. The parties will be notified in writing of the date that the case is set for trial and any party having any known objection to the setting should inform the Court of the objection within seven (7) days after receiving the notice.

(d) Upon receipt of a trial setting any party should immediately notify the Court in writing if they believe that the case is not ready for trial or if they want to suggest alternative trial dates.

(e) An objection to a trial setting under paragraphs (c) and (d) of this rule is ineffective unless the objecting party requests a hearing on the objection.

Rule 3.02: Motion for Continuance

A trial date cannot be postponed or changed without the consent of the Court. Except as hereinafter provided and unless otherwise set by the Court, any motion for continuance will be filed no later than the Wednesday preceding the trial date and will be heard by the Court in the courtroom at 2:00 p.m. on the Thursday preceding the trial date. Any motion for continuance based upon facts which occur on or after the Wednesday preceding the trial date will be filed as soon as possible and will be heard at a time to be set by the Court.

Rule 3.03: Trial Procedure

(a) Any party filing special exceptions, pleas in abatement or other dilatory pleas shall request and obtain a hearing on them at least 30 days prior to the trial date or as soon as possible after the pleading is filed within 30 days of the trial date. Any such matters not heard

are waived.

(b) As soon as practical before the trial date, parties will be notified by the Court to report for trial during the trial week and parties need not appear until called. However, all parties and their attorneys are expected to be available for trial upon short notice during the week that the case has been set for trial. Any case not reached during the week that it is set for trial will be reset by the Court after consultation with the parties.

(c) At the time the parties report for trial they will deliver to the Court and the other parties a witness list, exhibit list, any motion in limine and any requested instructions and questions if a jury trial and proposed findings of fact and conclusions of law if a non-jury trial. Any witnesses and exhibits not shown on such list can be used at the trial only upon leave of the Court. Prior to commencement of trial all exhibits will be marked, exchanged and examined by counsel so that the trial will not be delayed by such examination.

(d) Unless otherwise expressly agreed to by the parties or ordered by the Court, counsel intending to offer videotaped depositions, or other films or videotapes at trial, except those offered solely for impeachment, must make such videotapes and films available to opposing counsel, and serve opposing counsel with page and line designations for videotaped depositions, not later than fourteen (14) days prior to trial for all depositions or other films taken forty-five (45) days or more in advance of trial. Opposing counsel shall then serve the proffering attorney with page and line designations of any portion of the videotape deposition they intend to introduce at trial not later than ten (10) days prior to trial. The proffering attorney shall then serve opposing counsel with page and line designations of any portion of the videotape deposition they further intend to introduce at trial not later than seven (7) days prior to trial. All videotaped depositions and other films taken within forty-five (45) days of trial must be made available , and the aforementioned designations made, as soon as possible to opposing counsel and sufficiently in advance of trial so that a hearing on any objections can be held before commencement of trial. Any videotapes or films not so tendered will not be permitted into evidence at the trial. All parties must timely examine any tendered videotapes or films and request a hearing immediately if there are objections to the admissibility of any part of the videotapes or films. Any objections not heard prior to trial will be waived.

Rule 3.04: Settlement Prove-Ups and Default Judgment Hearings

Requests for hearing to approve settlements in cases involving minors and default judgments, where the amount is unliquidated, shall be made to the Court Coordinator who will schedule the same for hearing.

Rule 3.05: Stipulations and Admissions

It is the responsibility of each attorney practicing before the Courts of Tarrant County, Texas, to stipulate to all facts which are not in dispute and to waive formal proof as to any

documents to be introduced about which there is no dispute as to authenticity.

Rule 3.06: Motion Practice

(a) Parties are directed to use all reasonable means to resolve pre-trial disputes to avoid the necessity of judicial intervention.

(b) No motions, objections or special exceptions will be set for hearing unless the moving party shall have certified in such motion or in a letter substantially the following:

"A conference was held on (date) with (name of attorney for opposing party) on the merits of this motion. A reasonable effort has been made to resolve the dispute without the necessity of court intervention and the effort failed. Therefore it is presented to the Court for determination."

or

"A conference was not held with (name of opposing attorney) on the merits of this motion because (explanation of inability to confer)."

(c) Court Coordinators are responsible for scheduling the dates and times for hearings. Upon receiving the date and time of hearing, the moving party shall immediately notify all other parties in writing as to the date, time and subject matter of the hearing. A copy of this communication shall be provided to the Court Coordinator.

(d) On request of a party and with consent of the Judge, a matter not requiring a record by the Court Reporter may be conducted by telephone. The moving party shall be responsible for advising opposing parties of the method and time of hearing and shall be responsible for arranging the conference call.

(e) By agreement, parties may submit matters for ruling by the Judge without a personal appearance and oral presentation. The Judge should be advised in writing when such procedure is desired.

