2023-1

ADMINISTRATIVE ORDER	§	**IN THE PROBATE COURTS**
	§	
2023-1	§	**OF**
	§	
	§	**DALLAS COUNTY, TEXAS**

ADMINISTRATIVE ORDER RESPECTING LOCAL RULES OF THE PROBATE COURTS

On August 23, 2019, the Texas Supreme Court approved Local Rules of the Statutory Probate Courts of Dallas County, Texas (the "Local Rules"), a copy of which is attached hereto as Exhibit A. Consistent with Rule 3a of the Texas Rules of Civil Procedure as amended by the Texas Supreme Court's Misc. Docket No. 22-9081 order of September 23, 2022, the undersigned presiding judges of the Probate Courts of Dallas County, Texas, find it appropriate and necessary to reaffirm and ratify the Local Rules and assure their effectiveness through their submission to the Office of Court Administration. It is therefore

ORDERED, ADJUDGED, AND DECREED that the Local Rules are reaffirmed and ratified.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Local rules shall be submitted to the Office of Court Administration for publication on the Office of Court Administration website. The Local Rules shall be submitted in the format specified by the Office of Court Administration.

SIGNED this 13th day of January, 2023.

Julia Malveaux, Judge
The Probate Court, Dallas County, Texas

Ingrid Warren, Judge
Probate Court No. 2, Dallas County, Texas

Margaret Jones-Johnson, Presiding Judge and
Judge of Probate Court No. 3, Dallas County, Texas

EXHIBIT A

LOCAL RULES OF THE STATUTORY PROBATE COURTS OF DALLAS COUNTY, TEXAS

LOCAL RULES OF THE STATUTORY PROBATE COURTS OF DALLAS COUNTY, TEXAS

Part I - Scope; Definitions

1.01 Title, Scope, Authority and Application of Local Rules

(a) These rules are the Local Rules of the Statutory Probate Courts of Dallas County, Texas. They shall govern proceedings in the Statutory Probate Courts of Dallas County for the purpose of securing uniformity, fairness and justice in proceedings in the courts.

(b) These rules are adopted by the Judges of the Statutory Probate Courts of Dallas County pursuant to the provisions of the Texas Rules of Judicial Administration, as amended; the provisions of the Court Administration Act, Texas Government Code §74.093, as amended; and the inherent powers of the courts to conduct trials and guide the disposition of matters within their jurisdictional powers.

(c) These rules are standing orders of the Statutory Probate Courts of Dallas County. 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.

(d) Except as expressly provided otherwise in the Texas Estates Code, the Texas Rules of Civil Procedure and the Texas Rules of Evidence, as amended from time totime, these rules apply in all proceedings in the Statutory Probate Courts of Dallas County.

1.02 Definitions

(a) "Statutory Probate Courts of Dallas County" and "Statutory Probate Courts" and "Probate Courts" and "Courts" each mean the Probate Court of Dallas County, Probate Court Number 2 of Dallas County, Probate Court Number 3 of Dallas County and any statutory probate court with jurisdiction in Dallas County, Texas, created after the adoption of these rules, collectively.

(b) "Statutory Probate Court" and "Court" each mean any one of the courts listed in paragraph (a) above.

(c) "Statutory Probate Judge" means the judge of any of the Statutory Probate Courts of Dallas County.

(d) "Associate Probate Judge" means any associate judge appointed by the Statutory Probate Judges of Dallas County.

(e) "Judge" means any Statutory Probate Judge or Associate Probate Judge, as defined above, any duly appointed visiting judge, and any other judge to whom a matter pending in a Statutory Probate Court has been referred.

(f) "Dallas County Probate Clerk" and "Probate Clerk" and "Clerk" each mean the Dallas County Clerk Probate Division.

(g) "Counsel" means the counsel of record for any given party or nonparty, or a self-represented party.

(h) "Texas Estates Code" and "Estates Code" and "Code" each mean the Texas Estates Code, as amended.

