

FILED  
DENTON COUNTY, TEXAS

2023 JAN -9 AM 11:04

**UNIFORM RULES OF COURT FOR THE DISTRICT AND  
STATUTORY COUNTY COURTS OF DENTON COUNTY, TEXAS**

DAVID TRANTHAM  
DISTRICT CLERK  
BY 15 DEPUTY

**Title I. General Rules**

**Rule 1.1: Title, Scope, Authority and Application of Local Rules**

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

1.1.2 The term “Courts” shall refer to the District and Statutory County Courts of Denton County, Texas, and/or any other court who subsequently adopts these Rules as its Local Rules.

1.1.3 These Rules are adopted by the trial judges of the District and Statutory County Courts acting in concert pursuant to the inherent power of courts to control and guide the trial and disposition of causes and pursuant to the provisions of the Supreme Court’s Order of September 13, 1999, as amended, adopting Rules of Judicial Administration and to the provisions of the Court Administration Act, Sec. 74.093, Government Code, as amended.

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

1.1.5 For purposes of these Rules, juvenile cases originating under Title 3, Juvenile Justice Code, of the Texas Family Code are neither criminal nor civil; however, for juveniles incarcerated pending a contested adjudication, the case shall be given at least the priority afforded an adult criminal case.

1.1.6 To maintain a fair and equitable division of caseloads in the District Courts and expedite movement of individual court caseloads, the Local Administrative District Judge may transfer any civil, family, or criminal case or proceeding from the docket of one District Court to the docket of another District Court.

1.1.7 Each District Judge who signs these Local Rules accepts and agrees to the rules and expressly consents to the transfer of any case to his or her docket by the Local Administrative District Judge pursuant to section 1.1.6 or any provision of the Texas Government Code.

**Rule 1.2: Repeal and Effective Date**

1.2.1 All prior Local Rules are repealed as of the effective date of these Rules.

1.2.2 These Rules are effective January 6, 2023. They shall govern all proceedings occurring on or after their effective date.

**Rule 1.3: Attorneys' Responsibilities to the Court**

1.3.1 Attorneys are officers of the Court and shall assist the Court in maintaining proper decorum at all times Court is in session.

1.3.2 Attorneys shall be responsible for familiarizing their clients, witnesses, and all other people in attendance at the attorney's request with the appropriate courtroom decorum. It shall be the attorney's duty to familiarize all such persons specifically with Rule 1.5 governing conduct in the Courtroom.

1.3.3 Attorneys have the duty to assist the Court in expediting trials and hearings consistent with their duty to provide zealous representation to their client.

1.3.4 Attorneys shall be familiar with the Texas Lawyer's Creed and shall conduct themselves in accordance with the spirit thereof.

**Rule 1.4: Commencement of Proceedings**

Each daily session of Court shall be brought to order by announcement of the bailiff, clerk, or other officer of the Court, requiring all persons to rise as the Judge and jury take their place.

**Rule 1.5: Conduct in Courtroom**

1.5.1 All persons in the Courtroom shall be attentive to the proceedings and cause no distraction. Conferences or conversations to which the Court is not privy shall not be conducted in the courtroom while court is in session.

1.5.2 No person is permitted to sit on railings, tables, desks, or chair arms or prop feet on furniture or fixtures.

1.5.3 Beverages, food, chewing gum, candy, and tobacco products are not permitted in the courtroom, unless specifically authorized by the Judge of the court.

1.5.4 No electronic devices shall be used in Court, except by attorneys or the attorney's staff during hearings in which that attorney is participating. Further, no audible sounds from

communication devices or other electronic devices shall be permitted and no recording of court proceedings shall be permitted.

1.5.5 Campaign materials are prohibited in the courtroom.

1.5.6 Gestures, facial expressions, sounds, signs, or other action indicating approval or disapproval of any testimony, argument, or ruling should be avoided.

1.5.7 All persons in the courtroom shall be attired in a manner reflecting the dignity of the Court.

1.5.8 The Court and attorneys shall address each other without familiarity. The use of first names should be avoided.

**Rule 1.6: Conduct of Hearing or Trial**

1.6.1 Trial participants, including attorneys, parties, and witnesses, shall be prompt for all docket calls and commencement of proceedings. Witnesses shall be available when called.

1.6.2 Attorneys should report their presence to the bailiff prior to a hearing, trial, or docket call.

1.6.3 During proceedings in which an attorney participates, the attorney should remain seated at counsel table except when addressing the Court or jury or when leave has been granted to approach the bench, to approach the witness, to utilize any audio/video equipment, or to publish an exhibit to the jury.

1.6.4 Objections shall be in proper legal form. Argument will not be entertained by the Court on an objection except upon leave of the Court.

1.6.5 The State, plaintiff, or moving party shall be seated at the counsel table nearer the jury box.

**Rule 1.7: Signing of Pleadings and Pro Se Parties**

1.7.1 Every pleading of a party represented by an attorney shall be signed by at least one attorney of record in the attorney's name, with the attorney's State Bar of Texas identification number, address, telephone number, and e-mail address. A party not represented by an attorney shall sign his or her own pleadings, and state his or her address, telephone number, and e-mail address.