(f) Section (b) of this Rule does not pertain to dispositive motions, e.g., Motions for Summary Judgment, Motions to Dismiss and Special Exceptions seeking to dismiss a cause of action, or a Motion for New Trial.

Rules 3.07 through 3.10-Reserved

Rule 3.11: Deposition Guidelines

(a) In an attempt to have uniformity and save time and expense resulting from

hearings on discovery matters the following guidelines will generally be followed by the Courts on matters pertaining to oral depositions:

(1) A party filing a lawsuit in Tarrant County, or a party properly sued in Tarrant County, must give that party's deposition in Tarrant County, if requested. For purposes of this rule, "party" indicates a party's representative when applicable.

(2) Rule 3.11(a)(1) is subject to modification by the Court upon a showing of good cause.

(3) The party initiating a deposition may elect to take the deposition orally or on written questions and the opposing party may elect to cross-examine orally or on written questions.

(4) The fee for the preparation of an expert's report, not previously reduced to writing and sought under Rule 195.5, Texas Rules of Civil Procedure, shall be paid by the party by whom the expert is employed.

(5) Notice of less than ten (10) calendar days under Rules 21a and 199.2(a), Texas Rules of Civil Procedure, shall be presumed to be unreasonable.

However, these matters are best handled by agreement of the parties, furthermore, parties are not precluded from submitting disputes as to such matters to the Court for determination by proper motion and hearings.

(b) A party initiating an oral deposition shall first attempt to communicate with opposing counsel to determine whether agreement can be reached as to date, time, place and material, to be furnished at the time of deposition. Any written notice of deposition shall state as follows:

"A conference was held (or attempted) with the attorney for opposing party to agree on a date, time, place and materials to be furnished. Agreement could not be reached (or counsel will not respond) and the deposition is therefore being taken pursuant to this notice (or Agreement was reached and this notice complies with the agreement)."
Failure to hold such conference or to make adequate attempt to hold such conference prior to noticing a deposition shall be grounds to quash the deposition.

Rule 3.12 Objections to Discovery

Frivolous objections to discovery requests are subject to sanctions by the trial court, including, e.g., objections to identification of persons having knowledge of relevant facts and identification of testifying expert witnesses.

Rules 3.13 through 3.29-Reserved

Rule 3.30: Matters Requiring Immediate Action

(a) Filing. No application for action or relief of any kind shall be presented to a judge until the application or case has been filed with the clerk and assigned to a court, unless it is impossible to do so. If it is impossible to file an application or case before it is presented to a judge, then it shall be filed as soon thereafter as possible, and the clerk notified of all actions taken by the judge.

(b) Presentment. Every application for action or relief of any kind shall be presented first to the judge of the court to which it is assigned. If that judge is not available to hear the application, then it may be presented to any other court with subject matter jurisdiction. After a judge has announced a ruling on the application or deferred ruling, the application shall not be presented to any other judge without leave of the judge to which it was first presented.

(c) Ex Parte Applications. Every application for relief ex parte shall contain a certificate signed by counsel that:

(1) To the best of his or her knowledge that party against whom relief is sought ex parte is not represented by counsel in the matter made the basis of the relief sought; or,

(2) Counsel for the party against whom relief is sought ex parte has been notified of the application and has stated whether he or she wishes to be heard; or,

(3) Diligent attempts to notify counsel for the party against whom ex parte relief is sought have been unsuccessful, and the circumstances do not permit additional efforts to give notice.

Rules 3.31 through 3.39-Reserved

Rule 3.40: Private Service of Process

(a) For purposes of supervision and discipline the court deems those persons authorized to serve citation and other notices by order pursuant to Rule 103, Texas Rules of Civil Procedure to be officers of the court. Any such person filing a false return or engaging in service contrary to law or rule may be subject to punishment by an order of contempt. Such order may prohibit such person from serving citations and notices in Tarrant County.

(b) Any proposed order authorizing private service under Rule 103 will not be signed by the judge unless accompanied by a certificate signed by counsel requesting such an appointment. Such certificate shall set out the name and address of the person to be so authorized and affirm that such person is not less than eighteen (18) years of age, is not a party,

and has no interest in the outcome of the suit in which the authorization is sought.

Rules 3.41 through 3.89-Reserved

Rule 3.90: Dismissal for Want of Prosecution

(a) The courts will periodically give notice of their intention to dismiss for want of prosecution. Such notice will be give at least thirty (30) days prior to the signing of consequent dismissal order.

(b) The clerk shall provide notice of the court's intention to dismiss for want of prosecution by complying with the provisions of Paragraph (1) of Rule 165a of the Texas Rules of Civil Procedure.

