THE LOCAL RULES OF THE COURTS OF WEBB COUNTY TEXAS

For the 49th Judicial District Court, 111th Judicial District Court, 341st Judicial District Court, 406th Judicial District Court, Webb County Court at Law Number One and the Webb County Court at Law Number Two.

ESTHER DEGOLLADO
CLERK OF THE DIST COURTS
& COUNTY COURTS AT LAW
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THE LOCAL RULES OF THE COURTS OF WEBB COUNTY

RULE 1
GENERAL

RULE 1.10 TIME STANDARDS FOR CASE DISPOSITION

The Courts adopt the time standards for disposition of cases as established by the Constitution, Statutes, or by Rules of the Supreme Court, Rules of Judicial Administration, or by rules promulgated by the Court of Criminal Appeals or by rules of the Fourth Administrative Region.

RULE 1.11 COURT SESSIONS; ANNUAL CALENDAR WEEKS NOT IN SESSION; HOLIDAYS

No cases will be assigned for trial on the merits during:

A. The week of the South Texas Judicial Conference (March);
B. The week of the Annual Judicial Conference (September); and
C. The last week of December.

The entire weeks of the South Texas Regional Judicial Conference and the Annual Judicial Conference will be set aside as settlement weeks.

Each court shall maintain a 24 month calendar for purposes of setting jury and non-jury cases.

RULE 1.12 HOURS OF COURT PROCEEDINGS

Each court shall post on its website, the hours of court proceedings.

RULE 1.13 EMERGENCY AND SPECIAL SESSIONS

Emergency and special meetings may be called by local administrative judge.

RULE 2
LOCAL ADMINISTRATIVE JUDGE

RULE 2.10 POWERS AND DUTIES OF LOCAL ADMINISTRATIVE JUDGE

The judges who sit on the District Judges and County Court at Law Judicial Administrative Boards, the Webb-Zapata Community Supervision and Corrections Department, the Webb County Juvenile Board, the Auditor Department Board, the Webb County Purchasing Board, the Webb County Bail Bond Board, and the Pre-Trial Oversight Committee shall hold

regular meetings on the first Wednesday of every month unless it conflicts with judicial conferences, commitments and county holidays.

The Chair of each of these Boards and/or the local administrative judge may call special or emergency meetings as may become necessary with appropriate notice to all board members and the public, when necessary.

RULE 2.11 INFORMATION TO LOCAL ADMINISTRATIVE JUDGE

The district clerk shall provide a monthly report detailing the number of filings dispositions, trials, and other judicial activities of the courts of Webb County to the local administrative judge and to the office of court administration. The clerk shall provide any other information requested by any presiding judge.

RULE 3
CIVIL CASES

RULE 3.10 (a) FILING AND ASSIGNMENT OF CASES

A case in the civil trial division shall be randomly assigned using the central filing system in accordance with the current order adopted by the council of judges. Once assigned to a Court, a case shall remain on the docket of that Court unless transferred as provided in Rule 3.12.

Any claim for relief based upon a prior judgment shall be assigned to the Court of original judgment. Every suit or proceeding seeking to enforce, attack, avoid or set aside a judgment, order or decree of a court, (including suits in the nature of a bill of review, writ of habeas corpus, or otherwise), shall be assigned to the Court in which such judgment, order or decree was rendered. All proceedings which have previously been dismissed and are re-filed shall be assigned to the Court to the court where the previous suit or proceeding was assigned.

If a claim is dismissed and is later re-filed and it is determined that there is a substantially same identity of parties and causes of action in both cases, then the re-filed case shall be assigned by the local administrative judge or transferred by the presiding judge to the Court where the prior case was pending, with written notice to the district clerk.

A motion to consolidate cases shall be heard in the Court where the lowest numbered case is pending. If the motion is granted, the consolidated cases will be given the number of the lowest numbered case and assigned to that Court, with written notice to the district clerk.

RULE 3.10 (b) RULES GOVERNING THE PROCEDURE FOR THE DISTRICT OR COUNTY CLERK OF WEBB COUNTY-TO RECEIVE AND FILE ELECTRONICALLY TRANSMITTED COURT DOCUMENTS

The following rules govern the procedure for the District or County Clerk of Webb County ("the clerk") to receive and file electronically transmitted court documents.

1. The clerk is authorized to accept for filing via electronic transmission any document which might be filed in a court action except: (a) returns of service on issuances of citation; (b) bonds; (c) signed orders or judgments.

2. Documents electronically transmitted for filing will be received by the clerk on a plain paper facsimile and printed by a laser printer, thereby rendering the copy of archival quality. No document printed on thermal paper shall be filed.

3. No document electronically transmitted shall be accepted by the clerk for filing until court costs and fees have been paid. Court costs and fees may be paid by Mastercard or Visa or through an escrow account established with the clerk. Documents tendered to the clerk electronically without payment of court costs and fees, or with incomplete information on the charge authorization or request, or which do not conform to applicable rules, will not be filed.

4. A fee schedule for electronic filing shall be adopted annually by the clerk and approved by the local courts.

5. An electronically transmitted document accepted for filing will be recognized as the original record for file or for evidentiary purposes when it bears the clerk's official date and time file stamp.

6. Every document electronically transmitted for filing shall conform to the requirements for filing established by the Texas Rules of Civil Procedure, i.e., shall be on paper measuring approximately 8-1/2 x 11 inches, shall be signed individually by the party or the party's attorney of record, and shall contain that individual's State Bar of Texas identification number, if any, address, telephone number and fax number. The quality of the original hard copy shall be clear and dark enough to transmit legibly.

7. The sender shall maintain the original of the document with original signature affixed as required by section 51.806, Texas Government Code.

8. A cover sheet must accompany every transmission which shall: (a) clearly identify the sender, the documents being transmitted, and the number of pages; (b) have clear and concise instructions concerning issuance or other request; and (c) have complete information on the charge authorizing or escrow debit for court costs and fees.

9. The clerk upon receipt of an electronically transmitted document shall verify the completeness of the transmission.

10. The clerk, when satisfied that the transmission is complete, shall confirm the charge authorization or escrow account debit and note the authorization code on the cost receipt. Thereafter, the documents tendered electronically shall be deemed accepted for filing and the clerk shall affix the clerk's official date and time file stamp to the document.

11. If the transmission is found to be incomplete or court costs or fees, if required, are not paid, the clerk will notify the sender as soon as practicable that the transmission has not been filed and the reason.

12. After filing an electronically transmitted document, the clerk will electronically transmit to the sender an acknowledgment of the filing, together with cost receipt, if any.

13. No citation or writ bearing the official seal of the court may be transmitted electronically.

14. Electronic transmission of a document does not constitute filing. Filing is complete when the clerk's official date and time file stamp is affixed to the document.

15. Each page of any document received by the clerk will be automatically imprinted with the date and time of receipt. The date and time imprinted on the last page of a document will determine the time of receipt but not time of filing. Transmissions completed during a normal business day before 5:00 p.m. and accepted for filing will be filed on the day of receipt. Transmissions completed after 5:00 p.m., on weekends or holidays will be verified and filed before 10:00 a.m. on the first business day following receipt of transmission. The sender is responsible for determining if there are any changes in normal business hours.

RULE 3.11 TRANSFER OF CASES; DOCKET EXCHANGE; BENCH EXCHANGE AND SIGNATURE OF ORDERS WHEN PRESIDING JUDGE IS UNAVAILABLE

A. Transfer

Any case may be transferred from one court to another court of concurrent jurisdiction by agreement of: all counsel and/or parties pro se, the court transferring the case, and by the transferee court, provided that the transfer and acceptance be in writing with notice to the local administrative judge and the district clerk.

The presiding judge of the court may, upon notice and hearing, transfer the case(s) from his/her court to any other court having subject matter jurisdiction including but not limited to the following types of cases:

1. Any case arising out of the same transaction or occurrence as did an earlier case.

2. Any suit for a declaration concerning the alleged duty of an insurer to provide a defense for a party to the earlier suit.

The rules governing transfer shall not be used to circumvent the central filing system.

B. Post-Trial Matters

The judge who presided over the trial of any civil case, shall preside over any post-trial matters. However, in those cases where the judge who presided over the trial is unavailable to preside over a post-trial matter, the local administrative judge shall assign another judge, unless all parties agree otherwise.

C. Docket and Bench Exchange

The local administrative judge of the civil trial division may transfer cases between courts in the manner provided by Section A of this Rule and may assign cases from one court to another court for hearing if he/she finds that a court has an inequitable burden due to illness, trial schedule, or other sufficient reasons. Any judge whose court has subject matter jurisdiction may sit in as judge of another court. If a case is on the docket of a court by any manner other than as prescribed by these rules, the local administrative judge of the civil trial division shall, in writing, transfer the case to the proper court with notice to the district clerk.

D. Signature of orders when Presiding Judge is unavailable

Any judge of a Webb County District court, or a judge of a Webb County Court at Law for matters filed in county court or any family law matter, may hear, decide and sign any necessary orders or other documents in cases involving hearings on applications for temporary restraining orders, issuance of writs of sequestration, garnishment and attachment, whether such matters shall be heard ex-parte or otherwise, entries of default judgment, writs and process, and/or any other emergency matter for which the presiding judge in whose court that case is pending is unavailable; provided, however, that a staff member of the unavailable judge takes the proposed order to the respective judge who is being asked to sign the order or document. If the staff of the respective court is also unavailable, then the local administrative judge of the respective court (County or District) may sign the appropriate order or document. If the local administrative judge is also unavailable, then any judge with subject matter jurisdiction (District or County) may sign the proposed order or document.

RULE 3.12 REQUEST FOR TRIAL SETTINGS-NON-JURY

All requests for non-jury trial settings shall be by motion with accompanying fiat and heard pursuant to Local Rule 3.13 or by Rule 11 agreement approved by the Court. See also 3.14, 3.31 and 3.32.

RULE 3.13 DISPOSITION OF UNCONTESTED MATTERS, WALK-IN PROCEDURES

A. Procedure for Walk-Ins on Uncontested Matters

Walk-in hearings on uncontested matters will be allowed at all times that do not conflict with on-going jury or non-jury trials or with complex discovery conferences or hearings. Attorneys shall coordinate the settings with the court coordinator of the respective Court by giving the Court 24-hour notice to allow the court coordinator, or clerk, time to prepare a "walk-in" list; and, to verify that the case is ready for the hearing or trial. A court nonetheless retains the discretion to hear uncontested matters at the time of request. Each Court will post specific days and times available for hearings on uncontested matters.