1.7.2 Any natural person proceeding on his or her own behalf without an attorney shall be expected to read and follow these Local Rules and the Texas Rules of Civil Procedure, the

Rules of Evidence, the Code of Criminal Procedure, and the Rules of Appellate Procedure as may be appropriate in the particular case. Each person who fails to comply may be sanctioned, fined, or punished as in other cases.

**Rule 1.8: Conflicting Settings and Lawyer Vacations**

1.8.1 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 one Court at the same time.

1.8.2 An attorney shall inform all Courts in which the attorney is set for hearing or trial if the attorney has a conflicting setting, which information shall be verified upon request of opposing counsel.

1.8.3 Insofar as practicable, Judges should attempt to agree on which case has priority, considering the following priorities:

- (a) Criminal cases
- (b) Case given preference by statute
- (c) Preferentially set cases
- (d) Case with earliest filing date
- (e) Case set at earliest date by a Court official

1.8.4 A lower priority case delayed by a conflicting setting shall be continued until the conflict is resolved or the case is reset.

1.8.5 If an attorney will be unavailable for Court appearances due to a vacation, the attorney of record shall file a vacation letter with the District Clerk or County Clerk, as applicable, and shall serve all attorneys of record and parties with the vacation letter. If a vacation letter is filed not later than 45 days prior to the start of the attorney’s designated vacation, no hearings or trials shall be set in a case during the attorney’s vacation, and no orders shall be submitted under Rule 1.13 during the attorney’s vacation. However, the filing of a vacation letter shall not affect any settings that exist at the time of filing of the letter.

**Rule 1.9: Continuances, Passes, and Subsequent Settings**

1.9.1 A “continuance” is a delay of a hearing or final trial setting requested by one party, and for purposes of these Rules, is charged against the requesting party.

1.9.2 A “pass” is a delay of a hearing or final trial setting that is mutually agreed upon by the parties, and for purposes of these Rules, is charged against both parties.

1.9.3 The first continuance and/or first pass shall be granted on or prior to announcement day without necessity of showing cause, subject to approval by the trial judge. All continuances and subsequent passes shall be granted only when required for a fair disposition of litigation or when a setting is in conflict with a setting having a higher priority under these Rules or as provided by law. Substitution of counsel is ordinarily not good cause for subsequent continuances. A case passed or continued because of an attorney's vacation may not receive a setting except upon agreement of the parties or upon good cause shown.

1.9.4 A trial date cannot be postponed or changed without the consent of the Court. Except for good cause shown, any Motion for Continuance will be filed no less than 10 days prior to the trial date and will be heard by the Court if set for hearing at or before the time of trial. Any motion for continuance based upon facts which occur on or after the deadline set forth in this paragraph will be filed as soon as possible and will be heard at a time to be set by the Court.

**Rule 1.10: Docket Calls, Pretrial Hearings, and Arraignments**

The times and manner of conducting docket calls, pretrial hearings, and arraignments on all cases shall be governed by the presiding Judge of the Court in which the case is pending.

**Rule 1.11: Motion Practice in Civil & Family Cases**

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

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

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

OR

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

1.11.3 Court Coordinators are responsible for scheduling the dates and times for hearings. Upon receiving the date and time of hearing, the moving party shall immediately notify all other parties in writing as to the date, time, and subject matter of the hearing, and shall

immediately file a written notice of hearing with the District Clerk or County Clerk, as applicable. A copy of this communication shall be provided to the Court Coordinator.

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

1.11.5 By agreement, and with consent of the Presiding Judge, parties may submit matters for ruling by the Judge without a personal appearance and oral presentation. The Judge will be advised in writing when such procedure is desired.

1.11.6 Section 1.11.2 of this Rule does not pertain to dispositive motions, (e.g., Motions for Summary Judgment, Motions to Dismiss, Motions for Default Judgment, and Special Exceptions seeking to dismiss a cause of action) or to Motions for New Trial.

**Rule 1.12: Briefs**

Except in case of emergency, briefs relating to a motion (other than for summary judgment) set for hearing must be served and filed with the District Clerk or County Clerk not later than 3 working days before the scheduled hearing. Briefs in support of a motion of summary judgment must be filed and served with that motion; briefs in opposition to a motion for summary judgment must be filed and served at or before the time the response is due; reply briefs in support of a motion for summary judgment must be filed and served no less than 3 days before the hearing.

**Rule 1.13: Submission of Proposed Orders By Counsel**

Except for proposed orders tendered at a hearing, proposed orders on contested matters should be submitted by the prevailing party after notification of the Court's ruling. Proposed orders should be tendered to the opposing party at least 2 working days before they are submitted to the Court. The opposing party must either approve the proposed order as to form or file specific objections in writing with the Court. If an order is not approved as to form and no specific objections are filed within 5 days of the submission of the proposed order, the Court will presume that there are no objections as to form. Nothing herein prevents the Court from making and signing its own order at any time after the hearing in accordance with the Texas Rules of Civil Procedure.

**Rule 1.14 Local Counsel**

In order to facilitate the resolution of day-to-day issues and the proper interpretation of these Rules, local counsel is recommended.

**Rule 1.15 Evidence Formats**

When introducing evidence, the Court orders that the sponsoring party of the evidence shall ensure it is in a format that may be uploaded and accepted by the appropriate court of appeals and which comports to the recommendations of the Judicial Committee on Information Technology.