Rules 3.91 through 3.99-Reserved

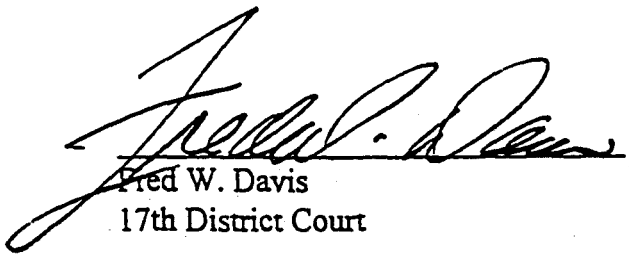
Part 4. Rules for Disposition of Family Law Cases

Rules 4.01 through 4.99-Reserved

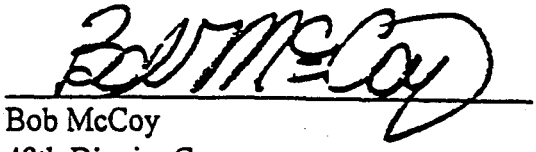
Part 5. Rules for Disposition of Criminal Cases

Rules 5.01 through 5.99-Reserved

APPROVED



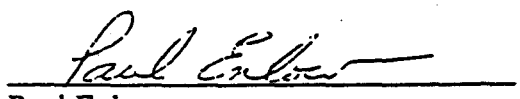
Fred W. Davis
17th District Court



Bob McCoy
48th District Court

Jon Barton
67th District Court

Jeff Walker
96th District Court



Paul Enlow
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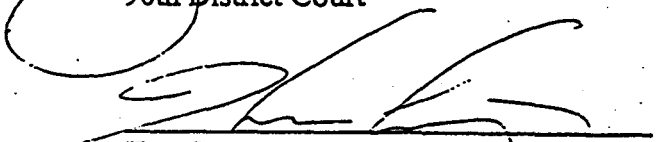
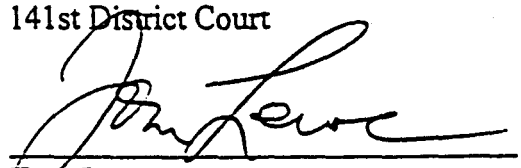
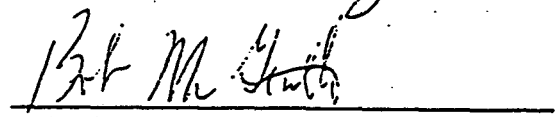


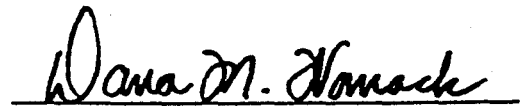
Ken Curry
153rd District Court



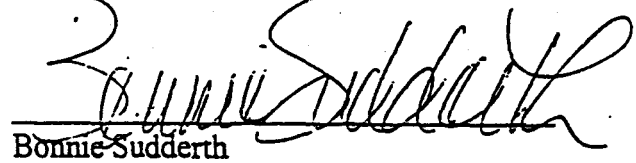
Tom Lowe
236th District Court



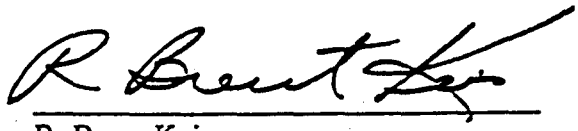
Bob McGrath
342nd District Court



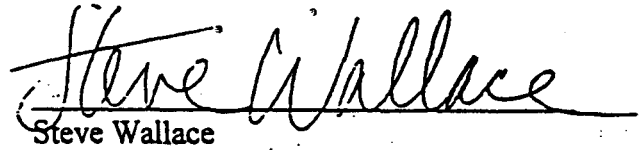
Dana Womack
348th District Court



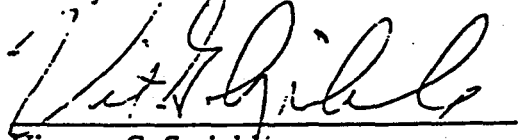
Bonnie Sudderth
352nd District Court



R. Brent Keis
County Court at Law #1



Steve Wallace
County Court at Law #2



Vincent G. Sprinkle
County Court at Law #3

ORDER OF THE SUPREME COURT OF TEXAS

Misc. Docket No. 99-9164

Approval of Local Rules of the Civil Courts of Tarrant County, Texas

IT IS ORDERED that:

Pursuant to Texas Rule of Civil Procedure 3a, the Supreme Court of Texas approves the attached Local Rules of the Civil Courts of Tarrant County, Texas. This order is temporary pending further orders of this Court. In particular, Rule 1.07, which concerns filing of discovery and which originated prior to the effective date of Texas Rule of Civil Procedure 191.4, is subject to repeal or revision pending study by the Supreme Court's Rules of Civil Procedure Advisory Committee.

By the Court, en banc, in chambers, this 13th day of September, 1999.

Thomas R. Phillips, Chief Justice

Nathan L. Hecht, Justice

Craig T. Enoch, Justice

Priscilla R. Owen, Justice

James A. Baker, Justice

Greg Abbott, Justice

Deborah G. Hankinson, Justice

Harriet O'Neill, Justice

Alberto R. Gonzales, Justice