B. Uncontested Matters

The following matters are considered to be uncontested:

a. Default, agreed and waiver divorces;
b. Agreed orders (including discovery matters);
c. No-answer default judgments;
d. Non-Suits;
e. Friendly Suits;
f. Annulments;
g. Occupational Driver's License;
j. Motion for alternate/substitute service of citation;
h. Adoptions;
i. Expunctions;
j. Non-Disclosures; and
k. Change of name.

RULE 3.14 REQUEST FOR TRIAL SETTINGS (JURY OR NON-JURY)

Cases shall be set for trial by order of the Court pursuant to a pre-trial guideline order. See Appendix A.

RULE 3.15 JURY FEE AND JURY DEMAND

A case will be set on the non-jury docket unless a demand for jury is on file and the jury fee is paid thirty (30) days before the trial setting and in accordance to Tex. R. Civ. P. 216.

RULE 3.16 TRIAL ANNOUNCEMENTS

In all cases set for trial in a particular week, counsel are required to make announcement on their readiness for trial to the Court at the Pre-Trial setting in accordance with the Pre-Trial guideline order. An announcement of "ready" or "ready subject to" another Court engagement may be made to the Court.

RULE 3.17 ASSIGNMENT OF CASES FOR TRIAL

A. Date of Setting

Cases shall be set for trial for a date certain. If a case is not heard on the date set for trial, the Court shall, in compliance with TRCP 245, reset the case to a new date certain. All new settings shall include the submission of a new Pre-Trial Guideline Order with/without new deadlines subject to the Court's discretion.

B. Assignment to Trial

A case is assigned to trial when counsel is called to the court to commence the jury or non-jury trial on the merits.

C. Dead Weeks

Except with the consent of all parties and the respective Court, no court will assign cases to trial on the merits during:

1. The week of the spring, the state, the regional, or the annual judicial conference;
2. The last two weeks in December.

RULE 3.18 CONFLICTING SETTINGS AND ASSIGNMENTS OF COUNSEL

A. Inter-County: The Rules of Procedure of the Fourth Administrative Judicial Region control conflicts in settings of all kinds between Webb County court(s) and courts not in Webb County.

B. Intra-County: Among the trial courts sitting in Webb County.

1. Attorney already in trial in another court:

a. When informed that an attorney is presently in trial, the court will determine where and when assigned. This information will be verified upon request of opposing counsel. The case will be placed on "hold" or reset, depending on when the attorney will be released.

b. If the attorney is not actually in trial as represented by the attorney or his or her agent, the case will be tried without further notice.

2. Attorney assigned to two courts for the same date: All attorneys having conflicts with other court settings and who will be late for docket call or other court settings or hearings/conferences, shall notify the court coordinator and opposing counsel of such conflict as soon as it becomes apparent, and shall state:

a. The nature of the conflict;
b. Where counsel may be reached;
c. What announcement counsel wishes to make; and
d. The time that the Presiding Judge should expect counsel to personally appear.

3. Preferences amongst conflicting settings:

a. It is the duty of an attorney to call the affected Judges' attention to all dual settings as soon as they are known.

b. Insofar as practicable, Judges should attempt to agree on which case has priority, otherwise, the following priorities shall be observed by the judges of the respective courts.

i. Trial/Trial. A trial setting that is assigned takes precedence over a conflicting trial setting not yet assigned.
ii. Trial/Non-Trial. Trial setting take precedence over conflicting non-trial settings.
iii. Cases assigned to jury trial in a United States Court.
iv. Criminal cases.
v. Cases given preference by statute.
vi. Preferentially set cases.
vii. Case set at earliest date.
viii. Case with earliest filing date.
ix. Courts in a multi-court county should yield to courts in rural counties in all other instances of conflicting settings.

4. Waiver. The Court with precedence may yield.

5. Lead Counsel Attorney in Charge. This rule operates only where lead Counsel/Attorney in Charge, as defined by Texas Rules of Criminal Procedures 8, is affected, unless the Court expands coverage to other counsel.

RULE 3.19 PREFERENTIAL SETTINGS

Motions for preferential setting shall be written, verified and specific. Upon request of counsel, such motions shall be granted in the following cases:

A. Cases entitled to preferential setting by law; or

B. A case that the Court has determined because of its nature, circumstances and litigation history, requires a priority trial setting.

RULE 3.20 RESETTING CASES

The parties may not agree to reset a trial setting unless prior notice is given to the court or a timely motion for continuance is filed and the court approves either the reset or continuance. A motion for continuance will not be deemed timely if it is filed after the Thursday before the Monday of jury selection without good cause. A motion for continuance on a non-jury case must be filed no less than four (4) days prior to non-jury trial date.

RULE 3.21 DISMISSAL DOCKET; INVOLUNTARY DISMISSAL

Each court shall periodically schedule a dismissal docket at which time counsel shall appear and show good cause why the case should not be dismissed for want of prosecution.

RULE 3.22 SUSPENSE DOCKET

If a case has been stayed because it relates to a bankruptcy proceeding, suggestion of death or to abatement by previous order of the court, such case is to be transferred to a suspense docket for suspension of further action and the file delivered to the clerk's office subject to later reassignment in accordance with these rules when it becomes appropriate.

RULE 3.23 HEARING ON PRE-TRIAL PLEAS AND MOTIONS

A. Opposed Motions:

1. Conference requirement. No counsel for a party shall file, nor shall any clerk set for hearing, any motion unless accompanied with a "certificate of conference" signed by counsel for movant in one of the forms set out herein. Prior to the filing of a motion, counsel for the potential movant shall attempt to contact counsel for the potential respondent to hold or schedule a conference to resolve the disputed matters. For the purposes of this rule, a "certificate of conference" shall be in the following form (verbatim):

a. "Counsel for movant and counsel for respondent have conducted a conference at which there was a substantive discussion of every item presented to the court in this motion and despite best efforts the counsel have not been able to resolve those matters presented.
Certified to on the ____ day of _____, 20__, by (counsel for movant) and (counsel for respondent).

(Signature of counsel for Movant)
(Signature of counsel for respondent)";

b. "Counsel for movant has attempted to contact the counsel for respondent to resolve the matters
Counsel for the movant has caused to be delivered to counsel for respondent, and counsel for respondent has received, a copy of the proposed motion. At least one attempt to contact counsel for respondent followed the receipt of the proposed motion. Counsel for respondent has nonetheless failed to respond or attempt to resolve the matters presented.
Certified to on the ____ day of _____, 20__, by (counsel for Movant).

(Signature of counsel for Movant)";

or

c. "I, the undersigned counsel for movant, hereby certify to the court that I have conferred with opposing counsel in an effort to resolve the issues contained in this motion without the necessity of court intervention, and opposing counsel has indicated that there is no opposition to the granting of this motion.
Certified to on the ____ day of _____, 20__, by (counsel for movant).

(signature of counsel for movant)."

2. Sanctions: Counsel who refuse to confer, or who ignore attempts to confer, as required by this Rule may be sanctioned by the Court up to an amount which is equivalent to no more than three hours of attorney time at the usual and customary hourly rate prevailing in Webb County.

3. Exceptions to conference requirement: Section (A)(1) of this Rule does not pertain to dispositive motions, motions for summary judgment, motions for default judgment, motions for voluntary dismissal or nonsuit, post-verdict motions, and motions involving service of citation.

4. Form of Motion: Every opposed motion presented for filing shall state with particularity the relief or order sought. A separate proposed order granting the relief sought shall accompany the motion. A memorandum of legal authorities, when deemed appropriate, may be filed with the motion or no later than three days before the hearing.

B. Motions to Quash Depositions

Any party who files a motion to quash depositions must comply with the applicable Texas Rules of Civil Procedure. Upon receipt of the motion, the respondent may ask for a hearing, to be heard within 72 hours but not less than 24 hours subject to the Court's discretion. (The Court may provide a telephonic conference).

C. Unopposed Motions

If any motion is unopposed by all counsel of record, counsel may simply so state conspicuously on the face of the motion. In such event, the motion will be submitted by the clerk to the judge for approval and will be granted routinely without a hearing unless the judge is of the view that the granting of such motion is not in the interest of justice. A separate proposed order granting the relief sought shall accompany the motion.

D. Setting of Hearings on Motions

Moving counsel seeking a hearing on a filed motion may submit a written fiat or order setting hearing to the Court coordinator in which the case is pending. The fiat or order setting hearing must:

1. specifically identify the cause number;
2. contain the style or caption;
3. state the matter to be heard;
4. identify the party requesting the hearing;
5. leave blank spaces for the time, day, and month for the requested hearing;
6. provide a signature line for the coordinator or the judge;
7. estimate the total amount of in-court time necessary to dispose of the matter; and
8. be served on all counsel of record at the same time and in the same manner that it is presented to the coordinator.

Included with the fiat or order setting hearing shall be at least three (3) proposed hearing dates and times by order of preference and in accordance with any applicable Texas Rules of Civil Procedure (e.g. 21, 87(1), 166a). If unavailable on all proposed hearing dates or if in disagreement with the time estimate, a non-moving counsel may inform the coordinator and moving counsel in writing and propose at least 3 alternate hearing dates and times or a competing time estimate within three business days of receiving the fiat or order setting hearing. A non-moving counsel's failure to provide alternate hearing dates will preclude a later attempt to continue or reschedule a set motion on the basis of prior unavailability.[1] The coordinator must then set the matter for hearing within five business days of receiving the fiat or order setting hearing, or advise moving counsel as to why the matter cannot be set for hearing.

E. Motion Days: Insofar as practical, separate dockets will scheduled and maintained for criminal, tax, and civil cases so as to prevent delay amongst those distinct dockets. Preferably, criminal dockets will be scheduled and noticed to commence at least 1 hour before civil dockets. Tax dockets will be scheduled at 2:00 p.m., Monday through Thursday, so as not to interfere with either civil or criminal dockets. Civil docket calls will be further scheduled and noticed according to whether a matter is uncontested, contested, or complex.

1. Uncontested Civil Matters: Unopposed motions, agreed divorce decrees, default judgments, and similar uncontested matters that may be resolved in less than 5 minutes of in-court time are to be scheduled and noticed at least 30 minutes before Contested Civil Matters.

