IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 09-9062

APPROVAL OF AMENDMENTS TO LOCAL RULES FOR PARKER COUNTY DISTRICT COURTS AND COUNTY COURTS AT LAW

ORDERED that:

Pursuant to Texas Rule of Civil Procedure 3a, the Supreme Court of Texas approves the following amendments to the local rules for the district courts and county courts at law of Parker County.

In Chambers, this 7th day of April, 2009.

Wallace B. Jefferson, Chief Justice

Nathan L. Hecht, Justice

Harriet O'Neill, Justice

Dale Wainwright, Justice

Scott Brister, Justice

David M. Medina, Justice

Paul W. Green, Justice

Phil Johnson, Justice

Don R. Willett, Justice

LOCAL RULES

OF THE

DISTRICT COURTS

AND

COUNTY COURTS AT LAW

OF

PARKER COUNTY, TEXAS

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INTRODUCTION

Pursuant to the authority granted Courts under Rule 3a, Texas Rules of Civil Procedure, and Art. 33.08, Code of Criminal Procedure, to promulgate Rules of Practice for conducting the business of District Courts and County Courts at Law, in Parker County, Texas ("the Court") the rules, suggestions and procedures set out below will be in effect in the above stated courts unless subsequently modified, changed or amended.

A copy of these rules is filed with the Parker County District Clerk and the Parker County Clerk ("the Clerk") and is available to all parties having litigation in these courts.

These rules are promulgated for the benefit of the courts, the court personnel, lawyers and litigants having matters before the courts, and are adopted for the purpose of establishing and maintaining an orderly, dignified and expeditious procedure for handling and conducting the courts' business.

As judges, we freely used desirable court rules written by other judges, and we acknowledge those contributions. In order to effectuate the purpose of these local rules as set forth above, we solicit the comment, suggestions and even criticism from members of the bar practicing in Parker County, Texas, so that all of the rules of the courts will be workable and helpful in disposing of the court cases as expeditiously as possible.

ORDER ADOPTING RULES

It is ordered by the judges of the 43rd District Court, the 415th District Court, the County Court at Law No. 1, and the County Court at Law No. 2 of Parker County, Texas that:

1. The following rules of practice and procedure are adopted;
2. The Clerk of the above-stated courts in Parker County, Texas shall record these rules and this order in the minutes of the courts;
3. A copy of these rules and this order be furnished to the Supreme Court of Texas and to the Administrative Judge of the 8th Administrative Region of Texas.
4. The Clerk shall provide immediately to each lawyer residing or maintaining an office within Parker County, Texas, a copy of these rules and this order; upon request a copy shall be furnished by the Clerk to each lawyer and *pro se* party appearing in any civil action in these courts (this does not require the Clerk to furnish a copy of the order and rules more than one time to any lawyer or *pro se* party);
5. These rules shall be construed and interpreted, in addition to, in conformity with and not as superseding the Constitution and laws of the State of Texas or the Texas Rules of Civil Procedure or the Code of Criminal Procedure;
6. These rules shall be subject to and interpreted in conformity with and not as superseding the Rules of Administration of the 8th Administrative Region (Appendix "A" Part II) and the Supreme Court of Texas (Appendix "A" Part I) and said Rules of Administration shall apply and control;
7. Should any of these rules or any part thereof be held invalid for any reason, such invalidity shall not affect the validity of the other rules or parts of rules, all of which have been separately considered and adopted;

8. All prior local rules of the trial courts of record of Parker County, Texas, are hereby expressly repealed;
9. These rules shall be effective on April 1, 2009, and thereafter until amended, modified, or repealed by order of the courts all subject to approval by the Supreme Court of Texas.

ORDERED this 1 day of April, 2009 in and for Parker County, Texas.

DON CHRESTMAN, PRESIDING JUDGE
43RD JUDICIAL DISTRICT

GRAHAM QUISENBERRY, PRESIDING JUDGE
415TH JUDICIAL DISTRICT

JERRY BUCKNER, PRESIDING JUDGE
COUNTY COURT AT LAW NO. 1

BEN AKERS, PRESIDING JUDGE
COUNTY COURT AT LAW NO. 2

Approved this 1 day of April, 2009.

JEFF WALKER
Presiding Judge, 8th Administrative Judicial Region

SECTION I: TIME STANDARDS FOR THE DISPOSITION OF CASES

1.1 All cases shall be brought to trial or final disposition in conformity with the following time standards:

a. Criminal Cases. As provided by Article 32A.01, Code of Criminal Procedure.

b. Civil Cases Other Than Family Law.
   (1) Civil Jury Cases. Within 18 months from appearance date.
   (2) Civil Non-jury Cases. Within 12 months from appearance date.

c. Family Law Cases.
   (1) Contested Family Law Cases. Within 6 months from appearance date or within 6 months from the expiration of the waiting period provided by the Family Code where such is required, whichever is later.
   (2) Uncontested Family Law Cases. Within 3 months from appearance date or within 3 months from the expiration of the waiting period provided by the Family Code where such is required, whichever is later.

d. Juvenile Cases. In addition to the requirements of Title 3, Family Code:
   (1) Detention Hearings. On or before the first working day following admission to any detention facility.
   (2) Adjudicatory or Transfer (Waiver) Hearings.
   (a) Concerning a juvenile in a detention facility: Not later than 10 days following admission to such a facility, except for good cause shown of record.
   (b) Concerning a juvenile not in a detention facility: Not later than 30 days following the filing of the petition, except for good cause shown of record.
   (3) Disposition Hearing. Not later than 15 days following the adjudicatory hearing. The court may grant additional time in exceptional cases that require more complex evaluation.
   (4) Nothing herein shall prevent the presiding judge from recessing a juvenile hearing at any stage of the proceeding where the parties are agreeable or when in the opinion of the judge presiding in the case the best interest of the child and of society shall be served.

e. Complex Case. It is recognized that in especially complex cases or special circumstances it may not be possible to adhere to these standards.

f. If no action is taken by a party seeking affirmative relief within the time prescribed in these time standards directed toward a trial on the merits, the Court may proceed to dismiss the case for want of prosecution in accordance with Texas Rules of Civil Procedure, 165a.

SECTION II: RULES OF DECORUM

2.1 All officers of the court, parties, witnesses and the public shall at all times conduct themselves with dignity so as not to interfere with the court's business. LAWYERS SHALL COMPLY WITH THE *TEXAS LAWYERS CREED.*

2.2 All persons in attendance while the court is in session shall be attentive to the proceedings and cause no distraction. No food or drink allowed unless authorized by the court.

2.3 No one shall sit on railings, tables, desks, chair arms, place feet on furniture or fixtures, nor prop chairs back.

2.4 All persons in attendance shall be suitably attired. Except by special permission of the court, male officers of the court shall wear coats and ties; the attire of the female officers shall be equally suitable. All parties or their representatives shall dress in suitable attire (for example: males in collared shirts and long pants; females in dresses or pants with suitable top). All persons in attendance shall remove all hats, ball caps or other head covering unless authorized by the court.

2.5 No gestures, facial expressions or sounds indicating approval or disapproval of any person, act, testimony or proceeding shall be permitted.

2.6 Participants in all proceedings shall appear promptly at all settings.

2.7 All officers of the court shall avoid addressing each other with familiarity, shall use appropriate titles and shall avoid first names while the Court is in session and during official proceedings.

2.8 Active participants to interrogation shall not smoke/chew tobacco or chew gum.

2.9 Counsel shall instruct parties not to directly contact the judge concerning pending matters. There shall be no ex parte communication with the judge.

2.10 Counsel shall be responsible to advise clients and witnesses of these rules to avoid embarrassment and delay.

SECTION III: CIVIL DOCKET CALENDAR

3.1 Jury weeks and non-jury days shall be set for each term of court. Each Court Coordinator shall maintain a calendar for jury matters and for non-jury matters.

3.2 Request for regular trial settings for all civil jury and non-jury matters shall be in writing and forwarded to each Court Coordinator, with a copy to opposing counsel or *pro se* litigants.

Settlement Negotiations and Mandatory Mediation

The practice of delaying serious settlement negotiations until after announcement of ready is a major cause of waste of time and effort of counsel, litigants, witnesses and citizens called for jury service and greatly hinders the court in the disposition of cases that must be tried. Consequently, all trial counsel are urged to make bona fide efforts to settle cases before appearing at the Rule 166 Pre-Trial Conference required at paragraph 6.3 herein. Except for good cause shown, mediation shall be completed prior to the pre-trial conference or, at the latest, prior to trial.