(i) "Pleadings" means pleadings, applications, petitions, motions, notices, briefs, waivers, consents, declinations, proofs, oaths, inventories, reports, accounts, and other papers, including exhibits thereto.

(j) "Sensitive Data" has the meaning assigned by Texas Rule of Civil Procedure 21c, as amended.

Part II - Filing, Assignment and Transfer

2.01 Random Assignment

(a) All cases filed with the Probate Clerk shall be assigned to the Statutory Probate Courts in random order, subject to the distribution percentages agreed to by the Statutory Probate Judges, except that:

(1) All mental illness cases shall be assigned to Probate Court Number 3 of Dallas County;

(2) Any matter filed after a nonsuit or dismissal for want of prosecution of a previous case involving the probate estate of the same decedent or the person or estate of the same ward or proposed ward shall be assigned to the Court in which the prior matter was pending;

(3) Every proceeding seeking to attack, avoid, modify, or set aside any judgment, order or decree of a Statutory Probate Court shall be assigned to the Court in which such judgment, order or decree was rendered; and

(4) Every proceeding related, pendent or ancillary to a pending probate or guardianship proceeding shall be assigned or transferred to the Court in which the principal action is pending and given a new cause number; provided, however, that proceedings described in sections 31.002(a)(1), 1021.001(a)(1), 1021.001(a)(2), 1021.001(a)(6)(A), 1021.001(a)(6)(D), 1021.001(a)(6)(E), and 1021.001(a)(7) of the Texas Estates Code shall be filed in the cause number of the underlying probate or guardianship proceeding.

(b) A will contest shall be filed in the cause number of the proceeding in which the contested will has been admitted to probate or an application for probate of the contested will is pending. A suit on a claim in a probate or guardianship administration shall be given a new cause number and assigned to the Court in which the administration is pending. An action concerning a testamentary trust shall be given a new cause number and be assigned to the Court in which the administration of the will establishing the trust is pending. Applications for a temporary restraining order shall be filed in the cause number of the proceeding in which the relief is sought; if no such proceeding exists, and the application is not accompanied by original pleadings to support the application, the Clerk shall file the pleading in a new cause number but no further action may be taken until pleadings asserting causes of action over which the Court has jurisdiction are filed.

2.02 Filing of Papers

(a) All Pleadings, proposed orders and proposed judgments, when offered for filing or entry, shall be descriptively and succinctly titled. Each page of each Pleading, proposed order or proposed judgment shall, in the lower margin thereof, include the cause number and be consecutively numbered and titled (e.g., "Application for Probate ofWill - Page 2").

(b) Alleged original wills being offered for probate shall be filed with the Probate Clerk in accordance with Texas Rule of Civil Procedure 21(f)(12).

2.03 Filing with the Court in Emergency

(a) Except in emergencies when the Clerk's office is not open for business, no application for immediate or temporary relief shall be presented to a Judge until it has been filed and assigned to a Court as provided in Local Rule 2.01.

(b) Whenever immediate action of a Judge is required in an emergency when the Clerk's office is not open for business, the case shall nevertheless at the earliest practicable time be docketed and assigned to a Court as provided in Local Rule 2.01 and all writs and process shall be returnable to the Court. Any Judge taking such emergency action shall notify the Clerk at the earliest convenient and practical time.

2.04 Transfers

(a) All case transfers between Statutory Probate Courts of Dallas County pursuant to section 25.00222(a) of the Texas Government Code shall be done on written order of the transferring court; provided, however, that upon request of Counsel the Clerk may,without written order of the transferring court: (i) transfer a case seeking probate of the will of a decedent to the court in which an application to probate the will of thatdecedent's spouse is pending and (ii) transfer a case seeking appointment of a guardian ofa proposed ward to the court in which an application for appointment of a guardian of the proposed ward's sibling is pending.

(b) Transfer of cases to a Statutory Probate Court from any district, county or statutory court in Dallas County is governed by section 34.001 or 1022.007 of the Texas Estates Code, as applicable. The Probate Clerk shall refuse to accept transfer of any case pending

in any district, county or statutory court in Dallas County unless such transfer has been ordered in writing by a Judge, as defined above. Such cases shall be assigned a new cause number and assigned to the Court in which the underlying case is pending, unless otherwise ordered. Transfer of the case file shall be completed within ten days of the date of the order transferring the case.