2. Contested Civil Matters: Matters requiring less than 1 hour of in-court time to resolve are to be scheduled and noticed after uncontested civil matters but before complex civil matters.

3. Complex Civil Matters: Matters requiring more than 1 hour of in-court time will be scheduled and noticed after contested civil matters.

4. Docket Calls. Courts shall call the criminal, tax, and civil dockets for announcements at the noticed times. When their case is called, counsel for the parties should announce whether they are ready or not, conferring, or if the matter is to be reset, dropped, or disposed of by agreement. If a hearing is necessary, counsel for the parties should confirm the amount of in-court time necessary to resolve the matter.

F. Waiver of Hearing: Hearings on any motion may be waived if all counsel of record agree and notice of same is given to the court. Argument in summary judgment matters may be waived by agreement of counsel and court by written notice to the court. (See Rule 3.3~~1~~)

G. Request for Ruling: If a motion has not been ruled upon within 3 weeks of its hearing or submission, any party affected by that motion may request a ruling from the

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[1] If the italicized language in this paragraph is included as an admonition in a fiat properly served on non-moving counsel, a subsequent non-conforming request to continue or re-schedule based on unfamiliarity with the Webb County Local Civil Rules will be denied.

respective court. A certificate of conference is not required. The Court coordinator will set the matter for ruling within 10 days from the filing of the request for ruling.

H. 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 the party against whom relief is sought ex parte is not represented by counsel in the matter made the basis of the relief sought;

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.

RULE 3.24 ATTORNEY APPEARANCES AND AUTHORITY

A. All hearings, scheduling conferences and pre-trial conferences shall be attended by the attorney-in-charge or co-counsel who is/are familiar with the case and who is/are fully authorized:

1. To state the clients position on the law and the facts;
2. To make agreements as to scheduling;
3. To enter into stipulations;
4. To stipulate to the admissibility, and/or authenticity of exhibits; and
5. To negotiate settlement.

Attorneys for all parties shall be physically present at the scheduling conference unless arrangements have been made for such conference to be held by telephone.

B. Each attorney shall bring their trial calendar in order to arrange settings which do not conflict with previous engagements of counsel. Under no circumstances may an attorney be represented at any scheduling conference or pre-trial conference, whether held by telephone or otherwise, by any secretary or other non-lawyer personnel.

C. Under no circumstances will an attorney be permitted to condition or limit an appearance on behalf of a client at a hearing, scheduling conference or pretrial conference in deference to an attorney-in-charge who is not present.

RULE 3.25 NON-COMPLIANCE WITH APPEARANCE AND AUTHORITY PROCEDURES

When counsel for either party, after notice, and without good cause, fails to appear or is unprepared for a hearing, scheduling conference or pre-trial conference, the court may:

A. Make all scheduling decisions and rule on all motions, exceptions or other matters;

B. Declare any motions or exceptions that have been prepared as having been waived;

C. Alter the trial setting or other scheduling matters, decline to set the case for trial, cancel the setting previously made, or take such other action that is deemed just and proper; and

D. Pass and reset the hearing or conference in which case the party represented may be entitled to recover reasonable attorney's fees and expenses.

RULE 3.26 DISCOVERY DISPUTES

A. Discovery Motions

Any motion for discovery may be treated as premature unless counsel for movant has:

1. Made a good faith effort to obtain such discovery or relief from opposing counsel by agreement;

2. Complied with the applicable Rules of Civil Procedure, and has been unsuccessful, or shows good cause for not making such an effort; and

3. Includes a proposed order and certificate of conference pursuant to Local Rule 3.24.

All parties shall complete discovery not less than thirty (30) days prior to the date said case is set for trial unless otherwise ordered by the Court or agreed upon by parties.

B. Effect of Motion to Quash Deposition and/or for Protection

1. The filing of a motion to quash a deposition with the district clerk and service on opposing counsel or parties shall be in accordance with Local Rule 3.24 and with Texas Rules of Civil Procedure. Otherwise, the filing of a motion to quash does not stay a deposition.

2. The parties may, by Rule 11 agreement, agree to proceed with a partial deposition while still reserving part or all of the objections made in the motion for protection.

RULE 3.27 SEVERANCES

All motions to sever will be controlled by the provisions of Rules 41 and 174, Texas Rules of Civil Procedure, and such rules will be strictly construed.

RULE 3.28 CONTINUANCES

No trial setting shall be passed except by:

A. Settlement, in writing or on the record;
B. Written agreement/motion for continuance of all parties, with consent of the court;
C. A motion for continuance timely filed under the Texas Rules of Civil Procedure with consent of the court;
D. Such motions shall be heard on the Court's motion day or sooner, if necessary.

RULE 3.29 DEFAULT JUDGMENTS

All uncontested proceedings shall be heard expeditiously on a walk – in basis pursuant to Rule 3.14.

RULE 3.30 SUMMARY JUDGMENTS

A. All motions for summary judgment will be controlled by the provisions of Rule 166a of the Texas Rules of Civil Procedure.

B. Counsel of record may agree to submit the motion for summary judgment without oral argument by filing jointly, a written waiver five (5) days prior to the setting.

RULE 3.31 COMPLEX CASE DESIGNATION

It is recognized that in especially complex cases or cases involving special circumstances, modifications to the docket control and scheduling order may be required. Therefore, cases where the issues are complex may, upon motion of any of the parties or the Court's own motion, be designated as a "Complex Case." If a case is designated as complex by the Court, the parties shall file a Complex Designation Order and submit a Complex Case Docket Control and Scheduling Order in the form prescribed in Appendices B and C for the Court's approval.

RULE 3.32 PRE-TRIAL GUIDELINE ORDER AND SCHEDULING CONFERENCES

Upon the filing of a new lawsuit with the assignment of a cause number and court, the parties will be set for hearing for the entry of a pre-trial guideline order. If all parties to the litigation submit an Agreed Pre-Trial Guideline Order on the approved form by the Webb County District Courts and County Courts at Law and the respective court approves same prior to the hearing date, then the parties do not need to appear at the hearing for Entry of Pre-Trial Guideline Order. Assignment of trial dates will be governed by the Court's calendar which is prepared in accordance with Rule 1.11.

RULE 3.33 CERTIFICATE OF PROGRESS

In Level 3 and cases designated as Complex Cases pursuant to Local Rule 3.33, all parties are required to submit a joint Certificate of Progress to the Court 60 days before the Final Pre-Trial Hearing. The joint Certificate of Progress shall advise the court: (1) the status of mediation; (2) all pending motions for which any party is requesting a ruling prior to the Final Pre-Trial Hearing and submit/re-submit any proposed orders thereon; (3) any outstanding discovery or concerns as to whether discovery will be completed prior to the discovery deadline; and (4) good faith identification of those matters for which the parties anticipate a need for hearing at the final pre-trial hearing and estimated time of argument on each dispute. Upon submission of the Certificate of Progress, the court or any party may set the cause for a pre-trial conference prior to the parties appearance at the Final Pre-Trial Hearing. See Appendix D.

RULE 3.34 FINAL PRE-TRIAL HEARING

All parties are required to submit a Joint Final Pre-Trial Report seven days before the final pre-trial hearing on the approved form for the Webb County District Courts and the County Courts. See Appendix E

All parties are required to exchange Exhibit Lists and Witness Lists at the Final Pre-Trial Hearing. All parties are required to make their exhibits available for inspection on the date of the Final Pre-Trial Hearing or on any other date upon reasonable notice and request.

The parties shall disclose all witnesses who are anticipated as being called by way of deposition and identify the corresponding video or written deposition testimony by page and line 10 days before the Final Pre-Trial Hearing. Any objections and/or cross-line page and line designations to video or written deposition testimony shall be filed 7 days before the Final Pre-Trial Hearing.

RULE 3.35 TRIAL WITNESSES AND EXHIBITS

Each Attorney shall pre-mark and identify their exhibits prior to trial by the date ordered by the court. Each attorney shall prepare a list of trial exhibits and provide the court and opposing counsel a copy of this list prior to trial.

A proffering counsel must file and serve line and page designations for deposition testimony that will be offered at trial at least 1 week before the final pretrial conference. An opposing attorney must then file and serve a request for ruling on any objection lodged to the deposition testimony and cross line and page designations at least 3 days before the final pretrial conference. Rulings on objections to deposition testimony and optional completeness requests will be made at the final pretrial conference.

RULE 3.36 SETTLEMENTS

Counsel of record shall immediately notify the court coordinator and/or the court of the fact that the parties have reached a settlement, notwithstanding that the agreement is reached over a weekend.

RULE 3.37 JURY SELECTION

All jury panels will be summoned to the central jury area and qualified there. Voir dire will be conducted in the courts on Mondays and subsequent days.

RULE 3.38 JURY CHARGE QUESTIONS AND INSTRUCTIONS

Attorneys whose cases are on the jury docket shall report to court at 8:15 a.m. on the date set for trial and jury selection and submit to the court, in proper written form, their proposed initial jury questions/instructions, and legal authorities in support of same, unless ordered to do so earlier. Other jury questions and instructions may be submitted during trial as the evidence may dictate.

RULE 3.39 SUBMISSION OF ORDERS, JUDGMENTS, INSTRUCTIONS.

A. All Cases - The order and judgment shall be forwarded to opposing counsel for signature for approval as to form with seven (7) days. Opposing counsel shall file any objections to the proposed judgment and/or order within three (3) working days of receipt of the proposed judgment. The judgment and/or order and all accompanying forms should be presented to the court no later than fourteen (14) days after final hearing.

B. Contested Divorce Actions - In contested divorce cases the petitioner's attorney, or pro-se petitioner, shall prepare and submit the proposed decree of divorce and the bureau of vital statistics form in with Rule 3.43 and 4.10.

C. Uncontested Divorce Actions - In uncontested divorce cases, the petitioner's counsel or pro-se petitioner shall be responsible for submitting the proposed divorce decree, bureau of vital statistics form, assignment of wages order, notice to employer, order withholding income for support.

D. All Divorce Cases or Cases Ordering Child Support – In divorce cases the attorney for the party receiving child support shall file the order of assignment of wages, which will conform with the decree of divorce and must be properly completed, especially as it relates to the employer, amount to be paid weekly, biweekly, or monthly. Further, no order of assigning wages is complete, unless accompanied by notice to employer and request for issuance of the order withholding wages. Before the date of final trial, all cases must have on file the Bureau of Vital Statistics form (except for date of hearing which will be filled in on date of hearing) and the order for assignment of wages (leave blanks for monetary amounts).