Uncontested matters may be set by telephone conference with the Court Coordinator, and the requesting lawyer shall notify opposing counsel or *pro se* litigant, in writing, of the date and time of such uncontested hearing, with a copy to the Court Coordinator. Each Court Coordinator shall be responsible for all civil trial settings, whether jury or non-jury, and the

requesting lawyer shall confirm such settings in writing to the opposing counsel, or *pro se* litigants.

If any lawyer or litigant has a conflict or will be unable to appear on the date set for trial or hearing, the Court Coordinator shall be notified within ten (10) days after receipt of such notice of setting in order to arrange for resetting; otherwise, such setting will be considered a firm setting and the hearing or trial setting will not be passed except upon mutual agreement of the respective lawyers with consent of the court or upon proper motion for continuance granted by the court after hearing thereon. A written request for a trial setting shall certify:

1) That the requesting party's pleadings are in order;
2) Whether mediation has been completed and results thereof or, alternatively, the scheduled date thereof;
3) That all necessary discovery is completed and all necessary *ad litem* appointments are made;
4) That service is perfected on all necessary parties;
5) That a jury fee, if applicable, was paid;
6) An estimate of the length of the trial; and
7) That a copy of the request was served on all counsel and *pro se* parties.

The use of the letter form (Appendix "B") appended hereto will comply with the foregoing requirements.

3.3 If no request for setting of any case was received by the court within nine months of the date of filing of the case, the court may set the case for trial and notify the parties of the setting. Upon receipt of the notice any party should immediately notify the court in writing if there is a belief that the case is not ready for trial or if there is a suggestion of alternative trial dates.

3.4 Any party requiring a hearing on special exceptions, dilatory pleas or other pre-trial matters shall request and obtain a setting thereon at least thirty (30) days prior to the date the case is set for trial on the merits.

3.5 All matters to be heard on regular non-jury days shall be set for 9:00 o'clock a.m., unless otherwise set by the court. All counsel and parties shall be present and ready, with witnesses, at that time except by leave of the court first obtained. All counsel and *pro se* parties shall be seated in the courtroom ready for announcements. The court coordinator shall provide the Clerk with a list of the matters to be heard, and the Clerk shall have the files available to the court. When called for, announcements shall give the nature of the matter, an estimate of the time required and any special circumstances, such as out-of-county parties and witnesses. The court will arrange the order for proceeding, giving preference to uncontested matters and the convenience of all, where possible. Settlement negotiations should be completed prior to the calling of the docket, if at all possible, and failure to timely announce may result in postponing the matter to the end of the day, to another day or such other sanction provided for in these rules, the Texas Rules of Civil Procedure or by law.

SECTION IV: DISTRICT COURT CRIMINAL DOCKET AND PRE-TRIAL PROCEDURES

4.1 Immediately upon employment or court appointment, the defense lawyer shall give written notice thereof to the District Attorney and the Clerk stating the name of the accused, the offense(s) charged and cause number, if known. The Clerk will note the lawyer's name on the docket sheet and indicate whether he/she is retained or court appointed.

4.2 Immediately following the return of an indictment, the Clerk shall notify the accused, his bondsman (if any) and his lawyer (if known) to appear for formal arraignment on the date set for such proceedings by the court. The court shall enter the Standard Discovery Order, set a pre-trial hearing as provided by Article 28.01 of the Code of Criminal Procedure, set a Plea-Negotiation Docket setting and set the case upon the trial docket from which the case can be selected for trial at any time. ALL accused persons, their lawyers and bondsmen (if any) shall be required to appear on the date set by the Court for arraignment and announcements unless a waiver of arraignment in approved form has been filed.

4.3 The parties shall comply with Article 28.01 of the Code of Criminal Procedure in its entirety, and specifically that all motions shall be filed not less than seven (7) days before the pre-trial hearing. Copies of all pre-trial motions shall be forwarded to the District Attorney at the time of filing the originals with the Clerk. The provisions of Article 28.01 of the Code of Criminal Procedure will be strictly complied with and preliminary matters not raised or filed at least seven (7) days before the Pre-Trial Hearing date will not thereafter be allowed to be raised or filed except by consent of the court for good cause shown.

4.4 The District Attorney shall advise the judge by the first day of each month of the status of the criminal docket and list five (5) cases in which the State is ready to proceed to trial in the next criminal jury week. The court may add up to fifteen (15) cases to the five listed by the District Attorney and the court coordinator shall give written notice to the defense lawyers in up to twenty (20) cases set for the next criminal jury week, unless directed by the court to appear at a different day or time, and all other lawyers who have received notification of trial settings shall be ready and available to proceed to trial during that week upon one-half day's notice.

4.5 The District Attorney shall advise the judge, immediately following the Plea-Negotiation Docket, of the results of any plea bargain negotiations in a pending criminal case. Recommendations on punishment shall be made to the court by the District Attorney or his assistants with authority.

SECTION V: COUNTY COURTS AT LAW CRIMINAL DOCKET AND PRE-TRIAL PROCEDURES

5.1 Immediately upon employment or court appointment, the defense lawyer shall give written notice thereof to the Parker County Attorney and the County Clerk stating the name of the accused, the offense(s) charged and cause number, if known. The Clerk will note the lawyer's name on the docket sheet and indicate whether he/she is retained or court appointed.

5.2 Immediately following the filing of an information, the Clerk shall notify the accused, the bondsman (if any) and the lawyer for the accused (if known) to appear for such preliminary hearings as the judge of the applicable county court at law shall order. The accused and his lawyer shall appear on the scheduled hearing dates at which time such person may be

notified of all future scheduling dates. Article 28.01 of the Code of Criminal Procedure shall be strictly complied with. Any written pre-trial motions shall be forwarded to the county attorney simultaneously with the filing thereof. Counsel are to advise the court if they believe an evidentiary hearing will be required on such motions.

5.3 All counsel are to advise the court immediately regarding any lack of readiness for trial. Written motions for continuance are required in all cases that have been set for any hearing. The trial docket shall be prepared by the Clerk and made available to all counsel and parties. The court may select the cases from the trial docket which are to receive a trial with cases having been on file longer generally receiving priority. The Court Coordinator shall prepare a list of cases from the trial docket which will be initially considered by the court to receive a trial. The list shall be made available to all counsel and parties not less than one week prior to the trial date. Counsel and the parties are to appear at the call of the trial docket at the date and time set forth in the written trial notice. All cases on the trial docket are subject to being called to trial until they are released by the court. Therefore, all counsel, parties, and witnesses are to be available for such specific trial settings as assigned by the Court.

5.4 The County Attorney shall advise the judge, in advance of trial, of the results of any plea bargain negotiations in a pending criminal case. If an agreement is reached between the parties, all waivers, applications, and other documents necessary shall be completely executed and submitted to the clerk in advance of the court hearing such plea agreement. Recommendations on punishment shall be made to the court by the County Attorney or authorized assistant. Time permitting, the court will hear plea agreements following the call of preliminary dockets. For those plea agreements to be heard in the future, the defense lawyer is to obtain such setting from the court coordinator and, in turn, notify the accused, County Attorney, and bondsman of such setting.

SECTION VI: PRE-TRIAL PROCEDURES (CIVIL CASES)

6.1 Each party shall submit directly to the court proposed orders and/or judgments covering all aspects of any hearing or trial, in advance of the scheduled time for such matter(s).

6.2 In family law cases wherein temporary orders are sought covering monetary issues, each party shall submit directly to the court written, itemized summaries of average monthly income and expenses in advance of the scheduled hearing for temporary orders. (Appendices D.1 and D.2)

6.3 Pre-trial conferences, pursuant to Rule 166, Texas Rules of Civil Procedure will be required within one hundred eighty (180) days of filing of every civil jury case, but not less than twenty-one (21) days prior to the date the case is set for trial to consider such matters as might aid in disposition of the action.

6.4 All pre-trial dilatory pleas, exceptions and motions shall be filed not less than fourteen (14) days prior to the pre-trial conference and a copy thereof shall be forwarded to the Court and to opposing counsel.

6.5 A Pre-trial Order reciting the action taken at the pre-trial conference may be made and such order, if made, shall control the subsequent course of the action, unless modified at trial to prevent manifest injustice.

6.6 Counsel and/or *pro se* parties attending the pre-trial hearing shall be the person(s) who is/are expecting to try the case or shall be familiar with the case and fully authorized to state the parties' position on the law and facts, make stipulations and enter into settlement negotiations.

6.7 A short settlement conference may be held by the judge with counsel for all parties present during the pre-trial. Rulings on the admissibility of evidence, elements includable in damages and other legal issues may be discussed and tentatively resolved by the judge in an effort to precipitate settlements that might otherwise be delayed until resolution of the issues. Should no settlement or other disposition be achieved, the case shall proceed to trial.