If the applicable court of appeals or other higher court amends its rules and guidelines for evidence formats, the amended rules and guidelines of that court of appeals or other higher court shall be followed.

## **Title II: Rules Applicable In All Civil Cases**

### **Rule 2.1: Ex Parte Communications**

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

2.1.2 Every application for action or relief of any kind shall be filed electronically. The filing party should notify the Court Coordinator that said application has been filed. If the judge to whom the case is assigned is not available to hear the application, then, after conferring with that Court's coordinator, the application may be presented to any other court with subject matter jurisdiction. After a judge has announced a ruling on the application or deferred ruling, the application shall not be presented to any other judge without leave of the judge to which it was first presented.

2.1.3 Every application for relief ex parte shall contain a certificate signed by counsel in one of the forms set forth below:

“I certify that to the best of my 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”

OR

“I certify that 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

“I certify that 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.”

2.1.4 Only Texas-licensed attorneys or pro se litigants can introduce evidence and serve argument before any Court, including the presentation of ex parte temporary relief.

### **Rule 2.2: Default Prove-ups**

Unless otherwise requested by the Court, default prove-ups for liquidated damages may be made through affidavits. However, a prove-up hearing shall be required for cases involving unliquidated damages.



**Rule 2.3: Hearing of Uncontested Matters**

Matters that are not contested or can be disposed of prior to any hearing or trial setting need not be docketed and may be heard at those times determined by each Court. At the Court's discretion, uncontested matters may be disposed of by affidavit.

**Rule 2.4: Bankruptcy**

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

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

**Rule 2.5: Court-Appointed Experts and Ad Litem in Civil Cases**

2.5.1 Any party shall give notice to the Court and all other parties as soon as practicable of the necessity for appointment of an expert/ad litem by the Court. An agreement by the parties for appointment by the Court of a person as an expert/ad litem shall be submitted in writing to the Court, signed by all attorneys, and shall be considered by the Court. Such agreed expert/ad litem may be appointed by the Court without necessity of a hearing on the matter. The appointment of an expert/ad litem by the Court shall be reduced to written order, which order shall state, to the extent determined by the Court, the expert's/ad litem's duties, time limits for conducting such acts required of the expert/ad litem, and a method of compensating the expert/ad litem.

2.5.2 All attorneys in the case have the affirmative duty to give written notice to the expert/ad litem of the appointment within 7 days of the appointment, which includes providing the expert/ad litem with a copy of the order and the names, addresses, and telephone numbers of all attorneys, parties, and other persons affected by or the subject of the case. This Section will not apply to ad litem appointed pursuant to the Texas Health Code § 574.003.

**Rule 2.6: Deposition Settings**

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

presumed to be reasonable.

2.6.2 A party initiating an oral deposition shall first attempt to communicate with opposing counsel to determine whether an agreement can be reached as to date, time, place, and material to be furnished at the time of deposition.

(a) Any written notice of deposition shall state as follows:

“A conference was held (or attempted) with the attorney for opposing party to agree on a date, time, place, and materials to be furnished. Agreement could not be reached (or counsel will not respond) and the deposition is therefore being taken pursuant to this notice (or agreement was reached and this notice complies with the agreement).”

(b) Failure to hold such conference or to make adequate attempt to hold such conference prior to noticing a deposition shall be grounds to quash the deposition.

**Rule 2.7: Dismissal for Want of Prosecution and Status Conferences**

2.7.1 A case may be dismissed for want of prosecution for any of the following reasons:

- (a) Failure of the Plaintiff to request a setting or take other appropriate action after the case has been pending for more than 60 days.
- (b) Failure of the Plaintiff’s counsel to appear for pretrial, docket call, other preliminary hearing, or trial.
- (c) Failure of Plaintiff’s counsel to make an announcement of “ready” when a case is called for trial or hearing of any preliminary matters.
- (d) For any other reasons provided for by these Rules, the Texas Rules of Civil Procedure, or the general law.

2.7.2 The courts will periodically give notice of their intent to hold dismissal dockets or status conferences for the purpose of determining the progress of a case. Upon appearing for one of these settings, attorneys and pro se litigants may be required to furnish signed scheduling orders or proof of issuance of citation as needed. Failure to appear may result in the case being dismissed for want of prosecution.

2.7.3 Subject to other provisions of these Rules, the Clerk shall send a written notice of a dismissal for want of prosecution to all parties or their counsel of record.

**Rule 2.8: Requests for Trial Settings**

2.8.1 Cases will be set for trial by the Court upon written request and representation of the requesting party that the case will be ready for trial, except for appeals from the J.P. Court. After consulting with all parties in compliance with Local Rule 2.9.1, the request may ask for a setting on a specific trial week, but not sooner than 75 days from the date of the request for the initial trial setting. All further trial settings may be set at a time deemed reasonable by the Court.

2.8.2 Unless the Court determines that the case is not ready for trial, the case will be set for trial on the date requested or the nearest date afterward that the Court's docket will permit.

2.8.3 The party requesting the setting shall serve the request on all other parties. Within 7 days of service of a notice of trial setting, any party having an objection to the setting shall inform the Court of the objection.

2.8.4 An objection to a trial setting under Section 2.8.3 of this Rule is ineffective unless the objecting party requests a hearing on the objection.

2.8.5 The Coordinator will inform the requesting party of the trial setting and the party requesting the setting shall serve the notice of the setting on all other parties.