In all post divorce decree matters, ie., motions to modify, to enforce, etc., the prevailing party through their attorney shall submit the appropriate Orders as granted by the court, to the court, copy to adverse counsel, and/or pro se party, after which the court will process it for entry, as stated above.

RULE 3.40 OTHER LOCAL RULES

A. Miscellaneous Pleadings - Every pleading of a party shall be properly titled. The motion and order must be properly identified, e.g. "Plaintiff's Motion for Summary Judgment" and "Order Setting Plaintiff's Motion for Summary Judgment."

B. Deposit of Monies in Registry of Court - In cases where monies are deposited into the registry of the court, it shall be the responsibility of all counsel and attorneys ad litem to make certain that the order or judgment instructs the district clerk about the disposition of the monies. Any order or judgment filed under this section shall also include the names, the last four digits of the social security numbers, addresses and phone numbers of all interested parties. Appropriate forms to effectuate the purpose and intent of this rule may be obtained at the Webb County district clerk's office. Failure to comply will result in the district clerk depositing the funds in non-interest bearing accounts.

RULE 4
FAMILY LAW CASES

RULE 4.10 TIME STANDARDS FOR FAMILY LAW CASE DISPOSITION

A. Contested Family Law Cases- All contested family law cases shall be heard within six (6) months from appearance date or within six (6) months from the expiration of the waiting period provided by the Family Code where such is required, whichever is later. All parties and counsel must be ready for trial on the merits after ninety (90) das or on the date designated on the form attached to the petition and citation.

If no activity is reflected on the docket sheet, the case will be subject to a dismissal for want of prosecution.

If a case is complex and/or extraordinary requiring additional preparation, a motion can be filed in accordance with Rule 3.33.

B. District and County Courts at Law

1. The controlling date is the Friday of the weed a divorce is filed.

2. Non-jury Cases: The cases shall be automatically set for trial by the Webb County District Clerk, subject to the dates previously provided by each Court. The trial date shall be provided in writing to Respondent and attached to the citation.

3. Jury Cases: A written jury request and the fee must be filed and paid thirty (30) days before the trial date.

4. The parties may ask for a continuance in writing at least ten (10) days before the non-jury date and thirty (30) days before the jury trial date. If the Court grants a continuance, the case will be automatically set for pre-trial seven days following the original scheduled hearing date the next available setting, subject to the Court's discretion. The Court will also set a trial date not to exceed thirty (30) days from the pre-trial hearing.

5. Submission of the Judgments, Orders, Decrees, and Bureau of Vital Statistic Forms:

a. Petitioner's attorney shall prepare and submit the Bureau of Vital Statistics form and the divorce decree, unless Respondent's attorney agrees to prepare and submit same.

b. The support-receiving parties' attorney shall be responsible for filing the order of assignment of wages. This order shall conform to the decree of divorce and must be properly completed, particularly as it relates to the employer and the amount to be paid weekly, biweekly, and monthly. Further, no order assigning wages is complete unless accompanied by notice to the employer and request for issuance of the order withholding.

c. Before the date of hearing, all cases must have on file the Bureau of Vital Statistics form, (except date of hearing which will be filled in on date of hearing) and the order of assignment of wages. (Leave blank spaces for monetary amounts). There will be no exceptions.

d. Parties not complying are subject to sanctions.

e. The case shall be set for entry of judgment two weeks following the date of hearing at 9:00 a.m. unless an appropriate Order is submitted beforehand.

RULE 4.11 ANCILLARY PROCEEDINGS, TEMPORARY ORDERS, AND EMERGENCY MATTERS.

The following shall be the standing order of the Webb County District and County Courts at Law.

WEBB COUNTY DISTRICT CLERK'S FILE NO. _____
(LOCAL RULES AND GENERAL ORDERS)
WEBB COUNTY STANDING ORDER REGARDING CHILDREN, PROPERTY AND CONDUCT OF THE PARTIES
THIS ORDER IS A MUTUAL ORDER AND APPLIES TO BOTH PARTIES AND THEIR AGENTS

No party to this lawsuit has requested this order. Rather, this order is a standing order of the Webb County District Courts and Webb County Courts at Law that applies in every divorce suit and every suit affecting the parent-child relationship filed in Webb County. The District Courts and the County Courts at Law of Webb County have adopted this order because the parties and their children should be protected and their property preserved while the lawsuit is pending before the court. Therefore, it is ORDERED:

A. No Disruption of Children. Both parties are ORDERED to refrain from doing the following acts concerning any children who are subjects of this case:

1. Removing the children from the State of Texas, acting directly or in concert with others, without the written agreement of both parties or an order of this Court.
2. Disrupting or withdrawing the children from the school or day-care facility where the children are presently enrolled, without the written agreement of both parents or an order of this Court.
3. Hiding or secreting the children from the other parent or changing the children's current place of abode, without the written agreement of both parents or an order of this Court.
4. Disturbing the peace of the children.

B. Conduct Of The Parties During The Case. Both parties are ORDERED to refrain from doing the following acts:

1. Using vulgar, profane, obscene, or indecent language, or a coarse or offensive manner, to communicate with the other party, whether in person, by telephone, or in writing.
2. Threatening the other party in person, by telephone, or in writing to take unlawful action against any person.
3. Placing one or more telephone calls, at an unreasonable hour, in an offensive or repetitious manner, without a legitimate purpose of communication, or anonymously.
4. Opening or diverting mail addressed to the other party.

C. Preservation of Property and Use of Funds during Divorce Case. If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following acts:

1. Destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties.
2. Misrepresenting or refusing to disclose to the other party or to the Court, on proper request, the existence, amount, or location of any property of one or both of the parties.
3. Damaging or destroying the tangible property of one or both of the parties, including any document that represents or embodies anything of value.

4. Tampering with the tangible property of one or both of the parties, including any document that represents or embodies anything of value, and causing pecuniary loss to the other party.

5. Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of either party, whether personal property or real estate property, and whether separate or community, except as specifically authorized by this order.

6. Incurring any indebtedness, other than legal expenses in connection with this suit, except as specifically authorized by this order.

7. Making withdrawals from any checking or savings account in any financial institution for any purpose, except as specifically authorized by this order.

8. Spending any sum of cash in either party's possession or subject to either party's control for any purpose, except as specifically authorized by this order.

9. Withdrawing or borrowing in any manner for any purpose from any retirement, profit-sharing, pension, death, or other employee benefit plan or employee savings plan or from any individual retirement account or Keogh account, except as specifically authorized by this order.

10. Signing or endorsing the other party's name on any negotiable instrument, check, or draft, such as tax refunds, insurance payments, and dividends, or attempting to negotiate any negotiable instrument payable to the other party without the personal signature of the other party.

11. Taking any action to terminate or limit credit or charge cards in the name of the other party.

12. Entering, operating or exercising control over the motor vehicle in the possession of the other party.

13. Discontinuing or reducing the withholding for federal income taxes on wages or salary while this suit is pending.

14. Terminating or in any manner affecting the service of water, electricity, gas, telephone, cable television, or other contractual services such as security, pest control, landscaping, or yard maintenance at the other party's residence or in any manner attempting to withdraw any deposits for service in connecting with such services.

D. Personal and Business Records in Divorce Cases. If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following acts:

1. Concealing or destroying any family records, property records, financial records, business records or any records of income, debts, or other obligations.

2. Falsifying any writing or record relating to the property of either party.

3. "Records" include e-mail or other digital or electronic data, whether stored on a computer hard drive, diskette or other electronic storage device.

E. Insurance in Divorce Case. If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following acts:

1. Withdrawing or borrowing in any manner all or any part of the cash surrender value of life insurance policies on the life of either party, except as specifically authorized by this order.

2. Changing or in any manner altering the beneficiary designation on any life insurance on the life of either party or the parties' children.

3. Canceling, altering, or in any manner affecting any casualty, automobile, or health insurance policies insuring the parties' property of persons including the parties' minor children.

F. Specific Authorizations in Divorce Case. If this is a divorce case, both parties to the marriage are specifically authorized to do the following:

1. To engage in acts reasonable and necessary to the conduct of that party's usual business and occupation.

2. To make expenditures and incur indebtedness for reasonable and necessary living expenses for food, clothing, shelter, transportation and medical care.

3. To make expenditures and incur indebtedness for reasonable and necessary living expenses for food, clothing shelter, transportation and medical care.

4. To make withdrawals from accounts in financial institutions only for the purposes authorized by this order.

G. Earnings Information to Initial Hearing. The parties are ORDERED to bring the following documents to the initial hearing conducted in a SAPCR and/or a Divorce Case:

1. Copies of the most recent pay stubs; and

2. Copies of the parties' W-2's for the two years preceding the filing of the litigation; and

3. Income tax returns, together with all schedules, for the two years preceding the filing of the litigation.

H. Service and Application of This Order.

1. The Petitioner shall attach a copy of this order to the original petition and to each copy of the petition. At the time the petition is filed, the Clerk shall ensure that a copy of this order is attached to the petition and every copy of the petition presented.

2. This order is effective upon the filing of the original petition and shall remain in full force and effect as a temporary restraining order for fourteen days after the date of the filing o the original petition. If no party contests this order by presenting evidence at a hearing on or before fourteen days after the date of the filing of the original petition, this order shall continue in full force and effect as a temporary injunction until further order of the court. This entire order will terminate and will no longer be effective once the court signs a final order.

I. Effect of Other Court Orders. If any part of this order is different from any part of a protective order that has already been entered or is later entered, the protective order provisions prevail. Any part of this order not changed by some later order remains in full force and effect until the court signs a final decree.

J. Parties Encouraged To Mediate. The parties are encouraged to settle their disputes amicably without court intervention. The parties are encouraged to use alternative dispute resolution methods, such as mediation, to resolve the conflicts that may arise in this lawsuit.

K. ADDITIONAL RELIEF. Nothing in these rules shall preclude the filing of any other motion for additional specific and/or extraordinary relief.

THIS WEBB COUNTY STANDING ORDER REGARDING CHILDREN, PROPERTY AND CONDUCT OF THE PARTIES SHALL BECOME EFFECTIVE ON DECEMBER 2, 2009.

RULE 4.12 DISPOSITION PROPOSALS

In disputed property division cases, each attorney shall file a sworn inventory and appraisement as set out in rule 4.17 of these local rules and shall submit to the Court and opposing counsel not later than the commencement of trial a proposed property division including property claimed or recognized as separate property.