(c) Transfer of a case from a Statutory Probate Court to any district, county, statutory or justice court in Dallas County pursuant to section 25.00222(b) of the Texas Government Code shall be made upon written order of a Judge, as defined above. If suchcase was transferred to a Statutory Probate Court under section 34.001 or 1022.007 of the Texas Estates Code, it shall be assigned to the district, county or statutory court from which the case was initially transferred. Transfer of the case file shall be completed within ten days of the date of the order transferring the case.

(d) Transfer of a contested application for guardianship of a minor from a Statutory Probate Court to a district court in which a suit affecting the parent-child relationship under the Texas Family Code is pending is governed by section 1022.008 of the Texas Estates Code. No such case may be transferred to a district court unless such transfer has been ordered in writing by a Judge, as defined above.

(e) Upon receipt of a case transferred from a district, county or statutory court of another county, the Clerk shall immediately give written notification of such transfer to the Judge of the Court to which the case has been assigned. Counsel for parties seeking affirmative relief shall notify the Court of the transfer within three business days after assignment by the Clerk pursuant to Local Rule 2.01.

2.05 Consolidation.

Every motion for consolidation or joint hearing of two or more proceedings or cases under Texas Rule of Civil Procedure 174(a) shall be filed in the earliest case filed with notice to the later filed Court and all parties in each case, unless otherwise ordered.

2.06 Severance

(a) Whenever a motion to sever is sustained, the severed claim shall be filed as a new case in the same Court and shall be given the next number available at the filing desk in the office of the Clerk. Unless otherwise ordered, the Court assignment otherwise designated for that number shall be disregarded.

(b) If a single pending case with multiple plaintiffs includes causes of action that do not arise out of a common nucleus of operative facts, the Court may on its own motion or the motion of any party order that the claims be severed and given a new case number.

2.07 Suggestion of Bankruptcy.

Any party to a pending case shall promptly notify the Court of the filing of a petition in bankruptcy by any other party. Such notice shall be made by filing a Suggestion of Bankruptcy with the Clerk and serving copies on all Counsel of record. The Suggestion of

Bankruptcy shall be filed as soon as practicable.

2.08 Conclusion of Bankruptcy.

Once a bankruptcy has been concluded, whether by discharge, denial of discharge, dismissal or otherwise, or the automatic stay imposed by 11 U.S.C. § 362 has been lifted as to a case in the Probate Courts, Counsel shall promptly notify the Court so that the affected cases may be restored to the active docket or dismissed as may be appropriate.

2.09 Dismissal Dockets.

Each Court may dismiss for want of prosecution any pending matters which are not set for trial or hearing and which have been on file for at least one year. The procedures provided in Rule of Civil Procedure 165a apply.

Part III - Motions; Discovery; Trial

3.01 Application for TRO and Other *Ex Parte* Orders

(a) Counsel presenting any application for a temporary restraining order or other ex parte relief shall notify the opposing party's Counsel, or the opposing party if unrepresented by counsel in the present controversy, and provide opposing Counsel or party with a copy of the application and proposed order at least 2 hours before the application and proposed order are to be presented to the Court for decision, except as provided in subparagraph (b) hereof.

(b) Compliance with the provisions of paragraph (a) of this rule is not required if a verified certificate of a party or a certificate of Counsel is filed with the application, stating

(1) That irreparable harm is imminent and there is insufficient time to notify the opposing party or Counsel; or

(2) That to notify the opposing party or Counsel would impair or annul the Court's power to grant relief because the subject matter of the application could be accomplished or property removed, secreted or destroyed, if notice were given.