**Rule 2.9: Docketing and Setting of Trials, Hearings, Depositions, etc.**

2.9.1 All depositions, court appearances, or hearings are to be scheduled after conference with opposing counsel. Requests of an attorney or party for a court setting and notices for depositions require a certificate substantially in the form as set out in Rule 2.6.2. Failure to attempt to confer may be brought to the attention of the Court without the necessity of a Motion for Continuance and may result in the Court resetting the deposition, court appearance, or hearing.

2.9.2 Denton County District and Statutory County Courts shall adhere to and follow the 8th Administrative Judicial Region Rules of Administration.

**Rule 2.10: Announcements for Civil Trials**

Unless otherwise directed by the Court, a party seeking affirmative relief in a civil case set for trial must announce "ready" or "not ready," not less than 5 days nor more than 15 days prior to the trial setting. A party should not announce "not ready" unless a Motion for Continuance has been filed. Failure of a party seeking affirmative relief to make an announcement may result in dismissal for want of prosecution. A party not seeking affirmative relief need not make an announcement but must appear at the final trial setting unless a pass or continuance has been granted or the party has been notified by the presiding Judge or Court Coordinator of no need to appear.

**Rule 2.11: Settlement Announcements in Civil Cases**

If trial is passed on the basis of an announcement of settlement, a final judgment or order signed by all attorneys shall be submitted to the Court not later than 30 days after the passed setting. Absent a showing of good cause, failure to timely submit the judgment shall be grounds for dismissal of the case for want of prosecution.

**Rule 2.12: Failure to Appear in Civil Cases**

Failure of a party seeking affirmative relief to appear at any scheduled trial or hearing may result in dismissal of the case or waiver of the matters presented in the motion scheduled for hearing.

**Rule 2.13: Trial Procedure in Civil Cases**

At the time the parties report for trial, they will deliver to the Court and the other parties a witness list, exhibit list, any motion in limine, and any requested instructions and questions if trial is by jury (on disk, flash drive, or other similar storage device). Any witnesses and exhibits not shown on such list can be used at the trial only upon leave of the Court. At least seven (7) days prior to commencement of trial, all exhibits must be marked, exchanged, and examined by counsel so that the trial will not be delayed by such examination.

**Rule 2.14: Business Records Affidavits and Affidavits Concerning the Cost and Necessity of Services**

2.14.1 The following Affidavits shall be filed with the Clerk in accordance with the Texas Rules of Civil Procedure and the Texas Civil Practice and Remedies Code; however, the attachments shall not be filed:

- (a) Texas Rules of Evidence Rule 902(10): “Business Records Accompanied by Affidavit”
- (b) Texas Civil Practices and Remedies Code §18.001: “Affidavit Concerning Cost and Necessity of Services.”

2.14.2 The Affidavits described in the preceding paragraphs shall be served upon, and the attachments shall be made available to, all other lead counsel or parties in accordance with the Texas Rules of Civil Procedure and the Texas Civil Practice and Remedies Code at the cost of the requesting party.

**Rule 2.15: Use of Visually Recorded Depositions**

Unless otherwise expressly agreed by the parties or ordered by the Court, counsel intending to offer visually recorded depositions or other films or visual recordings at trial, except those offered solely for impeachment, must serve opposing counsel with page and line designations for visually recorded depositions not later than 30 days prior to trial. Opposing counsel shall serve the proffering attorney with all objections to the testimony and page and line designations of any portions he/she intends to introduce at trial within 10 days of receiving the designation. A hearing on objections to the proffered testimony shall be at the time the objections are served, and should be scheduled no later than 10 days prior to trial. Visually recorded testimony will not be considered unless the procedures set forth in this paragraph are followed. Objections to visually recorded testimony that are not heard prior to trial are waived.

### **Title III. Rules Applicable Only In Family Law Cases**

#### **Rule 3.1: Filing, Assignment, and Transfer**

3.1.1 Every ancillary action suit shall be assigned to the District Court to which the matter is ancillary. Every garnishment, turnover, or other collection-remedy after judgment or any action arising out of a decree/judgment or Agreement Incident to Divorce shall be filed in the District Court to which rendered the judgment upon which the action is founded.

- (a) If any action is dismissed by any party or the Court, and is refiled within one hundred eighty (180) days of the date of dismissal and assigned to a different Court, either party or the Court may move within 30 days of the filing of an answer to transfer the case to the first Court and the transfer shall be granted.

3.1.2 Whenever a case is transferred to Denton County by a Court of another county, and the order of transfer specifies the particular court to which the case is transferred, such specification shall be disregarded and the case shall be assigned in the manner provided by the presiding Local Administrative Judge.

3.1.3 Whenever a motion to sever is granted, the severed claim shall be filed as a new case in the same Court and shall be assigned a new cause number by the District Clerk. A filing fee is required as in all new cases.

3.1.4 Each attorney and pro se party is expected to be familiar with the particular rules established by each District Court and the particular forms promulgated by each District Court. The rules and forms for each District Court are posted on the applicable District Court's website at [www.dentoncounty.gov](http://www.dentoncounty.gov).