Except in emergency situations or by mutual agreement of the parties there shall be no hearings held during the time that the State Bar of Texas Advanced Family Law Conference is conducted except extraordinary.

RULE 4.13 UNCONTESTED MATTERS

Uncontested matters shall be handled by an uncontested docket as directed by the Court. No scheduled setting will be required for such dockets. Parties desiring to appear at the uncontested docket shall provide notice to the court at least one day prior to the setting. Refer to Rule 3.14 of the Local Civil Rules.

RULE 4.14 FINANCIAL INFORMATION AND DISCLOSURE

A. Temporary Orders. Unless otherwise agreed to by the parties, or for good cause and court approval, in any hearing for temporary orders in which child support or spousal support is an issue, the parties shall complete and exchange the following documents prior to the commencement of the hearing:

1. A sworn statement of the household usual and ordinary monthly income and expenses;

2. Copies of that party's federal income tax returns for the two calendar years preceding the filing of the Original Petition or Suit Affecting Parent-Child Relationship;

3. All payroll statements, pay stubs, W2 forms and 1099 forms, and all supporting schedules, and any other document evidencing any and all of that party's earning for the calendar year immediately prior to the filing of the Original Petition for Divorce or Suit Affecting Parent-Child Relationship for child support (SAPCR) and from January 1 of the current year through the date of the final hearing; and

4. Copies of any financial statements prepared for any financial institution for the years prior to the first hearing from January 1 of the current year through the date of the final hearing.

This rule providing for the exchange of information shall constitute a discovery request under the T.R.C.P., and failure to comply with this rule may be grounds for sanctions, as provided by Rule 215 of the T.R.C.P. Sanctions shall not issue if the judge determines after a show cause hearing that the failure to comply was not willful.

B. Final Financial Information.

1. This rule providing for the exchange of information shall constitute a discovery request under the T.R.C.P. and failure to comply with this rule may be grounds for sanctions, after a show cause hearing.

2. All financial information, if filed with the court, may have personal information, account numbers and other similar information redacted.

C. Inventory. Each inventory shall list each items of property and its value, and shall also list each liability, together with the amount of the liability, the number of periodic payments in arrears, if any, the property securing its payment, and the name of the creditor. Any property or liability claimed to be separate property shall be so characterized. All beneficial interest in insurance and all benefits arising from a party's employment (such as pensions, profit sharing plans, savings or thrift plans, whether vested or non-vested) shall be indentified. Each party shall incorporate as an exhibit to the inventory the last information furnished about to the employee's rights and monetary interest in the retirement and saving plans. Each party shall also furnish sufficient information so the court may render a qualified domestic relations order, if applicable. A summary attached to the inventory shall list and total, in columnar format, the property values and liabilities. Each inventory shall show the net worth of the community estate and the net worth of any claimed separate estate.

D. Duty of Disclosure. Without waiting for a discovery request, each party to a suit for divorce, annulment, or a suit in which child or spousal support is in issue or Suit Affecting Parent-Child Relationship, has a duty of disclosure of certain information to the other party. "Disclosure" includes providing for inspection and copying the information in the party's "possession, custody or control," as that phrase is defined in Rule 166b (2) (b) of the T.R.C.P. Different types of suits require disclosure of different information.

E. Duty of Supplement. After disclosure is made pursuant to this rule, each party shall be under a duty to reasonably supplement or to amend the information if the party obtains information on the basis of which he or she knows that the information disclosed was either

incomplete or incorrect when made, or is no longer complete or true. Each party shall reasonably supplement or amend the information no later than thirty (30) days prior to final hearing.

F. Rule 11. The provisions of this rule may be modified by agreement pursuant to T.R.C.P. Rule 11.

RULE 4.15 CHILD SUPPORT GUIDELINES

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

The Courts shall adopt the Child Support Guidelines as set forth in Chapter 154 of the Texas Family Code as presently promulgated and as it may, from time to time, be amended.

A. Application for and Refusal of IV-D Child Support Services

1. All final orders on which child support is initially ordered to be paid by a party shall be deemed to include an application to Title IV-D child support services provided by the Office of the Attorney General of Texas, Pursuant to Chapter 231 of the Texas Family Code. (This rule shall apply to all final orders initially ordering child support rendered by all Webb County Courts after the effective date of these rules.)

2. Unless required to accept Title IV-D child support services pursuant to other laws, a child support obligee entitled to receive services pursuant to this rule may decline services by filing a written Refusal of Child Support Services with the District Clerk. Refusal of Title IV-D child support services pursuant to this rule does not preclude a subsequent written application for services.

RULE 4.16 VISITATION AND ACCESS TO CHILDREN

The courts shall adopt the Guidelines for The Possession of a Child by a Parent Names as Possessory Conservator as set forth in Chapter 153, Subchapter E of the Texas Family Code as presently promulgated and as it may, from time to time, be amended.

The Courts shall adopt the Standard Possession Order as set forth in Chapter 153; Subchapter F of the Texas Family Code as presently promulgated and as it may, from time to time, be amended.

RULE 4.17 INVENTORY AND APPRAISEMENT

In a case where the division of the marital estate is in dispute, and unless waived by the parties in writing, each party shall exchange a final sworn inventory and appraisement, no later

than thirty (30) days before the trial date. The parties shall file with the court a certificate of compliance with this provision. A final sworn inventory and appraisement shall be supplemented on or before and no later than seven (7) days before trial. The inventory and appraisement shall be in a form substantially similar to Form 7-12 of the Texas Family Law Practice Manuel published by the State Bar of Texas.

The parties may agree or request the Court for an earlier date to exchange inventories. If a party or the parties fail to prepare and/or file the inventory and appraisement as required, the Court may conduct a pre-trial hearing and make such orders with regard to the failure as are just, including but not limited, sanctions, pursuant to Rule 215(2)(b) of the Texas Rules of Civil Procedure as presently promulgated and as it may, from time to time, be amended.

Any party may request that the Sworn Inventory and Appraisement be sealed.

RULE 4.18 AD LITEM APPOINTMENTS

In cases where attorneys or guardians ad-litem are required by law and unless otherwise agreed by the parties or on the court's own motion, the request for appointment of same shall be made in writing to the Court Administrator who will supply the attorney's name next appearing on the court's rotating lists. Payment of ad-litem fees shall be shared equally by the parties, unless otherwise ordered by the court.

RULE 4.19 MEDIATION COUNSELING

On written agreement of the parties or on the court's own motion, the court may at any time refer a suit to mediation. A mediated settlement agreement shall be binding on the parties if the agreement states that it is not subject to revocation, it is signed by each party, and by each party's attorney who is present at the time the agreement is signed. The court may appoint a mediator who has completed a minimum of 40 classroom hours of training or in its discretion another party pursuant to Texas Family Code §154.052.

RULE 4.20 REFERRAL TO MASTER

The courts will follow the rules pursuant to the Texas Family Code.

RULE 5 [RESERVED FOR JUVENILE CASES]

RULE 6
CRIMINAL CASES

RULE 6.01 POLICY STATEMENT

It is the responsibility of the courts to establish procedures for the timely and effective disposition of criminal cases. The courts are charged with the responsibility of ensuring both the State of Texas and all defendants a fair and timely resolution of criminal accusations and the courts are in the best position to establish neutral rules and policies without adversely affecting either side's right to a fair trial. Effective management of the judicial system will build

continuing respect by the community for government, minimize the costs and maximize the probability that cases will be timely resolved. It is the purpose of these rules to establish such procedures.

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

RULE 6.02 PRE-FILING DOCUMENTS

A. The District Clerk shall accept and file all felony complaints presented and initiate a case file and identify each case with a unique file number in numerical sequence pending on or filed after June 1, 2010. The County Clerk shall accept and file all misdemeanor complaints presented and initiate a case file and identify each case with a unique file number in numerical sequence. The County or District Clerk's office is responsible for maintaining custody of the following original documents relating to an arrest or charge for a Class A or B misdemeanor or any felony offense until an information or indictment has been filed according to the accused's unique file number.

1. Bonds. A pretrial services officer shall collect original bonds from the Sheriff daily and file them with the County or District Clerk.

2. Magistrate's Warning. A pretrial services officer shall collect the original complaints and the Magistrate's Warnings from the magistrate daily and file them with the County or District Clerk according to the accused's unique file number.

a. If an incarcerated defendant has not requested appointment of counsel, the completed original Magistrate's Warning will be collected from the magistrate by a pretrial services officer immediately after completion of the warning and filed with the County or District Clerk according to the accused's unique file number.

b. If an incarcerated defendant has requested appointment of counsel, the completed original Magistrate's Warning shall be delivered to the County or District Clerk by the pretrial services officer for filing by the accused's unique file number after the magistrate has determined the indigency status of the defendant and appointed counsel for the defendant, if found to be indigent.

c. Applications for Court Appointed Attorneys, Affidavits of Indigency and Orders Relating to Appointment of Counsel entered prior to filing case with County or District Clerk. All original applications for court appointed counsel, affidavits of indigency and any orders entered prior to the filing of a case relating to appointment of counsel or determination of indigency shall be delivered to a pretrial services officer after the magistrate has completed the determination of indigency and appointment of counsel for filing with the County or District Clerk by the accused's unique file number.

d. Other. Miscellaneous documents relating to the accused's case (e.g., applications for probation, letters from attorneys, etc.) will be forwarded by the

prosecuting attorney upon receipt to be filed with the District or County Clerk to be placed in the accused's unique file number.

B. All of the documents, with the exception of the original bond, pre-filed by tracking number with the District or County Clerk prior to the filing of an information or return of an indictment will be maintained in the accused's unique file number in the District or the County Clerk in the official clerk's file. The indictment or information will be filed in the accused's unique file number along with the pre-filed documents.

C. Magistrate's warnings and bonds made after arrests in other cases where there is already an open clerk's file according to the accused's unique file number (e.g., arrests after motion to revoke/proceed or after a capias is issued in connection with bond forfeiture) will be filed by the pretrial services officer with the appropriate clerk for placement in the clerk's file.

D. The district clerk's or county clerk's offices shall maintain the original bonds received directly from the magistrates or a pretrial services officer. If a bond forfeiture proceeding is filed, then the original bond will be filed in that the bond forfeiture case file. The district attorney's office shall file a copy of the bond in the criminal case file when the information is filed or indictment is returned.