6.8 When counsel for either party, after notice, fails to appear at pre-trial hearing, the court may:

a) Rule on all motions and exceptions in the absence of such counsel;

b) Declare any motions or exceptions of such absent party waived;

c) Advance or delay the trial setting according to the convenience of counsel or the court;

d) Pass and reset trial;

e) In the event absent counsel represents the plaintiff, the court may decline to set the case for trial or may cancel a setting previously made or may dismiss the cause for want of prosecution, especially where there has been a previous failure to appear or where no amendment has been filed to meet exceptions previously sustained; or

f) In the event absent counsel represents the defendant, the court, if the case has not been previously set for trial, may set the same at any time after seven (7) days have expired following the pre-trial conference at which counsel was absent, and/or may strike any counter-claim and/or deny any pending motions.

6.9 The court may order alternative dispute resolution. If the parties desire to use alternative dispute resolution in a case, they are to notify the court immediately of such desire so as not to impede the orderly progress of all pretrial procedures nor cause undue delay of any trial settings.

6.10 When requesting the court to appoint guardians and attorneys *ad litem*, mediators, social workers, psychologists, or other experts, the parties are to attempt to reach an agreement with regard to the individual desired for such appointment and notify the court of the name of that person. The court may accept the agreement or appoint a different person.

SECTION VII: MOTION PRACTICE

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

7.2 Motions will not be set for hearing unless the moving party shall have certified in such motion or in a letter substantially the following:

"A conference was held on (date) with (name of lawyer for opposing party) on the merits of this motion. Agreement could not be reached. Therefore it is presented to the court for determination"

or

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

7.3 Every application for relief ex parte shall contain a certificate signed by counsel that:

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

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

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

7.4 The court coordinator is responsible for scheduling the dates and times for hearings. Upon receiving the date and time of hearing, the moving party shall immediately notify all other parties in writing of the date, time and subject matter of the hearing. A copy of this communication shall be provided to the Court Coordinator.

7.5 On request of a party and with consent of the judge, a matter not requiring a record by the court reporter may be conducted by telephone. The moving party shall be responsible for advising opposing parties of the method and time of hearing and shall be responsible for arranging a conference call.

SECTION VIII: TRIAL PROCEDURE

8.1 Before the trial date lawyers or *pro se* parties will be notified by the court to report for trial during the trial week and parties need not appear until called. However, all parties and their lawyers are expected to be available for trial upon short notice during the week that the case has been set for trial. Any case not reached during the week that it is set for trial will be reset by the court.

8.2 At the time the parties report for trial they will deliver to the court, the court reporter and the other parties a witness list and exhibit list. Any witnesses or exhibits not shown on such list can be used at the trial only upon leave of the court. Prior to commencement of trial all exhibits will be marked, exchanged and examined by counsel so that the trial will not be delayed by such examination.

8.3 Counsel intending to offer video depositions or other videos at trial, except those offered solely for impeachment, must make such videos available to opposing counsel sufficiently in advance of trial so that a hearing on any objections can be held before commencement of trial. Any videos not so tendered will not be permitted into evidence at the trial. All parties must timely examine any tendered videos and request a hearing immediately if there are objections to the admissibility of any part of the tapes or films. Any objections not heard prior to trial will be waived. Any redacted or edited versions sought to be published to the fact-finder shall be completed and ready for submission at the time of trial.

8.4 Except upon permission of the court, all witnesses must be present at the courthouse and ready to testify in a timely fashion. If a witness is not available as required by this rule, and if the absence of such witness does not require a continuance, the court, in its discretion, may require counsel to present the missing witness out of order, may require the use of a deposition in lieu of the witness, may submit the case to the jury without benefit of the witness's testimony or may make any other order which appears just to avoid delay of the trial.

8.5 Counsel shall advise witnesses to speak distinctly and to answer questions audibly so as to be heard by the court, jury and court reporter.

8.6 There shall be no argument by counsel in the presence of the jury relative to the Court's rulings on objections. Counsel wishing to argue shall first ask the court if the jury might be retired and then present such arguments as the court may permit.

SECTION IX: MISCELLANEOUS

9.1 Withdrawal of Lawyer

A lawyer of record shall not be permitted to withdraw from any case without complying with the requirements of Rule 10, Texas Rules of Civil Procedure.

9.2 Submission of Judgments

All final orders, decrees and judgments, if necessary after the completion of a hearing or trial shall be submitted to the court by the responsible lawyer for entry within twenty (20) days from the date of announcement of the court's decision, except temporary orders, which shall be submitted to the court within ten (10) days after decision.

9.3 Parties Proceeding Pro Se

Any natural person proceeding on his own behalf without a lawyer shall be expected to read and follow these local rules and the Texas Rules of Civil Procedure, the Texas Rules of Evidence, the Code of Criminal Procedure, and the Texas Rules of Appellate Procedure as may be appropriate in the particular case. Failure to comply may result in the pro se party being sanctioned, fined or punished as in other cases. Pro se parties shall be responsible for furnishing all written orders, judgments and other papers required in any suit filed by said pro se parties and pro se parties shall be responsible for providing the Clerk with current addresses and telephone numbers.

9.4 Dismissal for Want of Prosecution

a) Any civil case on which there has been no activity for six (6) months or longer may be placed on a dismissal docket. The court will periodically give notice of intention to dismiss for want of prosecution. Such notice will be given at least thirty (30) days prior to the signing of consequent dismissal order.

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

9.5 Vacations of Lawyers

Counsel wishing to avoid assignment to trial during a vacation period shall advise the court coordinator at least forty-five (45) days prior to the beginning of the vacation. No vacation period will prevent a call to trial for more than four (4) consecutive weeks. Vacations shall not be grounds for resetting cases set more than forty-five (45) days prior to receipt of a vacation notice.

Subject to the foregoing paragraph, if a case is set for trial by the court on a date for which a lawyer has planned a vacation, the lawyer will notify the Court as soon as the notice of trial setting is received and the case may be reset for a different time. If plans for a vacation are made by a lawyer after a trial setting notice has been received, the lawyer will immediately notify the court and other parties with a request that the case be reset for a different time if not disruptive to: the court's docket, the interests of the parties, or the administration of justice. The court will rule on such after giving all parties to the lawsuit an opportunity to respond to the request.

9.6 Standing Orders

In all family law cases involving the custody and possession of children, the court's Standing Order (Appendix "C") for parental counseling shall be complied with by all parties.

9.7 Emergency and Special Sessions

The local administrative judge may call special or emergency meetings as may become necessary with appropriate notice when necessary.

9.8 Judicial Vacation; Judicial Education

a) Judicial vacations and education events will be scheduled in advance by each judge, subject to change in conditions, and notice thereof is to be filed with the local administrative judge.

b) The judges of statutory county courts at law and each district court may take personal vacations at any time during the year.

c) Such vacations shall be coordinated with the local administrative judge so that there are a sufficient number of district and county court at law judges in the county at all times to handle its judicial business.

d) Judges may take such sick leave as is essential for their health and well-being.

e) Attendance at judicial conferences and educational programs is considered an official duty and as court time.

f) Extended absences for other reasons should likewise be coordinated with the local administrative judge.

9.9 Noncompliance

Any willful failure by a party or lawyer to comply with these rules shall subject such offending party or lawyer to all sanctions provided for in these rules, the Texas Rules of Civil Procedure, or by law, including contempt under Sec. 21.002, Government Code.

COURT CONTACT INFORMATION

43rd Judicial District Court
117 Fort Worth Highway
Weatherford, Texas 76086
(817) 594-7343 phone
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43rd.districtcourt@parkercountytx.com

Court Coordinator
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jolene.duboise@parkercountytx.com

Assistant Court Coordinator
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Court Reporter
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117 Fort Worth Highway
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(817) 598-6195
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Assistant Court Coordinator
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Court Reporter
(817) 598-6195
kc.debusk@parkercountytx.com

District Clerk
117 Fort Worth Highway
Weatherford, Texas 76086
(817) 598-6114 Civil Division
(817) 598-6194 Criminal Division
(817) 598-6131 facsimile

County Clerk -Criminal and Civil Division
One Courthouse Square
Weatherford, Texas 76086
(817) 594-1632 phone
(817) 598-6129 facsimile

County Clerk -Deeds and Records
1112 Santa Fe Drive
Weatherford, Texas 76086
(817) 594-7461 phone
(817) 594-9540 facsimile

Main Parker County Numbers

800-371-3359
817-613-1415
817-599-6591

Website-Parker County, Texas

http://www.co.parker.tx.us/ips/cms

To access court information and records from this site choose:

1. County Information
2. Parker County Judicial Records

APPENDIX "A"
PART I

RULES OF JUDICIAL ADMINISTRATION

Rule 1. Authority

These rules are promulgated pursuant to Section 74.024 of the Texas Government Code.