#### **Rule 3.2: Ex Parte Orders**

3.2.1 This Rule shall apply in any conflict between it and Rule 2.1.

3.2.2 All applications for ex parte orders or relief shall be accompanied by a written certification from the party or attorney substantially in one of the following forms:

#### **ATTORNEY'S CERTIFICATE FOR EX PARTE RELIEF**

"I, the undersigned attorney or party, hereby certify and represent to the Court that:

1. To the best of my knowledge, no attorney is representing the opposing party in this matter at this time and no attorney has contacted me regarding

the representation of the opposing party prior to filing this request for ex parte relief; OR,

2. Prior to presenting this request for ex parte relief to the Court for approval, I contacted all attorneys of record and/or all attorneys that have contacted me as to their representation of the opposing party, transmitted a copy of the pleadings and proposed order as the requested ex parte relief, and notified them of the time and place that I would be presenting this requested ex parte relief to the Court, AND:

\_\_\_ After conferring, no attorney of record wishes to be heard prior to the presentment of this request for ex parte relief; or,

\_\_\_ After conferring, no agreement could be reached as to this request for ex parte relief, and such counsel or party stated that they would be present at \_\_\_\_\_ (time) on \_\_\_\_\_, \_\_\_\_\_ (date), in the \_\_\_\_\_ Judicial District Court to be heard on this matter prior to the Court signing any order for ex parte relief; or,

\_\_\_ I was unable to confer with opposing counsel and left a message with \_\_\_\_\_, an individual in the office of opposing counsel, that I would present the request for ex parte relief at \_\_\_\_\_ (time) on \_\_\_\_\_, \_\_\_\_\_ (date), in the \_\_\_\_\_ Judicial District Court and they should be present at such time if they wished to be heard on this matter prior to the Court signing any order for ex parte relief; or,

\_\_\_ After diligent attempts, I was unable to confer with opposing counsel and was further unable to leave a message with any individual in the office of opposing counsel regarding the presentment of this request for ex parte relief.

3.2.3 For purposes of this Rule, representation of prior counsel ends upon the entry of a final order. Counsel for any party, or any party if pro se, shall be reasonable in accommodating the opposing counsel, or opposing party if pro se, as to the date, time, and place of presentment of the request of the ex parte relief.

### **Rule 3.3: Mandatory Exchange of Information**

3.3.1 In contested divorce cases each party shall send to opposing counsel, not later than 60 days from Respondent's appearance but in no event less than 30 days prior to a final trial setting, an inventory, signed under oath by that party, setting forth a description and value of all property (real and personal, community and separate) owned or claimed by either or both of the

parties and a list of all debts and liabilities (stating the creditor and amount) owed by either or both parties. Inventories shall not be filed with the Court except upon order of the Court; however, when a party sends an inventory to opposing counsel or the opposing party, he/she shall file a certificate of compliance with the District Clerk certifying that the inventory has been sent to the opposing counsel or opposing party. Failure of a party to timely send an inventory to the opposing counsel or party as required, both as to time and form, may subject that party to sanctions upon the motion of a party or the Court.

3.3.2 Not later than the third day before the first hearing on any matter in a contested divorce case, each party shall send to opposing counsel a financial information statement containing information regarding that parties' income and average monthly expenses, tax returns (including all schedules, W-2s, 1099s, and K-1s) for the past 2 tax years, the party's paystubs for the past three calendar months, and documents evidencing the existence and monthly cost of health and dental insurance for all children the subject of the suit. Failure of a party to timely exchange such documents and information may subject that party to sanctions upon the motion of a party or the Court.

3.3.3 The requirements of this Rule 3.3 do not relieve a party from complying with the applicable initial and pretrial disclosure rules in the Texas Rules of Civil Procedure.

**Rule 3.4: Setting Hearings**

3.4.1 This Rule shall apply in any conflict between it and Rule 2.9.

3.4.2 No motion or other request on any matter which will require the ruling of the Court after hearing shall be set, except (a) TRCP 13 motions for sanctions, (b) motions to transfer venue, (c) special appearances, and/or (d) pleas to the subject matter jurisdiction of the Court, until the moving party shall first communicate and confer with opposing counsel or the opposing party, if pro se, to determine whether the contemplated motion will be opposed. If not opposed, the moving party shall accompany the motion with a proposed order signed by all counsel indicating approval of same. If the motion will be opposed, the following certificate (or language substantially similar thereto) shall be attached to the motion and signed by the designated lead attorney (or pro se party):

CERTIFICATE OF CONFERENCE

"I, the undersigned attorney or pro se party, hereby certify and represent to the Court that:

1. I have conferred with opposing counsel or opposing party (if pro se) in an effort to resolve the issues contained in this motion without the necessity of Court intervention; or,



2. After diligent attempts, I was unable to confer with opposing counsel. I attempted to contact opposing counsel at the following times and on the following dates:

\_\_\_\_\_  
\_\_\_\_\_.

(Check Applicable paragraph below)

\_\_\_ On \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ (time) I left a specific message with \_\_\_\_\_, an individual in the office of opposing counsel, that the purpose of my call was to attempt to resolve the issues contained in this motion without the necessity of Court intervention.

OR

\_\_\_ I was unable to leave a message as to the purpose of my call because

\_\_\_\_\_.

Such efforts have been unsuccessful, and it is necessary to set a hearing on this Motion.

\_\_\_\_\_  
Attorney/Party's Signature"

Failure to comply with this Rule may result in costs being assessed.