3.02 Uncontested or Agreed Matters

(a) Hearings. Hearings in uncontested matters where no attorney ad litem or guardian ad litem has been appointed may be removed from the Court's docket by the Judge or at the request of the applicant. In uncontested matters where an attorney ad litem or guardian ad litem has been appointed, hearings may be removed from the Court's docket only by the Judge or by agreement of all parties.

(b) Ruling by Submission. Unless a hearing is otherwise required by law or court rule, requests for relief (including administrative matters) may be ruled upon without a hearing if (1) no person is entitled to notice; (2) all persons entitled to notice agree or express lack of objection to the relief requested (as indicated in a certificate of conference or by the

signature of all Counsel); or (3) no person entitled to notice files a written objection to the request within fourteen days after the request for relief is filed.

(c) Expedited Relief. Requests for expedited relief may be ruled upon (1) without a hearing if all persons entitled to notice agree or express lack of objection to the relief requested (as indicated in a certificate of conference or by the signature of all Counsel) or (2) after a hearing set on two days' notice to all persons entitled to notice.

(d) Form of Order. All requests for relief under this Local Rule shall be presented with a proposed form of order and shall indicate the agreement of all parties, either (1) by personal or authorized signature on the form of order or (2) in the certificate of conference on the motion.

3.03 Contested Matters

(a) **Service of Pleadings for Expedited Relief.** Any Pleadings that relate to requests for expedited relief or to matters set for hearing within seven days of filing (other than original applications and petitions and accompanying applications for temporary restraining order) must be served upon all opposing parties in a manner that will ensure receipt of the papers by them on the same day the papers are filed, unless otherwise permitted by court order.

(b) **Service of Pleadings within 30 Days of Trial.** Any Pleading to be served, exchanged or otherwise delivered to another party or parties within 30 days of trial of a contested matter (including any witness list, exhibit list, deposition designations, objections, motions or response to discovery request) shall be transmitted in a manner that will ensure receipt of such Pleading by the other party or parties on or before the date of the deadline for service, unless otherwise permitted by court order.

(c) **Notice of Hearings.** Upon request of any party who receives less than three days' notice of a hearing, the Court will enforce the notice requirements of Texas Rule of Civil Procedure 21.

(d) **Pre-trial Hearings and Conferences.** Pre-trial hearings or conferences will not be required in every case, but upon request of any Counsel or on its own motion the Court may set a hearing under Texas Rule of Civil Procedure 166 or require the parties or their Counsel to meet to consider such matters as might aid in the disposition of the action, including the entering of a scheduling order.

(e) **Motions for Continuance.** Unless otherwise permitted by court rule or court order, no motion for continuance will be granted within five days before trial of acontested matter unless based on a written, verified motion describing facts occurring on or after the fifth day before trial and necessitating the postponement of the trial.

(f) **Agreed or Unopposed Continuances.** Unless otherwise permitted by court rule, no request to pass, postpone or reset any trial shall be granted unless counsel for all parties consent in writing or on the record or unless all parties not joining in the request have been notified and have had an opportunity to object.

(g) **Deadline for Certain Pleadings.** Counsel filing special exceptions, pleas in abatement or other dilatory pleas shall request and obtain a hearing on them at least thirty days before the scheduled trial date or as soon as possible after the filing of a pleading necessitating the request (if such pleading is filed within thirty days of the scheduled trial date).

(h) **Alternative Dispute Resolution.** On its own motion or by agreement of the parties and Counsel, the Court may refer a case for resolution by an alternate dispute resolution procedure, subject to the provisions of section 154.022 of the Texas Civil Practice and Remedies Code and Texas Rule of Civil Procedure 169. Counsel may move for referral to mediation if agreement cannot be reached.

3.04 Motions

(a) All requests for relief, whether styled a motion, application, petition or otherwise, shall state the statutory or common-law basis for the relief requested. If the common law is cited, any cases or other authorities authorizing the requested relief shall be cited.

(b) All requests for relief in probate proceedings or cases related to probate proceedings, whether styled a motion, application, petition, or otherwise, shall include the name of the personal representative and indicate whether the administration is independent or dependent. This rule does not apply to pleadings in matters where a personal representative has not yet been appointed.