RULE 6.03 ATTORNEY APPOINTMENT

Appointment of counsel to represent indigent defendants is governed by The Standards and Procedures for The Appointment of Counsel for Indigent Defendants Plan adopted by the district and county court at law judges. The judges trying criminal cases will administer the Plan. Counsel appointed to represent indigent defendants will adhere to the rules of the Plan. The Standard and Procedures for The Appointment of Counsel for Indigent Defendants Plan is posted online.

RULE 6.04 FILINGS IN THE DISTRICT COURTS; RETURN OF INDICTMENT; ASSIGNMENT OF CASES AFTER INDICTMENT

A. The District Clerk shall accept and file all felony complaints presented and open a case file, identifying each case with the unique file number. Such cases shall be assigned to one of the district courts trying criminal cases by utilization of the Automated Random Assignment courts. Criminal cases shall be assigned in accordance with the orders adopted by the District Courts Administrative Board.

B. The unique file number shall be placed on the original complaint presented and the district clerk shall pen the district court felony case file provided for in Rule 6.02 A.

C. After random assignment, the Clerk shall assign any new indictment or information filed at the felony level against a defendant to the Court having a lower pending cause number on that same defendant.

D. The Clerk shall assign any re-indictment of the same defendant related to the same offense to the same Court in which the prior indictment was assigned.

E. The Criminal District Attorney shall note on a non-substantitve part of the indictment the following information.

1. Whether there are other pending indicted causes on the defendant, whether the indictment is a re-indictment,
2. The names of any Co-defendants;
3. The tracking number and/or assigned unique file number.

F. Related Matter. When a defendant has been the subject of a case relating to a criminal matter, but filed as a civil case (e.g., habeas corpus, motion for bond reduction, or petition for forfeiture of property), any criminal case(s) against that defendant and related to the same criminal transaction shall be assigned to the court to which that criminal case was assigned, provided the court has subject matter jurisdiction.

G. Post Conviction Filings. The Clerk shall file any motion to revoke probation or any post-conviction application for writ of habeas corpus in the Court having granted probation or entered the judgment in the case.

H. Appearance Before Magistrate. A person accused of a felony in custody in the Webb County Jail should be taken before the designated district judge or before the magistrate for the accused's initial appearance on or before the third business day following the accused's receipt at the jail. The purpose of the initial appearance shall be to present the accused before a District Court at the earliest practicable time for the possible disposition of the accused's case before indictment (whether by plea of guilty, dismissal, or no charges filed), for the accused's formal arraignment or magistration if required by law, for setting or reducing his bail, for appointment of counsel, and for such other preliminary matters as may aid the prompt disposition of the case.

I. Erroneous Filing. When the district clerk erroneously assigns a criminal or civil case in conflict with the above rules, the affected courts may transfer the case to conform to these rules. However, nothing herein shall affect the otherwise lawful jurisdiction of a court to which a case is assigned.

J. Transfer of Cases. Subject to the approval of the transferee judge, any criminal case may be transferred to another court having jurisdiction by written order.

K. The district judges of Webb County shall appoint the criminal law magistrate(s)/54A Associate Judge(s) (Tx Govt Code). Each appointment must be made with the approval of a majority of the district judges.

RULE 6.05 CRIMINAL MAGISTRATE/ASSOCIATE JUDGE

Except as limited by an order of referral, a magistrate/associate judge to whom a case is referred has the powers as listed in section 54A, Tx. Government Code, including but not limited to:

A. Conduct hearings;
B. Hear evidence;
C. Compel production of relevant evidence;
D. Rule on Admissibility of evidence;
E. Issue summons for the appearance of witnesses;
F. Examine witnesses;
G. Swear witnesses for hearings;
H. Make findings of fact on evidence;
I. Formulate conclusions of law;
J. Rule on a pre-trial motion;
K. Recommend the rulings, orders, or judgment to be made in a case;
L. Regulate proceedings in a hearing;
M. Accept a plea of guilty for a misdemeanor from a defendant charged with both misdemeanor and felony offenses; and
N. Do any act and take any measure necessary and proper for the efficient performance of the duties required by the order of referral.

RULE 6.06 FILINGS IN THE COUNTY COURT AT LAW COURTS; ASSIGNMENT OF CASES

A. Criminal cases shall be assigned in accordance with the orders established by the County Courts at Law Administrative Board.

B. As provided for in the County Courts at Laws' orders, the Clerk shall randomly assign every criminal case filed by information at the county court at law level pending on or filed after June 1, 2010.

C. Any new information against a defendant will be transferred to the court in which prior information was assigned.

D. Any re-filed or amended information will be filed in the same court in which the prior information was assigned.

E. Any motion to revoke probation will be filed in the court having granted probation.

RULE 6.07 ARRAIGNMENT/INITIAL APPEARANCE

A. Notification of Arraignment/Initial Appearance Date. The District or the County Clerk shall notify each defendant of the arraignment in the defendant's criminal case by mail, as soon as practicable after the court sets the case for a hearing. The District or the County Clerk shall also notify the defendant's attorney, and surety or bail bond person of the arraignment b facsimile transmission, email or by regular mail. The District or the County Clerk shall file a copy of the correspondence or notice placed in the mail in each defendant's case.

B. Presence Required. The presence of all defendants and attorneys is required at all hearings. If a defendant does not have an attorney, the bondsman shall notify the defendant that his/her presence is required in the courtroom. Failure of the defendant to appear will result in a bond forfeiture hearing. If a defendant is bonded out before arraignment, the bondsman and counsel of record shall be responsible for notifying the defendant that he is required to appear.

C. Waiver of Arraignment. Where allowed by the court in which an indictment is filed, a defendant may waive arraignment only by fling a statement on a form approved by the courts no later than the day before arraignment is scheduled.

D. Announcement/Settings. At the time of the formal arraignment, each defendant must appear and announce his plea to the indictment. Defense counsel is charged with the responsibility of advising the court of a possible conflict. Following the defendant's plea, each defendant's case will be set as follows:

1. Guilty Plea. Immediately following arraignments or at a specific date set by the court.

2. Not Guilty Plea. Deadlines, and **the settings for hearings and the trial on the merits may be given by the court.**

RULE 6.08 DOCKET MANAGEMENT

A. Felony Case Management System. Attorneys are expected to be familiar with and comply with the current felony case management systems, adopted by the respective district courts trying criminal cases.

B. Pretrial Matters. Parties are directed to use all reasonable means to resolve pretrial disputes to avoid the necessity of judicial intervention.

C. Motion Setting. The state and defendant must file all non-constitutional motions seven days before the Motion Setting as required by the Texas Code of Criminal procedure Article 28.01(2).

RULE 6.09 PRE-TRIAL MATTERS

A. Each Court shall determine its own settings for pre-trial and trial.

B. All pre-trial motions, including motions in limine, must be filed by the set deadline, if any, unless an extension of time is granted by the Court for good cause shown.

C. Requirements for Motion. Each pre-trial motion that is set for hearing must:

1. succinctly state the relief sought;
2. the facts pertinent to the motion;
3. supporting argument with authorities;
4. must be signed by counsel and, where required, by the defendant;
5. must be sworn to when required;
6. must contain a certificate of service;
7. must contain a certificate of consultation with opposing counsel and a statement that the matter raised in the motion was not resolved that conforms with 6.09 D below;
8. must contain a notice the motion will be presented to the Court at the pretrial hearing with or without evidence; and
9. must contain a proposed order granting or denying the motion in full or in part.

D. Certificates Required.

1. Service of Copy on Opposing Counsel. Whenever any attorney files any pleading or motion, he shall at the same time either hand deliver, mail, email or fax a copy to opposing counsel. The motion must be accompanied with a certificate status the name, address, of opposing counsel and how it was delivered. Counsel shall send copies of all communications sent to the court to opposing counsel.

2. Certificate of Conference. Prior to the filing any motion, counsel will contact opposing counsel to hold or schedule a conference to attempt to reach a resolution of the disputed matters. Counsel for the movant's shall make at least three separate attempt to contact opposing counsel. Those three required attempts shall be made during regular business hours during a period of at least two business days. Fort the purposes of this rule, counsel shall use one of the "certificate of conference" forms listed below that applies.

a. No Agreement. "I, the undersigned counsel, hereby certify to the court that a conference was held on (insert date or dates) with (insert name of attorney) on the merits of this motion. An agreement could not be reached. Therefore, it is presented to the Court for determination."

b. No Conference Held. "I, the undersigned counsel, hereby certify to the court that a conference was not held with (name of opposing counsel/s) on the merits of this motion because I attempted to contact (name of opposing counsel) as follows (dates, times, methods of contact, and results of the attempts made all detailing why the attorneys were unable to confer on the merits of the motion/s)."

c. Agreement Reached. "I, undersigned counsel, hereby certify to the court that I have conferred with opposing counsel in an effort to resolve issues contained in this motion without the necessity of court intervention, and opposing counsel and I have reached an agreement. Our signatures and that of the defendant have been placed on the agreed order and are respectfully submitted to the Court for approval."

E. The Court may refuse to consider any pretrial motion that fails to comply with these rules.

RULE 6.10 APPEARANCE OF DEFENDANT AND COUNSEL / COURT ATTENDANCE

A. Enter an Appearance of Record. Immediately upon employment or upon court appointment the defense attorneys hall give written notice to the district attorney and the district and/or county clerk stating the name of the accused, the date of and the offense(s) charged, tracking number, the unique case file and cause number, if known.

B. Attorney Posting bond Deemed Counsel of Record. Any attorney who executes a bail bond or an appeal bond as a surety will be deemed to be the attorney for the person for whom the bond was made. People released from jail under such a bail bond will not ordinarily be assigned court appointed attorneys. If a court appointed attorney has previously been assigned to the person for whom a bail bond is posted, the court appointed attorney will ordinarily be allowed to withdraw from the case.

RULE 6.11 BOND AND BOND FORFEITURES

A. Matters concerning bond forfeitures shall be governed by Chapter 22 of the Texas Code of Criminal Procedure.

B. As a condition of pre-trial release, every felony defendant and defense attorney is responsible to keep the District or County Clerk apprised of the defendant's correct physical and mailing address at all times during the pendency of criminal proceedings.