3.4.3 The following form should be used as a Notice of Hearing on all matters (except as otherwise required by law):

Notice of Hearing

"The (Title of Motion) is set for hearing in the \_\_\_\_\_ Judicial District Court at \_\_\_\_\_ o'clock a.m./p.m. on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
CLERK/ADMINISTRATOR OF COURT

3.4.4 A party or counsel setting a non-final or non-special set hearing may remove or reset such setting only (a) upon agreement of all opposing sides or (b) after reasonable notice to all opposing sides. Failure to comply with this Rule may result in costs being assessed.

### 3.4.5 Final Hearings:

- (a) An attorney or pro se party may not set a final hearing without conferring with each opposing attorney or pro se party. All attorneys and pro se parties shall be copied on all emails to the Court Coordinator, including all emails requesting final hearing settings.
- (b) Any person who obtains a setting for a final hearing before a District Judge shall have the duty to send all opposing parties written notice of such setting within two business days of the date they obtained such setting. This Rule does not change the obligations for notice in the Texas Rules of Civil Procedure, including but not limited to Rules 12, 21, 21a, 166a, and 245.
- (c) Absent the agreement of counsel or ruling by the Court, no setting for a final hearing shall be granted if the date for such final hearing would deny or materially interfere with any party's right to obtain discovery as allowed under the Texas Rules of Civil Procedure.
- (d) Failure to comply with this Rule may result in costs being assessed.

### **Rule 3.5: Pre-Trial Conference**

3.5.1 Counsel or pro se parties will be expected at any pre-trial conference to advise the Court which issues will be disputed and will be expected to be familiar with the authorities applicable to the questions of law raised at the pre-trial conference. Failure to conform to this Rule shall be grounds for postponement of the trial, setting of further pre-trial hearings, or other appropriate action.

3.5.2 Counsel attending the pre-trial conference shall either be the attorney in charge or an attorney familiar with the case and be fully authorized and prepared to state the party's position on the law and the facts and to make stipulations of fact. Counsel may not send to a pre-trial conference in his stead a legal assistant, paralegal, investigator, secretary, or other non-attorney. Parties appearing pro se must attend the pre-trial conference in person.

3.5.3 When counsel or a pro se party, after notice, fails to appear at the pre-trial conference the Court may:

- (a) Rule on all timely set motions, dilatory pleas, and exceptions in absence of such person;
- (b) Declare any motions, dilatory pleas, or exceptions filed by such absent party waived;

- (c) Advance or delay the trial setting according to the convenience of persons present;
- (d) Pass and reset the pre-trial;
- (e) Decline to set the case for trial or cancel a setting previously made;
- (f) Dismiss the case for want of prosecution or grant a default judgment if attorneys or pro se parties were ordered to appear, especially where there has been a previous failure to appear, or where no amendment has been filed after exceptions were previously sustained; and/or
- (g) Grant sanctions or other relief.

## **Title IV. Rules Applicable In Criminal Cases and Juvenile Cases**

### **Rule 4.1: General Rules in Criminal Cases and Juvenile Cases**

4.1.1 Attorneys shall file with the applicable court clerk a letter of representation within 3 business days of being retained to represent a Defendant/Respondent. If the Defendant/Respondent is currently represented by another attorney, including a court-appointed attorney, the newly retained attorney shall also file a Motion to Substitute Counsel with the appropriate signatures in the Motion or the proposed Order granting the substitution.

4.1.2 All Defendants/Respondents shall be present at each and every setting in their case unless such appearance is excused by the Court.

4.1.3 All attorneys on the appointment list for criminal and juvenile cases shall be familiar with the Indigent Defense Plan for Denton County District Courts, the Statutory Courts Indigent Defense Plan and/or the Juvenile Indigent Defense Plan that pertain to their appointment practice. All indigent defense plans are on the Denton County website under District Court or County Court Administration, as applicable.

4.1.4 Each attorney and pro se party is expected to be familiar with the particular rules established by each Criminal Court or Juvenile Court, as applicable, and the particular forms promulgated by each Court. The rules and forms for each Criminal Court and Juvenile Court are posted on the applicable Court's website at [www.dentoncounty.gov](http://www.dentoncounty.gov).

**Title V. Rules Governing the Procedure for the  
District and County Clerks of Denton County to  
Receive and File Electronically Transmitted Court Documents**

**Rule 5.1 Electronic Filing of Court Documents**

5.1.1 The clerk of the Court shall adhere to and enforce Title V of the Denton County Local Rules, as well as those requirements set forth by the Judicial Committee on Information Technology Standards, Office of Court Administration, the Texas Supreme Court, the Texas Government Code, the Texas Administrative Code, the Texas Rules of Civil Procedure (“TRCP”), Texas Rules of Criminal Procedure, Texas Rules of Appellate Procedure, and all other applicable statutes.

**Rule 5.2 Rules Governing Filing for County Clerk**

5.2.1 The County Clerk may have additional specific electronic filing requirements that should be confirmed by a filing party or party's attorney of record with the applicable clerk/department prior to filing.

a. Denton County departments filing into an existing case, must file electronically through the preferred method of the County Clerk.

b. A document may not contain combined filings; each filing must be separate. For example, you cannot file a combined motion and order.

c. A document submitted for filing must be signed by the party or the party's attorney of record.

d. A document submitted for filing must include the party's address, phone number, fax number, email address, and State Bar of Texas identification number, if applicable.

e. All parties are required to provide a current physical and/or mailing address to the clerk until the case is ordered closed by the Court.