(c) Before filing a motion in a contested matter, Counsel for the potential movant shall personally attempt to contact Counsel for the potential respondent to hold or schedule a conference to resolve the disputed matters. Counsel for the potential movant shall make at least three attempts to contact Counsel for the potential respondent. The attempts shall be made during regular business hours on at least two business days.

(d) No Counsel for a party shall file, nor shall hearing be set on, any motion in any contested matter unless accompanied with a "Certificate of Conference" signed by Counsel for the moving party in one of the forms set forth below (verbatim):

(1) "Counsel for movant and counsel for respondent have personally conducted a conference at which there was a substantive discussion of every item presented to the Court in this motion and despite best efforts the counsel have not been able to resolvethose matters presented.

Certified this_____day of_____by _____."

(2) "Counsel for movant has personally attempted to contact the counsel for respondent to resolve the matters presented as follows:

(Dates, times, methods of contact, results)

Counsel for movant has caused to be delivered to counsel for respondent and counsel for respondent has received a copy of the proposed motion. At least one attempt to contact counsel for respondent followed the receipt by counsel for respondent of the

proposed motion. Counsel for respondent has failed to respond or attempt to resolve the matters presented.

Certified this _____day of_____by_____."

(3) "Counsel for movant has personally attempted to contact counsel for respondent as follows:

(Dates, times, methods of contact, results)

An emergency exists of such a nature that further delay would cause irreparable harm to the movant as follows:

(Details of emergency and harm)

Certified this_____day of_____by_____."

(4) "I, the undersigned attorney, hereby certify to the Court that I have conferred with opposing counsel in an effort to resolve the issues contained in this motion without the necessity of Court intervention, and opposing counsel has indicated that (he/she) does not oppose this motion.

Certified this_____day of_____by_____."

(e) Paragraphs (c) and (d) of this rule do not apply to dispositive motions, motions for summary judgment, default motions, motions to show cause, motions to confirm arbitration awards, motions to exclude expert testimony, pleas to the jurisdiction, motionsto designate responsible third parties, motions to strike designations of responsible third parties, motions for voluntary dismissal or nonsuit, post-verdict motions or motionsinvolving service of citation.

(f) All requests for relief, objections, responses and replies shall include a Certificate of Service signed by Counsel indicating the manner and date of service on all other parties.

(g) Unless otherwise required by rule or law or ordered by the Court, all objections or responses to requests for relief and replies in support (if any) shall be in writing and filed at least one day before any hearing on the request for relief.

(h) All requests for relief, objections and responses should be accompanied by proposed order granting the relief requested.

(i) Motions to dismiss under Texas Rule of Civil Procedure 91a shall clearly indicate on the first page of the pleading that the motion is brought pursuant to that rule. It shall be sufficient for the motion to be styled "RULE 91a MOTION TO DISMISS." Such motions shall be accompanied by a separate fiat setting a hearing on the motion not less than 21 days after the motion is filed. It shall be the duty of the movant to set the hearing and give notice of the motion and the time, date, and place of the hearing.

(j) All fiats or other notices of hearing shall be submitted in the form of a proposed order and not as a continuation of a Pleading.

(k) A party who sets for hearing any motion or other matter must serve notice of such setting on all parties within one business day of receipt of such setting. Nothing in this rule shall be construed to shorten any notice requirement in the Texas Rules of Civil Procedure or other rule or statute. Failure to comply with this rule shall be grounds for a requested continuance of the hearing.

3.05 Briefs

(a) Except in case of emergency and unless required by rule or law or otherwise ordered by the Court, briefs relating to a motion (other than for summary judgment) set for hearing must be filed no later than one business day before the scheduled hearing.

(b) Unless otherwise ordered by the Court, briefs in support of a motion for 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 at least one business day before the hearing. Briefs not filed and served in accordance with this paragraph likely will not be considered by the Court.

(c) Any motion or brief that is ten pages or longer must begin with a summary of the argument.