C. Bonds may be set on each criminal case in accordance with the Bond Schedule adopted jointly by the district and county judges, unless the District Attorney furnishes information in writing to the respective court justifying an exception. The Court may also in a

proper case dispense with the requirement of sureties and require only the personal recognizance of the defendant, with or without conditions.

D. Sureties requesting a release on their liability on a Bail bond must complete the Affidavit to Release Surety and present the completed affidavit to the District Judge that the Defendant's case is assigned to.

RULE 6.12 DISCOVERY

A. Discovery shall be conducted in accordance with Article 39.14 of the Texas Code of Criminal Procedure.

B. A standing discovery order may be entered by each court at arraignment. The discovery order shall set forth procedures for the exchange of information, evidence inspection, expert designations and deadlines to comply with the discovery order.

RULE 6.13 CONTINUANCE/RESETTING/POSTPONEMENTS

A. No trial setting shall be passed by agreement of counsel without prior approval of the trial judge.

B. Motions for continuance, whether by the State of the Defendant, must comply: (1) with the provisions of Chapter 29 of the T.R.CR; (2) must be filed at least three working days before jury selection; and (3) presented to and considered by the Court before the scheduled trial date.

C. Only matters arising subsequent to the time period specified in Rule 6.13 B may be considered as good grounds for filing a motion for continuance after that date.

D. Except for good cause shown, the Court shall not consider any motion for continuance on the scheduled trial date.

RULE 6.14 GUILTY PLEA/NOLO CONTENDER/OPEN PLEAS

Forms, procedures and preparation of guilty plea forms may be obtained from the Webb site of each court.

RULE 6.15 CONFLICTING SETTINGS

A. Duty to Inform Courts. A conflicting setting exists when an attorney is already set for trial or hearing in another court or an attorney is assigned to more than once court at the same time. It is the duty of an attorney to call the affected judges' attention to all multiple settings as soon as they are known by the attorney.

B. Conflicts in Trial Settings. Priority for trial settings are governed by sequential order as entered into the attorney scheduling system agreed upon by the judges of the criminal district courts. Adjustments to trial settings can be made by agreement of the judges.

C. Conflicts in Docket Settings. The provisions of the Texas Government Code Section 23.101 and Rul1 10 of the Texas 4th Administrative Judicial Region Rules shall govern absent an agreement between the affected judges.

RULE 6.16 MISCELLANEOUS

Attorneys should familiarize themselves with the local practices, procedures and approved forms utilized by the respective district and county courts at law. If they are not posted on that court's website, forms and procedures may be obtained from the courts.

RULE 7
JURY MANAGEMENT

RULE 7.10 JURY MANAGEMENT

The Webb County courts have adopted a central jury selection process. Jury panels are assigned to different courts. A jury week schedule is filed with the district clerk by the courts.

RULE 8
JUDICIAL VACATION

RULE 8.10 JUDICIAL VACATION

All judges of courts in Webb County, Texas shall advise the local administrative judge of his/her planned annual leave, or disability, or intention to attend judicially mandated educational conferences. A visiting judge may be assigned to administer that court's docket.

RULE 10
ATTORNEYS OF RECORD

RULE 10.10 APPEARANCE OF COUNSEL; DESIGNATION OF ATTORNEY OF CHARGE

An attorney may not appear for a party unless he has filed or made his appearance of record.

RULE 10.11 CONDUCT AND DECORUM OF COUNSEL

A. Attire: all counsel coming before the courts of Webb County, Texas shall wear attire that is befitting their positions as officers of the court.

B. Professionalism: An attorney's behavior and actions should conform to the Texas Lawyer's Creed – A Mandate for Professionalism as promulgated by the Supreme Court of Texas and the Court of Criminal Appeals as was adopted on the 7th day of November 1989 and may be amended from time to time.

RULE 10.12 WITHDRAWAL OR SUBSTITUTION OF COUNSEL

A. Any attorney who has appeared of record in any case may withdraw only by filing a motion approved by the court.

The motion should set forth the following:

1. The reason for withdrawal;

2. A certification to the effect that the client has been notified of the withdrawal and that the client's file has been returned;

3. The current address of the client where notices of setting may be mailed, together with a work and/or home phone number;

4. The name of substitute counsel, if known, and a certification that the withdrawing attorney has explained this procedure to the client, and has communicated to the client the fact that withdrawal of counsel cannot be used to delay a trial setting in the case.

B. The motion to withdraw must be signed by the attorney requesting withdrawal; furthermore, if substitute counsel has been engaged, his signature and mailing address shall be affixed to the motion constituting an appearance for all purposes.

C. Newly retained counsel shall not be permitted to substitute for counsel of record unless they certify they are prepared to proceed with the case without a delay of the proceedings.

D. A motion to substitute counsel that will cause delay requires a hearing. If the motion is signed by counsel withdrawing, substitute counsel and/or client, and is accompanied by a statement certifying that no delay will occur, the court will sign the motion without formal hearing.

E. If substitute counsel's and/or the client's signature fails to appear on the motion, withdrawing counsel shall attach to the motion a copy of the cover letter forwarding a copy of the motion to his client advising him/her of the filing of the motion and the date and time of the hearing. The motion shall be set down for hearing and no withdrawal shall be permitted unless and until the matter has been heard.

RULE 1013 ATTORNEY VACATIONS

An attorney may designate not more than four (4) weeks during any given calendar year as vacation, during which time he/she will not be assigned to trial or required to engage in any pre-trial proceedings, unless the case has been specially set. An attorney may file written designation(s) of vacation periods covering less than four weeks in any calendar year, so long as all of the written designation(s) of vacation filed in any one calendar year do not cover periods of time which in the aggregate exceed four weeks. The written designation(s) must be filed with the district clerk (with copies to all courts of record in Webb County) no later than fifteen (15) days prior to the date of the attorney's designated vacation. No case will be set after notice has been sent to the district clerk. Designation(s) of vacation will not relieve the attorney from any setting assigned prior to the filing of vacation schedule by counsel.

RULE 13
ADOPTION, AMENDMENT, NOTICE

RULE 13.10 PROCEDURE OF ADOPTION AND AMENDMENT OF LOCAL RULES

The judges comprising of the District and County Courts at Law may adopt separate or joint local court rules. Changes in local court rules shall not be effective until approved by the administrative judge of the Fourth Administrative Judicial Region and by the Supreme Court of Texas.

RULE 13.12 NOTICE AND PUBLICATION OR RULES

After the rules have been approved, a copy of these rules will be filed with the Webb County District Clerk and posted on the Webb County Web Site. A copy of these rules may be requested from the Webb County District Clerk's office.

RULE 13.14 LOCAL COURT POLICIES AND PRACTICES

The District Courts County Courts at Law of Webb County may establish common policies, procedures or Rules of Practice on pertinent court business. Local practices and forms utilized by the respective district and county courts at law may be posted on their websites or obtained from the coordinators for those courts or the clerks of those courts.

Approved and adopted unanimously on the 1st day of September, 2010 at a Joint Meeting of the District and County Court at Law Judges of Webb County.

Revisions approved and adopted on the 25th day of September 2018 at a Joint Meeting of the District and County Court at Law Judges of Webb County.

PURSUANT TO ACTION TAKEN AT THE WEBB COUNTY COURT ADMINISTRATION ACT JOINT BOARD OF JUDGES MEETING, the Local Rules of the Courts of Webb County, Adopted on September 2, 2010, are hereby Revised.

SIGNED THIS 5TH DAY OF JUNE, 2019.

Jose A. Lopez
Administrative Judge for District Courts

Hugo Martinez
Administrative Judge for County Courts

Beckie Palomo
341st District Court Judge

Monica Z. Notzon
111th District Court Judge

Oscar J. Hale, Jr.
406th District Court Judge

Victor Villarreal
County Court at Law No. 2 Judge

APPENDIX A

Cause No. _____
Style: _____
_____
_____

This Pre-Trial Guideline Order must be completed, executed and filed with the Court by _____ (date) or the Parties must appear for a Pre-Trial Conference on _____(date) for entry of a Pre-Trial Guideline Order.

Jury Trial/Trial Date: _____ **at 8:00 A.M. (ALL JURY CASES MUST BE SET FOR TRIAL WITHIN ONE YEAR AFTER FILING.)**

Final Pre-Trial Conference Date: _____ **at 9:00** a.m. (All Trial Motions, Jury Questions and instructions and Joint Pre-Trial Order Form (order form attached) shall be filed **one week before** the Final Pre-Trial Conference Date. All Exhibits must be presented for inspection **one week before** the Final Pre-Trial Conference and a list of the pre-numbered and marked Exhibits must be provided to opposing counsel and the Court **one week before** the Final Pre-Trial Conference).

Estimated Length of Trial _____ days.
Plaintiff's Amended Pleadings will be due by: _____.
Defendant's Amended Pleadings will be due by: _____.
Deadline for Plaintiff to designate testifying experts _____.
Deadline for Defendant to designate testifying experts _____.
Deadline to conduct discovery will be 30 days prior to trial.
Deadline for alternate dispute resolution: _____. Interpreter (Yes)_____ (No)____.
Deadline for filing Summary Judgment, 60 days before Final Pre-Trial Conference.
Deadline for filing Motion to Strike Expert Witnesses for lack of foundation for Opinion ____.
(Must be at least 60 days before Final Pre-Trial hearing)

If the case is a Level Three case, the Parties may enter into a Discovery Control Plan in accordance with Rule 190.4 of the Texas Rules of Civil Procedure. In addition, either Party may request one or more Pre-Trial Conferences in accordance with Rules 166 and 190.4 of the Texas Rules of Civil Procedure. The request for the Pre-Trial or motion day must be filed no later than 60 days prior to the Trial date.

The Plaintiff(s) and the Defendant(s) acknowledge that this Pre-Trial Guideline Order shall constitute a binding agreement between the parties as defined by Rule 11 of the Texas Rules of Civil Procedure and shall serve as a modification of the discovery procedure as provided for in Rule 191.1 of the Texas Rules of Civil Procedure.

Approved on the _____ day of _____, 2010

_____
Presiding Judge

_____ _____
Counsel for Plaintiff(s) Counsel for Defendant(s)

APPENDIX B

Cause No. _____
Style: _____
_____
_____

COMPLEX CASE DESIGNATION ORDER (LR 3.33)

On this ____ day of _____ 20 ___, [on the Court's own motion] {came on to be heard the _____ motion] to designate the above styled and numbered cause as a complex case. It appearing that the case may merit special attention as complex litigation, the Court ORDERS:

1. All parties shall appear for a conference with the undersigned on the _____ day of _____ 20 ___, at _____ a.m./p.m. at the _____[court's court].