5.2.2 Amendments or modifications to sections 5.1.1 or 5.2.1 should be considered effective immediately unless otherwise provided by statute.

**Rule 5.3 Rules Governing Filing for District Clerk**

5.3.1 These rules govern the electronic filing and service of court documents with the District Courts of Denton County. Denton County has adopted the Texas Supreme Court “Order

Requiring Electronic Filing in Certain Courts,” the Texas Supreme Court Statewide E Filing Rules, and the Technology Standards promulgated by the Judicial Committee on Information Technology.

5.3.2. The clerk of the District Courts is authorized to accept for filing any document submitted for filing via the electronic filing manager commonly known as “E-File Texas” or e-filing system (referred herein and throughout this section as ‘electronic filing manager’) and received which might be filed in a court action except: (a) original signed orders or judgments.

5.3.3 No documents electronically submitted via the electronic filing manager shall be accepted by the clerk until the applicable court costs and fees have been paid. Court costs and fees may be paid by debit card and credit card within the electronic filing manager.

5.3.4 A document submitted for filing via the electronic filing manager, compliant with all applicable filing requirements, shall be accepted and will be recognized as the original record for the Court’s file or for evidentiary purposes when the document bears the clerk’s official date and time file-mark or file-stamp. All official records will be electronically stored upon presentation to the clerk. The reproduction of a record stored with the clerk is an original record and shall be accepted as an original record. A copy or reproduction on paper of a record stored with the clerk is a copy of the original record and may be certified as such by the clerk.

5.3.5 Every document submitted for filing shall conform to the requirements for filing established in the Technology Standards issued by the Judicial Committee on Information Technology, subsection 3.1 as well as those established by the Texas Rules of Civil Procedure.

5.3.6 The party or the party’s attorney of record shall maintain the original of the document with original signature affixed as required by Section 51.806, Texas Government Code.

5.3.7 Documents and Filing Requirements for documents submitted via electronic filing manager or eFiling system:

(a) All pleadings, motions, orders and other documents, including exhibits attached thereto, when offered for filing or entry, shall be descriptively titled.

(b) Each page of each instrument shall, in the lower margin thereof, be numbered and titled; e.g., Plaintiff’s Original Petition - Page 2.

(c) Orders and Judgments shall be separate documents completely separated from all other documents.

(d) There must be a minimum of a one-inch margin on all sides of the page.

(e) All documents must contain the filer’s complete contact information in the signature block, including the filer’s name, address, phone number, and email address.

(f) All documents must comply with the requirements of the TRCP on sensitive data.

(g) A document must not contain any malware or viruses. The e-filing of a document constitutes certification by the e-filer that the document has been checked and is clear of any

malware or viruses.

(h) Fiats must be filed as a separate Notice of Hearing and cannot be part of the pleading. It must contain the name of the pleading to which it is associated—for example, Notice of Hearing on Motion for Continuance.

(i) A document may not contain multiple filings that requires separate filing fees for each document that may have a filing fee associated with the document filed; each filing must be filed separately.

(j) PDF packages and portfolios are not permitted. Multiple documents that pertain to a single filing must be combined into a single PDF and or must have all exhibits filed as attachments.

(k) Proposed orders should not be filed as an initial filing/envelope. They must be filed as a subsequent filing/envelope.

(l) The District Clerk will have additional specific electronic filing requirements that should be confirmed by a filing party or party's attorney of record with the applicable clerk prior to filing.

(m) All submitted documents that are returned for correction to the filer will have three (3) business days to make the required correction to receive the original submission date. Filer is required utilize the copy docket/date feature of the Texas E-File System.

(n) Any proposed order submitted to this office that requires a subsequent form to be submitted to any law enforcement agency to effectuate the details of the order must be included at the time the proposed order is submitted. Example: TCIC form is required to be submitted at the time of submission of the proposed protective order

5.3.8 If a document submitted electronically for filing is found to be deficient by the clerk for any reason, the clerk shall notify the filer as soon as practicable that the document will not be filed and the reason why the document will not be filed. Conversely, when a document submitted electronically for filing is accepted, the clerk shall affix the clerk's official date and time file-mark or file-stamp to the document and the electronic filing manager or eFiling system will provide the filer with confirmation of the accepted filing.

5.3.9 Electronic submission of a document does not constitute an accepted-filing. Accepted-filing is complete when the clerk's official date and time file-mark or file-stamp is affixed to the document.

5.3.10 No audio or video media files may be filed with the clerk using the electronic filing manager or eFiling system. All audio and video media should be delivered to the applicable Court of record as needed per that Court's protocols.

5.3.11 Paper Copies - Per the TRCP, unless required by local rule, a party need not file a paper copy of an electronically filed document.

5.3.12 Electronic Notices from the Court - Per the TRCP, the clerk may send notices, orders, or other communications about the case to the party electronically. A court seal may be electronic.

5.3.13 Citations, notices, writs and other issuance bearing the official seal of the court are permitted to be transmitted electronically when produced and delivered by the clerk of the Court to a filing party or party's attorney of record save and except those issuance that require the accompaniment of certified supportive filings/attachments.