Rule 2. Definitions

In these rules:

a. "Chief Justice" means the Chief Justice of the Supreme Court.

b. "Presiding Judge" means the presiding judge of an administrative region.

c. "Administrative region" means an administrative judicial region created by Section 74.042 of the Texas Government Code.

d. "Statutory county court" means a court created by the legislature under Article V, Section 1, of the Texas Constitution, including county courts at law, county criminal courts, county criminal courts of appeals, and county civil courts at law, but not including statutory probate courts as defined by Section 3(ii) of the Texas Probate Code.

Rule 3. Council of Presiding Judges

a. There is hereby created the Council of Presiding Judges, composed of the Chief Justice as chairman and the nine presiding judges of the administrative regions.

b. The Chief Justice shall call and preside over an annual meeting of the Council on a date and at a time and place in the State designated by the Chief Justice.

c. The Chief Justice may call and convene additional meetings of the Council that he considers necessary for the promotion of the orderly and efficient administration of justice.

d. At the will of the Chief Justice, the Council may choose one of its members to serve as chairman, who will serve for a period of two years.

e. At the meetings, the Council shall:

(1) study the condition of the dockets of the courts of the State to determine the existence of:

(a) a significant increase in the number of new cases filed;

(b) a disposition rate below the state average;

(c) fewer cases disposed of than new cases filed;

(d) an excessive number of cases pending on the docket for a lengthy period of time;

(e) a large number of inactive tax cases, non-arrest criminal cases, cases held pending action in other courts or other cases which are not ready for disposition;

(f) cases tried and awaiting the entry of judgment;

(g) the need for technical assistance in case flow or case management; and

(h) the need for the assignment of visiting judges to any court;

(2) compare the regional and local rules of court to achieve the uniformity of rules that is practicable and consistent with local conditions;

(3) consider uniformity in the administration of Chapter 74 of the Texas Government Code in the various administrative regions; and

(4) promote more effective administration of justice through the use of Chapter 74 of the Texas Government Code.

f. The Office of Court Administration shall provide the necessary staff support for the operation of the Council and at the direction of the Chief Justice shall provide the Council with information concerning the operation of the courts of this State.

Rule 4. Council of Judges

a. There is hereby created in each of the administrative regions a Council of Judges, composed of the Presiding Judge as Chairman, judges of the district courts and statutory county courts within the region, senior judges, and former district and statutory county court judges residing in the region who have qualified to serve as judicial officers under the provisions of Section 74.055 of the Texas Government Code.

b. The Presiding Judge shall call at least one meeting each year of the Council of Judges of the administrative region, at a time and place designated by the Presiding Judge, for consultation and counseling on the state of the dockets and the civil and criminal

business in the district and statutory county courts of the administrative region and arranging for the disposition of cases and other business pending on the court dockets. At the meeting, the Council shall study and act upon the matters listed in Rule 3.e and such other matters as may be presented to the meeting by the judges in attendance.

c. The Council of Judges shall adopt rules for the administration of the affairs of the district and statutory county courts within the administrative region, including, but not limited to, rules for:

(1) management of the business, administrative and nonjudicial affairs of the courts;

(2) docket management systems to provide the most efficient use of available court resources;

(3) the reporting of docket status information to reflect not only the numbers of cases on the dockets but also the types of cases relevant to the time needed to dispose of them;

(4) meaningful procedures for achieving the time standards for the disposition of cases provided by Rule 6;

(5) such other matters necessary to the administrative operations of the courts; and

(6) judicial budget matters.

d. The expenses of judges attending meetings of the Council of Judges may be paid from funds provided by law.

Rule 5. Duties of the Presiding Judge

In addition to the duties placed on Presiding Judges by law and these rules, each Presiding Judge should oversee the general docket management, the prompt disposition of all cases filed in each district and statutory county court within the region, and the proper administration of the affairs of the courts within the administrative region. The Presiding Judge shall:

a. ensure the adoption of uniform local rules;

b. hold periodic meetings with the judges in counties with more than one court;

c. consult with each trial judge of the administrative region to implement more efficient methods of docket management;

d. study in detail the condition of the dockets in each county;

e. discover and encourage the implementation of systems to reduce delay in local dockets;

f. provide for the orientation and training of new judges in the administrative regions;

g. ensure adherence to the time standards provided by Rule 6 in the courts of the administrative region;

h. direct the district and county clerks within the regions to submit such statistical reports as may be requested by either the local administrative judge or the presiding judge; and

i. perform such other duties as may be assigned by the Chief Justice.

Rule 6. Time Standards for the Disposition of Cases

District and statutory county court judges of the county in which cases are filed should, so far as reasonably possible, ensure that all cases are brought to trial or final disposition in conformity with the following time standards:

a. **Criminal Cases.** As provided by Article 32A.02, Code of Criminal Procedure.

b. **Civil Cases Other Than Family Law.**

(1) *Civil Jury Cases.* Within 18 months from appearance date.

(2) *Civil Non-jury Cases.* Within 12 months from appearance date.

c. **Family Law Cases**

(1) *Contested Family Law Cases.* Within 6 months from appearance date or within 6 months from the expiration of the waiting period provided by the Family Code where such is required, whichever is later.

(2) *Uncontested Family Law Cases.* Within 3 months from appearance date or within 3 months from the expiration of the waiting period provided by the Family Code where such is required, whichever is later.

d. **Juvenile Cases**

In addition to the requirements of Title 3, Texas Family Code:

(1) *Detention Hearings.* On the next business day following admission to any detention facility.

(2) *Adjudicatory or Transfer (Waiver) Hearings.*

(a) Concerning a juvenile in a detention facility: Not later than 10 days following admission to such a facility, except for good cause shown of record.

(b) Concerning a juvenile not in a detention facility: Not later than 30 days following the filing of the petition, except for good cause shown of record.

(3) *Disposition Hearing.* Not later than 15 days following the adjudicatory hearing. The court may grant additional time in exceptional cases that require more complex evaluation.

(4) Nothing herein shall prevent a judge from recessing a juvenile hearing at any stage of the proceeding where the parties are agreeable or when in the opinion of the judge presiding in the case the best interests of the child and of society shall be served.

e. **Complex Cases.** It is recognized that in especially complex cases or special circumstances it may not be possible to adhere to these standards.

Rule 7. Administrative Responsibilities

a. A district or statutory county court judge shall:

(1) diligently discharge the administrative responsibilities of the office;

(2) rule on a case within three months after the case is taken under advisement;

(3) if an election contest or a suit for the removal of a local official is filed in his court, request the presiding judge to assign another judge who is not a resident of the county to dispose of the suit;

(4) on motion by either party in a disciplinary action against an lawyer, request the presiding judge to assign another judge who is not a resident of the administrative region where the action is pending to dispose of the case;

(5) request the presiding judge to assign another judge of the administrative region to hear a motion relating to the recusal or disqualification of the judge from a case pending in his court; and

(6) to the extent consistent with safeguarding the rights of litigants to the just processing of their causes, utilize methods to expedite the disposition of cases on the docket of the court, including

(a) adherence to firm trial dates with strict continuance policies;

(b) the use of telephone or mail in lieu of personal appearance by lawyers for motion hearings, pretrial conferences, scheduling and the setting of trial dates;

(c) pretrial conferences to encourage settlements and to narrow trial issues;

(d) taxation of costs and imposition of other sanctions authorized by the Rules of Civil Procedure against lawyers or parties filing frivolous motions or pleadings or abusing discovery procedures; and

(e) local rules, consistently applied, to regulate docketing procedures and timely pleadings, discovery and motions.

Rule 8. Assignment of Judges

a. Judges may be assigned in the manner provided by Chapter 74 of the Texas Government Code to hold court when:

(1) the regular judge of the court is absent or is disabled, recuses himself, or is recused under the provisions of Rule 18a, T.R.C.P., or is disqualified for any cause;

(2) the regular judge of the court is present and is trying cases as authorized by the constitution and laws of this State; or

(3) the office of the judge is vacant because of death, resignation, or other cause.

b. A Presiding Judge from time to time shall assign the judges of the administrative region, including qualified retired appellate judges, to hold special or regular terms of court in any county of the administrative region to try cases and dispose of accumulated business.

c. The Presiding Judge of one administrative region may request the Presiding Judge of another administrative region to furnish judges to aid in the disposition of litigation pending in a court in the administrative region of the Presiding Judge who makes the request.

d. In addition to the assignment of judges by the Presiding Judges as authorized by Chapter 74 of the Texas Government Code, the Chief Justice may assign judges of one or more administrative regions for service in other administrative regions when he considers the assignment necessary to the prompt and efficient administration of

justice. A judge assigned by the Chief Justice shall perform the same duties and functions that the judge would perform if he were assigned by the Presiding Judge.