2. The conference will be held for the purposes of determining the (a) nature of the case; (b) whether the litigation should be handled in phases; (c) to determine if dispositive matters are present that can be resolved before litigating the merits of the case; (d) to discuss the entry of a scheduling order; and/or (e) set forth a schedule for compliance with Local Rule 3.36's Certificate of Progress. Counsel are encouraged to confer on proposed deadlines and discovery limitations set forth in Appendix _____ [the scheduling order].

3. Counsel are expected to be prepared at the conference to suggest procedures that will facilitate the just, speedy, and inexpensive resolution of this litigation.

4. Three days before the conference, counsel will submit to the court a brief written statement indicating their preliminary understanding of the facts involved in the litigation and the critical factual and legal issues. These statements will not be filed with the clerk, will not be binding, will not waive claims or defenses, and may not be offered into evidence against a party in this proceeding or in any later proceedings.

5. To assist the court in identifying any problems of recusal or disqualification, counsel will submit to the court by [DATE], a list of all companies affiliated with the parties and all counsel associated in the litigation.

6. Pending the conference, all outstanding discovery proceedings are stayed and no further discovery shall be initiated. This order does not (1) preclude voluntary informal discovery regarding the identification and location of relevant documents and witnesses; (2) preclude the parties from stipulating to the conduct of a deposition that has already been scheduled; (3) prevent a party from voluntarily making disclosures, responding to an outstanding discovery request; or (4) authorize a party to suspend it efforts in gathering information needed to respond to a request for production or disclosure. Relief for this stay may be granted for good cause shown, such as the ill health of a proposed deponent.

7. No motion shall be filed prior to the conference without leave of court and unless it includes a certificate that the Movant has conferred with opposing counsel in a good-faith effort to resolve the matter without court action.

Signed this _____ day of _____, 20____.

_____
PRESIDING JUDGE

APPENDIX C

Cause No. _____
Style: _____
_____
_____

COMPLEX CASE DOCKET CONTROL & SCHEDULING ORDER (LR 3.33)

1. New Parties shall be joined and served by this date: _____

2. Deadline for written discovery to opposing party(ies) (Requests for Disclosure, Interrogatories, Requests for Production and Requests for Admission). _____

3. Deadline to produce all documents requested by the parties. _____

4. Lay – witness depositions

   Noticed by Plaintiffs _____
   Noticed by Defendants/Third Party Plaintiffs _____
   Notice by Third Party Defendants _____

5. Experts by Party(ies) Seeking Affirmative Relief:

   Deadline to designate _____

   Deadline for submission of reports _____

   Deadline to depose experts of party(ies) seeking Affirmative relief _____

6. Experts by Responding Party(ies):

   Deadline to designate _____

   Deadline for submission of reports _____

   Deadline to depose experts of responding party(ies) _____

7. Deadline to file *Daubert/Robinson* motions. _____

8. Production of proposed computerized summaries and samples:

   Plaintiff(s) Deadline _____

   Defendant(s) Deadline _____

   Third Party Defendant(s) Deadline _____

9. Deadline for designating factual witnesses. _____

10. Deadline to file all dispositive motions. _____

11. Except for good cause shown:
    Relief from the this schedule shall not be granted and all Discovery shall be completed by: _____

    Discovery Shall be limited to matters occurring after [DATE] and before [DATE]

    No more than _____ hours of deposition of lay Witnesses may be taken by each side, and no single Deposition may take more than _____ hours.

    No more than _____ hours of deposition of expert Witnesses may be taken by each side, and no single Deposition may take more than _____ hours.

12. AMENDED PLEADINGS: Party(ies) seeking affirmative Relief will file by this date. Responding party(ies) will be filed Within ten (10) days of this date. _____

13. Plaintiff's deadline to designate video deposition testimony for use at trial. _____

14. Defendants' and Third Party Defendants' deadline to Designate video deposition testimony for use at trial. _____

15. Plaintiff's deadline to submit exhibit list to opposing counsel. _____

16. Defendants' and Third Party Defendants' deadline submit _____

17. ALL TRIAL MOTIONS, OBJECTIONS TO THE OTHER PARTY'S DESIGNATIONS OF VIDEO TESTIMONY AND TO EXHIBITS, MOTIONS IN LIMINE AND POPOSED JURY QUESTIONS, AND INSTRUCTIONS SHALL BE FILED. FAILURE TO FILE by this date will cause a show Cause order to be issued for contempt and/or for the imposition or any other sanctions against trial counsel and/or the parties. _____

18. ALTERNATIVE DISPUTE RESOLUTION. The parties or Their duly authorized representatives and, in any case Involving insurance, a representative or the insurance Carrier, who is authorized to settle the case, are all ordered to Attend the mediation or arbitration session. Failure to do so Will result in imposition of sanctions. Attorneys and the Mediator are ordered to bring to the attention of the court any Failure of any party or attorney to comply with this order. _____

19. PRE-TRIAL CONFERENCE will be held at _____ _____
a.m./p.m. All trial motions, including motion in limine and objections to deposition testimony and to exhibits, will be heard at the pre-trial conference.

20. Jury Trial will start at 9:_____: a.m. _____

The parties that this Complex Case Docket Control and Scheduling Order shall constitute a binding agreement between the parties as defined by Rule 11 of the Texas Rules of Civil Procedure and shall serve as a modification of the discovery procedure as provided for in Rule 191.1 of the Texas Rules of Civil Procedure. Leave of Court is required for any modification to this order.

All responses to motions, supporting briefs and/or copies of case law counsel are on are to be filed three (3) days before the date of any hearing.

Signed this _____ day of _____, 20_____.

_____
PRESIDING JUDGE

APPENDIX D

Cause No. _____

Style: _____

_____

_____

JOINT CERTIFICATE OF PROGRESS

I. PARTIES. The current Parties to the litigation are as follows:

a. Plaintiff (s): _____

b. Intervenor (s): _____

c. Defendant (s): _____

d. Third-Party Defendant (s): _____

II. MEDIATION.

a. [ ] All current Parties have participated in mediation.

b. [ ] All current Parties have participated in mediation but would like to participate in another mediation prior to trial.

c. [ ] All current Parties have not participated in mediation but will have done so prior to the Final Pre-Trial Hearing.

III. TRIAL.

a. [ ] The Parties are ready for trial a [ ] jury trial/ [ ] bench trial.

b. [ ] The Parties are not ready currently ready for trial but will be ready for trial by the Final Pre-Trial Conference.

c. [ ] The Parties are not ready currently ready for trial and do not anticipate being ready for trial because of the following:

_____

_____

IV. DISCOVERY.

a. [ ] The Parties have completed all necessary discovery to proceed to trial.

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b. [ ] The Parties have not completed all necessary discovery to proceed to trial but will have completed all necessary discovery by the Final Pre-Trial Conference. The following discovery remains outstanding that will be completed by the Final Pre-Trial Conference:

_____

_____

c. [ ] The Parties are not ready currently ready for trial and do not anticipate being ready for trial because of the following outstanding discovery:

_____

_____

V. PENDING RULING. The following matters are pending ruling:

DATE OF FILING

TITLE OF PLEADING OR MOTION

DATE OF HEARING/SUBMISSION

PROPOSED ORDER FILED

VI. PENDING HEARING. The following matters are in need of a hearing prior to or at the Final Pre-Trial Hearing.

TITLE OF PLEADING OR MOTION
ESTIMATED TIME FOR MOVANT
ESTIMATED TIME FOR RESPONDENT
PROPOSED ORDER FILED
HEARING NEEDED PRIOR TO FINAL PRETRIAL

APPENDIX E

Cause No. _____
Style: _____
_____
_____

JOINT FINAL PRETRIAL REPORT

1. APPEARANCE OF COUNSEL. List each party, its counsel, and counsel's address and telephone number in separate paragraphs.

2. STATEMENT OF THE CASE. Give a brief statement of the case, one that the judge could read to the jury panel for an introduction to the facts and parties; include names, dates, and places.

3. JURISDICTION. Briefly specify the jurisdiction of the subject matter and the parties. If there is an unresolved jurisdictional question, state it.

4. MOTIONS. List pending motions.

5. CONTENTIONS OF THE PARTIES. State concisely in separate paragraphs each party's claims.

6. ADMISSIONS OF FACT. List all facts that require no proof.

7. CONTESTED ISSUES OF FACT. List all material facts in controversy.

8. AGREED PROPOSITIONS OF LAW. List the legal propositions that are not in dispute.

9. CONTESTED PROPOSITIONS OF LAW. State briefly the unresolved questions of law, with authorities to support each.

10. EXHIBITS.

a. On a form similar to the one provided by the clerk, each party will attach two lists of all exhibits expected to be offered and will make the exhibits available for examination by opposing counsel. All documentary exhibits must be exchanged before trial, except for rebuttal exhibits or those whose use cannot be anticipated.

b. A party requiring authentication of an exhibit must notify the offering counsel in writing within five (5) days after the exhibit is listed and made available; failure to object in advance of trial in writing concedes authenticity.

c. Within reason, other objections to admissibility of exhibits must be made at least three (3) days before trial; the Court will be notified in writing of disputes, with copies of the disputed exhibit and authority.

d. Parties must mark their exhibits to include the date and case number on each.

e. At the trial, the first step will be the offer and receipt in evidence of exhibits.

11. WITNESSES.

a. List the names and addresses of witnesses who may be called with a brief statement of the nature of their testimony. Include the qualifications of expert witnesses; these will be used to qualify the expert at trial.

b. Include:

"If other witnesses to be called at the trial become known, their names, addresses

and subject matter of their testimony will be reported to opposing counsel in writing as soon as they are known; this does not apply to rebuttal or impeachment witnesses."

12. SETTLEMENT. State that all settlement efforts have been exhausted, that the case cannot be settled, and that it will have to be tried.

13. TRIAL. State the probable length of trial; logistical problems including the availability of witnesses, out-of-state people, bulky exhibits and demonstrations.

14. ATTACHMENTS. Include these required attachments:

a. For a jury trial: proposed charge (including instructions, definitions, and special interrogatories, with authority).

b. For a non-jury trial: proposed findings of fact (without repeating uncontested facts) and conclusions of law, with authority.

_____ [date]

_____
PRESIDING JUDGE