5.3.14 Official Record - Per the TRCP, the clerk may designate an electronically filed document or a scanned paper document as the official court record.

5.3.15 Electronic Order and Viewing Electronically Filed Documents

(a) Courts Authorized to Make Electronic Orders

(1) A Judge may electronically sign an order by applying his or her digitized signature to the order.

(2) Upon electronically signing an order, the Judge shall electronically forward the order to the clerk who may treat the electronic order as the official copy of the order.

(3) The clerk may electronically scan a court order. The scanned court order may then serve as the official copy of the court order.

(b) Viewing of Electronically Filed Documents

(1) The clerk shall ensure that all the records of the court, except those made confidential or privileged by law or statute, may be viewed in some format by all persons for free including documents or court orders that have been electronically filed or scanned. Where such provision has been made, persons may electronically view documents or court orders that have been electronically filed or scanned.

(2) Nothing in these rules allows for the viewing of documents or court orders, in any form, that are legally confidential (e.g., documents in mental health proceedings) or otherwise restricted by judicial rule or order.

(3) Nothing in these rules requires the reproduction of documents or court orders by clerk for free.

5.3.16 Each party or party's attorney of record submitting documents for filing through the electronic filing manager or eFiling system will be subject to the Timely Filing rule set forth in the TRCP.

Unless a document must be filed by a certain time of day, a document is considered timely filed if it is electronically filed at any time before midnight (in the court's time zone) on the filing deadline. An electronically filed document is deemed filed when transmitted to the filing party's electronic filing service provider, except:



(A) if a document is transmitted on a Saturday, Sunday, or legal holiday, it is deemed filed on the next day that is not a Saturday, Sunday, or legal holiday; and

(B) if a document requires a motion and an order allowing its filing, the document is deemed filed on the date that the motion is granted.


5.3.17 Amendments or modifications to section 5.1.1 or sections 5.3.1-5.3.16 should be considered effective immediately unless otherwise provided by statute.

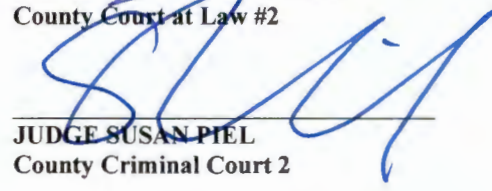
**THIS SPACE INTENTIONALLY LEFT BLANK  
SIGNATURE PAGE TO FOLLOW**

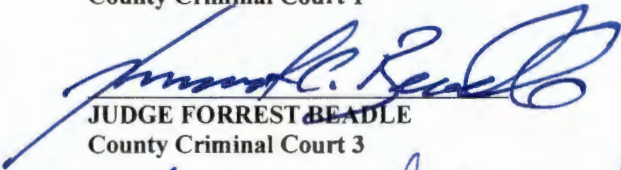
IT IS ORDERED that these Uniform Rules of Court for the District and Statutory County Courts of Denton County, Texas are in full force and effect as of January 6, 2023 and shall remain in full force and effect until further notice.

  
\_\_\_\_\_  
JUDGE KIMBERLY MCCARY  
County Court at Law #1

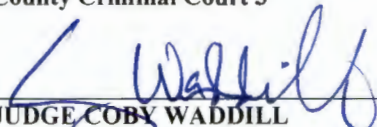
  
\_\_\_\_\_  
JUDGE ROBERT RAMIREZ  
County Court at Law #2

  
\_\_\_\_\_  
JUDGE LAURI RAGLAND  
County Criminal Court 1

  
\_\_\_\_\_  
JUDGE SUSAN PIEL  
County Criminal Court 2

  
\_\_\_\_\_  
JUDGE FORREST BEADLE  
County Criminal Court 3

  
\_\_\_\_\_  
JUDGE CHANCE OLIVER  
County Criminal Court 4

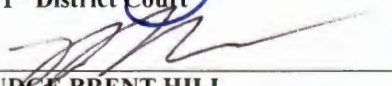
  
\_\_\_\_\_  
JUDGE COBY WADDILL  
County Criminal Court 5

  
\_\_\_\_\_  
JUDGE SHERRY SHIPMAN  
16<sup>th</sup> District Court

  
\_\_\_\_\_  
JUDGE STEVE BURGESS  
158<sup>th</sup> District Court

  
\_\_\_\_\_  
JUDGE BRODY SHANKLIN  
211<sup>th</sup> District Court

  
\_\_\_\_\_  
JUDGE BRUCE MCFARLING  
362<sup>nd</sup> District Court

  
\_\_\_\_\_  
JUDGE BRENT HILL  
367<sup>th</sup> District Court

  
\_\_\_\_\_  
JUDGE DOUG ROBISON  
393<sup>rd</sup> District Court

  
\_\_\_\_\_  
JUDGE JIM JOHNSON  
431<sup>st</sup> District Court

  
\_\_\_\_\_  
JUDGE TIFFANY HAERTLING  
442<sup>nd</sup> District Court

  
\_\_\_\_\_  
JUDGE LEE ANN BREADING  
462<sup>nd</sup> District Court

  
\_\_\_\_\_  
JUDGE DERBHA JONES  
467<sup>th</sup> District Court

  
\_\_\_\_\_  
JUDGE CRYSTAL LEVONIUS  
481<sup>st</sup> District Court