Rule 9. Local Administrative Judges

a. In any county in which there are two or more district courts, the judges of those courts shall elect one of the district judges as the local administrative district judge. In any county in which there are two or more statutory county courts, the judges of those courts shall elect one of the statutory county court judges as the local administrative statutory county court judge. If a local administrative district judge or a local administrative statutory county court judge is not so chosen, the Presiding Judge of the administrative region shall designate one of the qualified judges of the county as the local administrative district judge or the local administrative statutory county court judge. The local administrative judges shall be responsible to the Presiding Judge of the administrative region for the expeditious dispatch of business in the district and statutory county courts of the county.

b. Under the direction of the local administrative judge, the district and statutory county court judges of the county shall adopt rules to provide for the orderly administration of the affairs of the district and statutory county courts of the county. The rules shall employ a uniform and consistent numbering system approved by the Supreme Court and the Council of Presiding Judges. These rules shall provide, among other matters, for the orderly discharge of the local judicial responsibilities for matters relating to:

(1) docket management of the local courts;

(2) regular meetings to address the matters set forth in Rule 3.e.;

(3) judicial budget matters;

(4) adult and juvenile probation matters;

(5) County Auditor matters;

(6) county purchasing matters;

(7) relationship with other governmental bodies, the public, and the news media;

(8) such other matters necessary to provide for the orderly, prompt, efficient, and effective administration of justice in the county;

(9) court reporters and timely preparation of records; and

(10) dismissals for want of prosecution so as to achieve and maintain compliance with the time standards of Rule 6.

Rule 10. Local Rules

The local rules adopted by the courts of each county shall conform to all provisions of state and administrative region rules. If approved by the Supreme Court pursuant to Rule 3a, T.R.C.P., the local rules shall be published and available to the Bar and public, and shall include the following:

a. In multi-court counties having two or more court divisions, each division must adopt a single set of local rules which shall govern all courts in the division.

b. Provisions for fair distribution of the caseload among the judges in the county.

c. Provisions to ensure uniformity of forms to be used by the courts under Rules 165a and 166, T.R.C.P.

d. Designation of the responsibility for emergency and special matters.

e. Plans for judicial vacation, sick leave, attendance at educational programs, and similar matters.

Rule 11. Pretrial Proceedings in Certain Cases

11.1 Applicability. This rule applies to any case that involves material questions of fact and law in common with another case pending in another court in another county on or after October 1, 1997.

11.2 Definitions.

(a) *Presiding judge* means the presiding judge of an administrative judicial region in which a case is pending;

(b) *Regular judge* means the regular judge of a court in which a case is pending.

(c) *Pretrial judge* means a judge assigned under this rule.

(d) *Related* means that cases involve common material issues of fact and law.

11.3 Assignment of Pretrial Judge.

(a) *By presiding judge.* On motion or request under 11.4, a presiding judge may assign an active district judge, including himself or herself, to a case to conduct all pretrial proceedings and decide all pretrial matters.

(b) *Authority of pretrial judge.* The pretrial judge will preside over all pretrial proceedings in the case in place of the regular judge. The pretrial judge will decide all pretrial motions, including motions to transfer venue and motions for summary judgment. The pretrial judge and the regular judge must consult on setting a trial date.

(c) *Different judges assigned.* The same pretrial judge need not be assigned in all related cases. If more than one pretrial judge is assigned in related cases, either in the same region or in different regions, the pretrial judges must consult with each other in conducting pretrial proceedings and deciding pretrial matters.

(d) *Assignment outside region.* The Chief Justice of the Supreme Court may assign an active district judge to other administrative regions to allow the judge to be assigned as a pretrial judge under this rule.

(e) *No objections to pretrial judge.* An assignment under this rule is not made pursuant to section 74.054 of the Government Code, and therefore a pretrial judge is not subject to an objection under section 74.053 of the Government Code.

(f) *Termination of assignment.* An assignment under this rule terminates when:

(i) all pretrial proceedings in a case have been completed;

(ii) the pretrial judge ceases to be an active district judge; or

(iii) the presiding judge in the exercise of discretion terminates the assignment.

11.4 Procedure for Obtaining Assignment of a Pretrial Judge.

(a) *Motion or request required;* who may file. A pretrial judge may be assigned only on the motion of a party to a case or at the request of the regular judge.

(b) *Contents of motion or request.* The motion or request must state:

(1) the number and style of the case;

(2) the number and style of the related case, and the court and county in which it is pending;

(3) the material questions of fact and law common to the cases;

(4) the reasons why the assignment would promote the just and efficient conduct of the action; and

(5) whether all parties agree to the motion.

(c) *Where filed.* The motion or request must be filed in all cases identified under (b)(1) and (b)(2).

(d) *Response.* A response may be filed by:

(1) any other party to the case;

(2) the regular judge of the court in which the case is pending;

(3) the regular judge of the court in which the related case is pending, if no pretrial judge has already been assigned in that case;

(4) the pretrial judge assigned to the related case, if a pretrial judge has already been assigned; and

(5) any party to the related case.

(e) *Briefs.* A motion, request, or response may be accompanied by a brief. The presiding judge may request briefs.

(f) *Hearing.* Unless all parties in the case agree to a motion or request, the presiding judge may not grant the motion without conducting an oral hearing. The hearing may be held in any county within the region or in Travis County. The presiding judge must give notice of the time and place for the hearing to all parties and the regular or pretrial judges in the cases identified in (b)(1) and (b)(2).

(g) *Evidence.* In ruling on the motion or request, the presiding judge may consider all documents filed in the case or the related case, all discovery conducted in the case or the related case, any stipulations filed by the parties in the case or the related case, affidavits filed in connection with the motion, request, or response, and oral testimony.

(h) *Decision.* The presiding judge must grant the motion or request if the judge determines that:

(1) the case involves material questions of fact and law common to a case in another court and county; and

(2) assignment of a pretrial judge would promote the just and efficient conduct of the cases.

Otherwise, the presiding judge must deny the motion or request.

(i) *Order.* The presiding judge must issue an order deciding the motion or request. The order must be filed in the case in which assignment of a pretrial judge was sought.

(j) *Service and notice.* A party must serve any paper filed under this rule on all parties to the cases identified under (b)(1) and (b)(2) and on the presiding judge or judges for those cases. If a judge files any paper under this rule, the clerk of the court in which the paper is filed must send a copy to all parties to the cases identified under (b)(1) and (b)(2) and to the presiding judge or judges for those cases. The clerk of the court where a case is pending in which assignment of a pretrial judge is sought shall serve as the clerk for the presiding judge under this rule.

11.5 Review. A presiding judge's order granting or denying a motion or request for appointment of a pretrial judge may be reviewed only by the Supreme Court in an original mandamus proceeding.

11.6 Expenses of Pretrial Judge. If a pretrial judge travels outside the judge's county of residence to conduct proceedings, the county in which the proceedings are conducted must pay~~on certification by the presiding judge of the administrative judicial region in which the other county is located~~the pretrial judge's actual travel expenses and actual living expenses incurred for conducting the proceedings.

Rule 12. Public Access to Judicial Records

12.1 Policy. The purpose of this rule is to provide public access to information in the judiciary consistent with the mandates of the Texas Constitution that the public interests are best served by open courts and by an independent judiciary. The rule should be liberally construed to achieve its purpose.

12.2 Definitions. In this rule:

(a) *Judge* means a regularly appointed or elected judge or justice.

(b) *Judicial agency* means an office, board, commission, or other similar entity that is in the Judicial Department and that serves an administrative function for a court. A task force or committee created by a court or judge is a "judicial agency".

(c) *Judicial officer* means a judge, former or retired visiting judge, referee, commissioner, special master, court-appointed arbitrator, or other person exercising adjudicatory powers in the judiciary. A mediator or other provider of non-binding dispute resolution services is not a "judicial officer".

(d) *Judicial record* means a record made or maintained by or for a court or judicial agency in its regular course of business but not pertaining to its adjudicative function, regardless of whether that function relates to a specific case. A record of any nature created, produced, or filed in connection with any matter that is or has been before a court is not a judicial record. A record is a document, paper, letter, map, book, tape, photograph, film, recording, or other material, regardless of electronic or physical form, characteristics, or means of transmission.

(e) *Records custodian* means the person with custody of a judicial record determined as follows:

(1) The judicial records of a court with only one judge, such as any trial court, are in the custody of that judge. Judicial records pertaining to the joint administration of a number of those courts, such as the district courts in a particular county or region, are in the custody of the judge who presides over the joint administration, such as the local or regional administrative judge.

(2) The judicial records of a court with more than one judge, such as any appellate court, are in the custody of the chief justice or presiding judge, who must act under this rule in accordance with the vote of a majority of the judges of the court. But the judicial records relating specifically to the service of one such judge or that judge's own staff are in the custody of that judge.

(3) The judicial records of a judicial officer not covered by subparagraphs (1) and (2) are in the custody of that officer.

(4) The judicial records of a judicial agency are in the custody of its presiding officer, who must act under this rule in accordance with agency policy or the vote of a majority of the members of the agency.

12.3 **Applicability**. This rule does not apply to:

(a) records or information to which access is controlled by:

(1) a state or federal court rule, including:

(A) a rule of civil or criminal procedure, including Rule 76a, Texas Rules of Civil Procedure;

(B) a rule of appellate procedure;

(C) a rule of evidence;

(D) a rule of administration;

(2) a state or federal court order not issued merely to thwart the purpose of this rule;

(3) the Code of Judicial Conduct;

(4) Chapter 552, Government Code, or another statute or provision of law;

(b) records or information to which Chapter 552, Government Code, is made inapplicable by statute, rule, or other provision of law, other than Section 552.003(1)(B);

(c) records or information relating to an arrest or search warrant or a supporting affidavit, access to which is controlled by:

(1) a state or federal court rule, including a rule of civil or criminal procedure, appellate procedure, or evidence; or

(2) common law, court order, judicial decision, or another provision of law

(d) elected officials other than judges.

12.4 Access to Judicial Records.

(a) *Generally.* Judicial records other than those covered by Rules 12.3 and 12.5 are open to the general public for inspection and copying during regular business hours. But this rule does not require a court, judicial agency, or records custodian to:

(1) create a record, other than to print information stored in a computer;

(2) retain a judicial record for a specific period of time;

(3) allow the inspection of or provide a copy of information in a book or publication commercially available to the public; or

(4) respond to or comply with a request for a judicial record from or on behalf of an individual who is imprisoned or confined in a correctional facility as defined in Section 1.07(a), Penal Code, or in any other such facility in any state, federal, or foreign jurisdiction.

(b) **Voluntary Disclosure.** A records custodian may voluntarily make part or all of the information in a judicial record available to the public, subject to Rules 12.2(e)(2) and 12.2(e)(4), unless the disclosure is expressly prohibited by law or exempt under this rule, or the information is confidential under law. Information voluntarily disclosed must be made available to any person who requests it.

12.5 Exemptions from Disclosure. The following records are exempt from disclosure under this rule:

(a) ***Judicial Work Product and Drafts.*** Any record that relates to a judicial officer's adjudicative decision-making process prepared by that judicial officer, by another judicial officer, or by court staff, an intern, or any other person acting on behalf of or at the direction of the judicial officer.

(b) *Security Plans.* Any record, including a security plan or code, the release of which would jeopardize the security of an individual against physical injury or jeopardize information or property against theft, tampering, improper use, illegal disclosure, trespass, unauthorized access, or physical injury.

(c) *Personnel Information.* Any personnel record that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy.

(d) *Home Address and Family Information.* Any record reflecting any person's home address, home or personal telephone number, social security number, or family members.

(e) *Applicants for Employment or Volunteer Services.* Any records relating to an applicant for employment or volunteer services.

(f) *Internal Deliberations on Court or Judicial Administration Matters.* Any record relating to internal deliberations of a court or judicial agency, or among judicial officers or members of a judicial agency, on matters of court or judicial administration.

(g) *Court Law Library Information.* Any record in a law library that links a patron's name with the materials requested or borrowed by that patron.

(h) *Judicial Calendar Information.* Any record that reflects a judicial officer's appointments or engagements that are in the future or that constitute an invasion of personal privacy.

(i) *Information Confidential Under Other Law.* Any record that is confidential or exempt from disclosure under a state or federal constitutional provision, statute or common law, including information that relates to:

(1) a complaint alleging misconduct against a judicial officer, if the complaint is exempt from disclosure under Chapter 33, Government Code, or other law;

(2) a complaint alleging misconduct against a person who is licensed or regulated by the courts, if the information is confidential under applicable law; or

(3) a trade secret or commercial or financial information made privileged or confidential by statute or judicial decision.

(j) *Litigation or Settlement Negotiations.* Any judicial record relating to civil or criminal litigation or settlement negotiations:

(1) in which a court or judicial agency is or may be a party; or

(2) in which a judicial officer or member of a judicial agency is or may be a party as a consequence of the person's office or employment.

(k) *Investigations of Character or Conduct.* Any record relating to an investigation of any person's character or conduct, unless:

(1) the record is requested by the person being investigated; and

(2) release of the record, in the judgment of the records custodian, would not impair the investigation.

(l) *Examinations.* Any record relating to an examination administered to any person, unless requested by the person after the examination is concluded.

12.6 Procedures for Obtaining Access to Judicial Records.

(a) *Request.* A request to inspect or copy a judicial record must be in writing and must include sufficient information to reasonably identify the record requested. The request must be sent to the records custodian and not to a court clerk or other agent for the records custodian. A requestor need not have detailed knowledge of the records custodian's filing system or procedures in order to obtain the information.

(b) *Time for Inspection and Delivery of Copies.* As soon as practicable~and not more than 14 days~after actual receipt of a request to inspect or copy a judicial record, if the record is available, the records custodian must either:

(1) allow the requestor to inspect the record and provide a copy if one is requested; or

(2) send written notice to the requestor stating that the record cannot within the prescribed period be produced or a copy provided, as applicable, and setting a reasonable date and time when the document will be produced or a copy provided, as applicable.

(c) *Place for Inspection.* A records custodian must produce a requested judicial record at a convenient, public area.

(d) *Part of Record Subject to Disclosure.* If part of a requested record is subject to disclosure under this rule and part is not, the records custodian must redact the portion of the record that is not subject to disclosure, permit the remainder of the record to be inspected, and provide a copy if requested.

(e) *Copying; Mailing.* The records custodian may deliver the record to a court clerk for copying. The records custodian may mail the copy to a requestor who has prepaid the postage.

(f) *Recipient of Request not Custodian of Record.* A judicial officer or a presiding officer of a judicial agency who receives a request for a judicial record not in his or her custody as defined by this rule must promptly attempt to ascertain who the custodian of the record is. If the recipient of the request can ascertain who the custodian of the requested record is, the recipient must promptly refer the request to that person and notify the requestor in writing of the referral. The time for response prescribed in Rule 12.6(b) does not begin to run until the referral is actually received by the records custodian. If the recipient cannot ascertain who the custodian of the requested record is, the recipient must promptly notify the requestor in writing that the recipient is not the custodian of the record and cannot ascertain who the custodian of the record is.

(g) *Inquiry to Requestor.* A person requesting a judicial record may not be asked to disclose the purpose of the request as a condition of obtaining the judicial record. But a records custodian may make inquiry to establish the proper identification of the requestor or to clarify the nature or scope of a request.

(h) *Uniform Treatment of Requests.* A records custodian must treat all requests for information uniformly without regard to the position or occupation of the requestor or the person on whose behalf a request is made, including whether the requestor or such person is a member of the media.

12.7 Costs for Copies of Judicial Records; Appeal of Assessment.

(a) *Cost.* The cost for a copy of a judicial record is either:

(1) the cost prescribed by statute, or

(2) if no statute prescribes the cost, the actual cost, as defined in Section 111.62, Title 1, Texas Administrative Code, not to exceed 125 percent of the amount prescribed by the General Services Commission for providing public information under Title 1, Texas Administrative Code, Sections 111.63, 111.69, and 111.70.

(b) *Waiver or Reduction of Cost Assessment by Records Custodian.* A records custodian may reduce or waive the charge for a copy of a judicial record if:

(1) doing so is in the public interest because providing the copy of the record primarily benefits the general public, or

(2) the cost of processing collection of a charge will exceed the amount of the charge.

(c) *Appeal of Cost Assessment.* A person who believes that a charge for a copy of a judicial record is excessive may appeal the overcharge in the manner prescribed by Rule 12.9 for the appeal of the denial of access to a judicial record.

(d) *Records Custodian not Personally Responsible for Cost.* A records custodian is not required to incur personal expense in furnishing a copy of a judicial record.

12.8 Denial of Access to a Judicial Record.

(a) *When Request May be Denied.* A records custodian may deny a request for a judicial record under this rule only if the records custodian:

(1) reasonably determines that the requested judicial record is exempt from required disclosure under this rule; or

(2) makes specific, non-conclusory findings that compliance with the request would substantially and unreasonably impede the routine operation of the court or judicial agency.

(b) *Time to Deny.* A records custodian who denies access to a judicial record must notify the person requesting the record of the denial within a reasonable time-not to exceed 14 days-after receipt of the request, or before the deadline for responding to the request extended under Rule 12.6 (b)(2).

(c) *Contents of Notice of Denial.* A notice of denial must be in writing and must:

(1) state the reason for the denial;

(2) inform the person of the right of appeal provided by Rule 12.9; and

(3) include the name and address of the Administrative Director of the Office of Court Administration.

12.9 Relief from Denial of Access to Judicial Records.

(a) *Appeal.* A person who is denied access to a judicial record may appeal the denial by filing a petition for review with the Administrative Director of the Office of Court Administration.

(b) *Contents of Petition for Review.* The petition for review:

(1) must include a copy of the request to the record custodian and the records custodian's notice of denial;

(2) may include any supporting facts, arguments, and authorities that the petitioner believes to be relevant; and

(3) may contain a request for expedited review, the grounds for which must be stated.

(c) *Time for Filing.* The petition must be filed not later than 30 days after the date that the petitioner receives notice of a denial of access to the judicial record.

(d) *Notification of Records Custodian and Presiding Judges.* Upon receipt of the petition for review, the Administrative Director must promptly notify the records custodian who denied access to the judicial record and the presiding judge of each administrative judicial region of the filing of the petition.

(e) *Response.* A records custodian who denies access to a judicial record and against whom relief is sought under this section may-within 14 days of receipt of notice from the Administrative Director-submit a written response to the petition for review and include supporting facts and authorities in the response. The records custodian must mail a copy of the response to the petitioner. The records custodian may also submit for in camera inspection any record, or a sample of records, to which access has been denied.

(f) *Formation of Special Committee.* Upon receiving notice under Rule 12.9(d), the presiding judges must refer the petition to a special committee of not less than five of the presiding judges for review. The presiding judges must notify the Administrative Director, the petitioner, and the records custodian of the names of the judges selected to serve on the committee.

(g) *Procedure for Review.* The special committee must review the petition and the records custodian's response and determine whether the requested judicial record should be made available under this rule to the petitioner. The special committee may request the records custodian to submit for in camera inspection a record, or a sample of records, to which access has been denied. The records custodian may respond to the request in whole or in part but it not required to do so.

(h) *Considerations.* When determining whether the requested judicial record should be made available under this rule to petition, the special committee must consider:

(1) the text and policy of this Rule;

(2) any supporting and controverting facts, arguments, and authorities in the petition and the response; and

(3) prior applications of this Rule by other special committees or by courts.

(i) *Expedited Review.* On request of the petitioner, and for good cause shown, the special committee may schedule an expedited review of the petition.

(j) *Decision.* The special committee's determination must be supported by a written decision that must:

(1) issue within 60 days of the date that the Administrative Director received the petition for review;

(2) either grant the petition in whole or in part or sustain the denial of access to the requested judicial record;

(3) state the reasons for the decision, including appropriate citations to this rule; and

(4) identify the record or portions of the record to which access is ordered or denied, but only if the description does not disclose confidential information.

(k) *Notice of Decision.* The special committee must send the decision to the Administrative Director. On receipt of the decision from the special committee, the Administrative Director must:

(1) immediately notify the petitioner and the records custodian of the decision and include a copy of the decision with the notice; and

(2) maintain a copy of the special committee's decision in the Administrative Director's office for public inspection.

(l) *Publication of Decisions.* The Administrative Director must publish periodically to the judiciary and the general public the special committees' decisions.

(m) *Final Decision.* A decision of a special committee under this rule is not appealable but is subject to review by mandamus.

(n) *Appeal to Special Committee Not Exclusive Remedy.* The right of review provided under this subdivision is not exclusive and does not preclude relief by mandamus.

12.10 Sanctions. A records custodian who fails to comply with this rule, knowing that the failure to comply is in violation of the rule, is subject to sanctions under the Code of Judicial Conduct.

Comments

1. Although the definition of "judicial agency" in Rule 12.2(b) is comprehensive, applicability of the rule is restricted by Rule 12.3. The rule does not apply to judicial agencies whose records are expressly made subject to disclosure by statute, rule, or law. An example is the State Bar ("an administrative agency of the judicial department", Tex. Gov't Code § 81.011(a)), which is subject to the Public Information Act. Tex. Gov't Code § 81.033. Thus, no judicial agency must comply with both the Act and this rule; at most one can apply. Nor does the rule apply to judicial agencies expressly excepted from the Act by statute (other than by the general judiciary exception in section 552.003(b) of the Act), rule, or law. Examples are the Board of Legal

Specialization, Tex. Gov't Code § 81.033, and the Board of Disciplinary Appeals, Tex. R. Disciplinary App. 7.12. Because these boards are expressly excepted from the Act, their records are not subject to disclosure under this rule, even though no law affirmatively makes their records confidential. The Board of Law Examiners is partly subject to the Act and partly exempt, Tex. Gov't Code § 82.003, and therefore this rule is inapplicable to it. An example of a judicial agency subject to the rule is the Supreme Court Advisory Committee, which is neither subject to nor expressly excepted from the Act, and whose records are not made confidential by any law.

2. As stated in Rule 12.4, this rule does not require the creation or retention of records, but neither does it permit the destruction of records that are required to be maintained by statute or other law, such as Tex. Gov't Code §§ 441.158-.167, .180-.203; Tex. Local Gov't Code ch. 203; and 13 Tex. Admin. Code § 7.122.

3. Rule 12.8 allows a records custodian to deny a record request that would substantially and unreasonably impede the routine operation of the court or judicial agency. As an illustration, and not by way of limitation, a request for "all judicial records" that is submitted every day or even every few days by the same person or persons acting in concert could substantially and unreasonably impede the operations of a court or judicial agency that lacked the staff to respond to such repeated requests.

APPENDIX "A"
PART II

EIGHTH ADMINISTRATIVE JUDICIAL REGION
RULES OF ADMINISTRATION

AUTHORITY. These rules are promulgated pursuant to Article 200a-1, V.T.C.S., and Supreme Court Rules of Judicial Administration, adopted February 4, 1987.

RULE 1: The general rule with respect to disposition of cases.

RULE 2: The specific requirements as to the information to be supplied by or to the administrative judges' of each county.

RULE 3: The rule governing the disposition of civil cases.

RULE 4: The rule governing the disposition of family law and juvenile cases.

RULE 5: The rule governing the disposition of felony and misdemeanor cases.

RULE 6: The rule governing the selection and control of juries.

RULE 7: The rule with respect to judges' vacations, absences, etc.

RULE 8: The rule with respect to rules.

RULE 9: The rule with respect to local courts administration.

RULE 10: The rule with respect to attorneys having conflicting engagements.

RULE 11: The rule with respect to attorneys' vacations.

RULE 1. TIME STANDARDS FOR THE DISPOSITION OF CASES. District and statutory county court judges of the county in which cases are filed should, as far as reasonably possible, ensure that all cases brought to trial or final disposition in conformity with the following time standards:

a. CRIMINAL CASES

As provided by law with preference given to defendants held in local custody.

b. CIVIL CASES OTHER THAN FAMILY LAW

(1) Civil Jury Cases

Within 18 months from appearance date.

(2) Civil Nonjury Cases

Within 12 months from appearance date.

c. FAMILY LAW CASES

(1) Contested Family Law Cases

Within 6 months from appearance date or within 6 months from the expiration of the waiting period provided by the Family Code where such is required, whichever is later.

(2) Uncontested Family Law Cases

Within 3 months from appearance date or within 3 months from the expiration of the waiting period provided by the Family Code where such is required, whichever is later.

d. JUVENILE CASES

As provided by Title 3, Texas Family Code or other applicable law.

e. COMPLEX CASES

It is recognized that in especially complex cases or special circumstances it may not be possible to adhere to these standards.

RULE 2. The local administrative judge of each county shall cause the proper clerk to send the regional presiding judge a copy of the report sent each month to the Office of Court Administration, and such other information regarding docket management systems of the county as may be requested by the presiding judge.

RULE 3. The board of judges or judges giving preference to civil cases in each county must adopt and uniformly follow local rules governing the filing, docketing and assignment of civil cases to achieve the time standards of Rule 6, Supreme Court Rules of Judicial Administration, and meet the requirements of Rules 7, 9, and 10, Supreme Court Rules of Judicial Administration.

RULE 4. The board of judges or judges giving preference to family law and juvenile cases in each county must adopt and uniformly follow local rules governing the filing, docketing and assignment of family law and juvenile cases to achieve the time standards of Rule 6, Supreme Court Rules of Judicial Administration, and meet the requirements of Rules 7, 9, and 10, Supreme Court Rules of Judicial Administration.

RULE 5. The board of judges or judges giving preference to criminal cases in each county must adopt and uniformly follow local rules conforming with the Code of Criminal Procedure, for the processing of criminal cases.

RULE 6. The board of judges of each county must adopt a jury plan governing the selection, management, assignment and time of jury service, and file the same with the district clerk, and, when required, secure the approval of the commissioners court.

RULE 7. The board of judges of each county must adopt a plan for judicial absences for vacation and educational events and a method of notifying the regional presiding judge of the need for visiting judges.

RULE 8. (a) The rules adopted by the several counties within each administrative region must conform to the requirements of these rules.

(b) The local rules must be numbered to cover the same subject matter as prescribed by these rules using a section numerical system and decimal subsection system in accordance with the following description of content. Local rules shall use a decimal system allowing for a larger group of special circumstances. 1.1, 1.11, 1.12, 1.2, 1.21; 2.1-10.99.

(c) Local rules shall not be effective until approved by the presiding judge of the administrative region and by the Supreme Court of Texas.

RULE 9. The Board of Judges of each county must adopt as a part of the local rules a rule providing for regular meetings of the judges, committee assignments and other designations of duties necessary to the work of the courts of the county as required by Chapter 5, Article 200a-1 V.T.C.S.

RULE 10. CONFLICTING ENGAGEMENTS.

(a) Attorney already in trial in another court:

(1) When an attorney is presently in trial, said attorney shall inform other courts of the court and cause number of the conflicting trial. 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.

(2) 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.

(b) An attorney assigned to more than one court for the same date:

(1) It is the duty of an attorney to call the affected judges' attention to all multiple settings as soon as they are known.

(2) 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:

(1) Criminal cases.

(II) Cases given preference by statute.

(III) Preferentially set cases.

(IV) Case with earliest filing date.

(V) Case set at earliest date by court official.

(VI) Courts should yield to courts in rural counties in an instance of conflicting setting where necessary to utilize a called jury panel.

RULE 11. ATTORNEY VACATIONS. Local courts shall establish rules providing, except when a case has been previously set, for attorneys vacations including provision for length of vacation and time of advance notice to the Court.

Adopted: October 1, 1987 by Council of Judges, Eighth Administrative Judicial Region.

Approved: October 1, 1987

Presiding Judge, Eighth Administrative Judicial Region

APPENDIX "B"

Court Coordinator
Re: Cause No._____
Style of Case

Please set the above styled and numbered cause for (trial/hearing-please designate what type of hearing) on the court's _____ docket (jury/non-jury- contested/non-contested) for the first available date.

The request for this setting has been made in good faith in the belief that (the party requesting the setting) will be ready for (trial/hearing) at the time requested. All of the (party requesting setting)'s pleadings are now in order or will be at least seven (7) days prior to the (trial/hearing) date.

Mediation has/has not been completed and the results of the completed mediation (if any) are _____ OR Mediation is scheduled for _____ and the court will be immediately notified of the results.

Discovery is completed or will be completed pursuant to the Pre-Trial Order to be signed after the Pre-Trial Conference scheduled for _____. All necessary *ad litem* appointments are made.

Service is perfected upon all necessary parties.

A jury fee is/is not paid and there (are/are not) special exceptions (or other pretrial matters) which should be presented to the Court in advance of trial.

The estimated length of trial is _____.

All other lawyers (and/or *pro se* parties) in this case on this date are being mailed a copy of this request of setting.

Very truly yours,

Cc: Opposing counsel(s)/*pro se* parties
(Please list names and addresses of those notified.)

THIS CASE IS SET FOR THE _____ DAY OF _____, 20_____,
AT _____O'CLOCK _____.M.

_____
Court Coordinator

APPENDIX "C"

IN THE DISTRICT COURTS
and the
COUNTY COURTS AT LAW
of
PARKER COUNTY, TEXAS

STANDING ORDER

The undersigned Presiding Judges find that the best interest of the children of the parties involved in a contested original suit affecting the parent-child relationship or in contested suits to modify existing orders of conservatorship or possession require that prior to final trial on the merits that any person seeking to become a managing conservator (temporary or permanent, sole or joint) and any person seeking to be appointed possessory conservator (temporary or permanent) or seeking access to a child shall successfully complete a parenting program concerning the developmental needs of children with emphasis on fostering the child's emotional health during periods of stress.

A list of approved programs and dates and times for such programs shall be obtained from the office of the clerk of the applicable court. Parties who wish to satisfy the requirement with another program may submit information regarding the program to the court for approval prior to enrollment in the program.

This ORDER applies to all persons seeking to become a managing or possessory conservator (whether sole, joint, temporary or permanent) in all contested original actions affecting the parent-child relationship or contested actions to modify existing orders or conservatorship or possession. The lawyer filing the case shall provide a copy of this ORDER to the petitioner/movant. The clerk of the court shall provide a copy of this ORDER to all *pro se* parties. Additionally, the clerk of the court shall attach a copy of this ORDER to each citation or notice of hearing which is to be served in any suit affecting the parent-child relationship.

The program shall be successfully completed no later than 30 days from trial and evidence of completion shall be filed with the clerk of the court at least twenty-one (21) days prior to the trial date.

A party's failure to successfully complete the program pursuant to this rule may result in the court not appointing the party managing conservator or possessory conservator or in the court not granting specific periods of possession or access until the court is supplied with evidence of successful completion of this program. Additionally, the court may take appropriate action for failing to comply with this ORDER, including but not limited to sanctions for contempt of court.

SO ORDERED this the 7th day of August, 2008.

DON CHRESTMAN
JUDGE, 43RD JUDICIAL DISTRICT COURT

JERRY BUCKNER
JUDGE, COUNTY COURT AT LAW NO. 1

GRAHAM QUISENBERRY
JUDGE, 415TH DISTRICT COURT

BEN AKERS
JUDGE, COUNTY COURT AT LAW NO. 2

APPENDIX "D.1"

Case Name: _____
Cause #: _____
Date: _____

FINANCIAL EXPENSE STATEMENT

Housing

House payment/Rent ..... $_____
Insurance (Homeowner or Tenant) ..... $_____
Electric Utility ..... $_____
Gas Utility ..... $_____
Water Utility ..... $_____
Telephone ..... $_____
Maintenance & Repair ..... $_____

Transportation

Vehicle Payments ..... $_____
Vehicle Insurance ..... $_____
Gasoline ..... $_____
Maintenance & Repair ..... $_____
Other Transportation ..... $_____

Personal Insurance

Medical ..... $_____
Life ..... $_____
Other ..... $_____

Food/Clothing/Personal

Groceries ..... $_____
Restaurant Meals ..... $_____
School lunches/supplies/fees ..... $_____
Clothing ..... $_____
Grooming ..... $_____
Cleaning & Laundry ..... $_____
Work Uniforms ..... $_____
Dues (Union/Professional) ..... $_____
Entertainment ..... $_____

Health Care (Not covered by insurance)

Physicians & Hospitals ..... $_____
Dental ..... $_____
Prescriptions ..... $_____

Children

Child Care ..... $_____
Child Support ..... $_____
..... $_____

Creditors

..... $_____
..... $_____
..... $_____

TOTAL MONTHLY EXPENSES: ..... $_____

APPENDIX "D.2"

Case Name: _____
Cause #: _____
Date: _____

INCOME STATEMENTS

Husband's gross earnings from primary employment per month (include bonuses, commissions, etc.)	$_____
Withholding/FICA	$_____
Insurance	$_____
Retirement	$_____
Other	$_____
Total deductions	$_____
Husband's net income from primary employment per month	$_____
Husband's average income from other sources per month	$_____
Husband's net income per month	$_____
Wife's gross earnings from primary employment per month (include bonuses, commissions, etc.)	$_____
Withholding/FICA	$_____
Insurance	$_____
Retirement	$_____
Other	$_____
Total deductions	$_____
Wife's net income from primary employment per month	$_____
Wife's average income from other sources per month	$_____
Wife's net income per month	$_____
TOTAL NET RESOURCES:	$_____