(d) Pertinent portions of transcripts, exhibits, and supporting cases, if submitted to the Court, should be highlighted, underscored or otherwise marked to facilitate the Court's review of such materials.

3.06 Hearings Conducted by Telephone

Any party may request that a short hearing, not requiring the introduction of evidence, be conducted by telephone conference call or that the party be allowed to participate in the hearing by telephone. The requesting party should make the request in writing to the Court with notice to all other parties. Any objecting party should notify the Court. If a party would like a telephonic hearing to be recorded, the party should communicate that request to the Court in advance. A Judge may at any time determine that a hearing by telephone is not sufficient and may require a hearing in court upon notice to all parties.

3.07 Filing of Discovery and Related Materials

No discovery materials shall be filed with the Clerk except as is required or permitted by Texas Rule of Civil Procedure 191.4, Texas Rule of Evidence 902(10) or court order.

3.08 Effect of Motion to Quash Deposition

(a) For purposes of this Local Rule, the date of delivery of a notice of deposition or motion to quash a notice of deposition is the date of actual delivery to Counsel, unless received after 5:00 p.m., in which case the date of delivery is deemed to be the next day on

which the courthouse is open. Delivery by mail is presumed to be the third business day following mailing.

(b) The filing of a motion to quash a deposition and service on opposing Counsel in accordance with paragraph (a) above, if done no later than the third day the courthouse is open after delivery of the notice of deposition, is effective to stay the deposition subject to determination of the motion to quash. The filing of a motion to quash does not otherwise stay a deposition.

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

3.09 Submission of Proposed Orders, Judgments or Dismissal Orders

(a) Counsel seeking affirmative relief should be prepared to tender a proposed order to the Court at any hearing on any contested matter.

(b) Should the Court notify Counsel of its decision at any time following the hearing on any contested matter and direct Counsel to prepare one or more orders for submission to the Court, any such order shall be tendered to opposing Counsel at least two business days before it is submitted to the Court. The opposing party must either approve the proposed order as to form or file objections in writing with the Court. If an order is not approved as to form and no objections are filed within three business days of the submission of the proposed order to the court, the proposed order shall be deemed approved as to form. Nothing herein prevents the Court from making its own order at any time after the hearing in accordance with the Texas Rules of Civil Procedure.

(c) Within 30 days after the Court has announced a verdict or judgment or the Court receives a written announcement of settlement from any party or from a mediator,counsel shall submit to the Court a proposed judgment or dismissal order, unless otherwise ordered.

Part IV - Attorneys

4.01 Attorney Addresses

Upon filing an initial pleading in any matter in the Statutory Probate Courts of Dallas County, the attorney making such filing shall provide the Clerk the attorney's name, bar number, address, telephone number, fax number and email address. Counsel shall notify the Clerk of any change in address, telephone number, fax number or email address. Any notice or communication directed to an attorney's address, fax number or email address indicated in the records of the Clerk will be deemed received unless the communication is returned, the fax line is disconnected or an "undeliverable" e-mail message is received.

4.02 Withdrawal of Attorney

(a) No attorney of record shall be permitted to withdraw from any case without presenting a motion and obtaining from the Court an order granting leave to withdraw.

(b) When withdrawal is made at the request of or with the agreement of a client, such motion shall be accompanied with the client's written consent to such withdrawal or a certificate by another lawyer that he or she has been employed to represent the client in the case.

(c) In the event the client has not consented, a copy of such motion shall be mailed by certified and by regular first class mail to the client at his or her last known address, with a letter advising the client that the motion will be presented to the Court on or after a certain hour not less than ten days after the mailing of the letter, and that any objection to such withdrawal should be made to the Court in writing before such time. A copy of such letter shall be attached to the motion to withdraw. A copy of the motion shall be served on all counsel of record. Unless allowed in the discretion of the court, no such motion may be presented within thirty days of the trial date or at such time as to require delay of the trial.

(d) After leave to withdraw has been granted, the withdrawing attorney shall send the client a letter by regular mail with a copy of the order permitting the withdrawal, stating any settings for trial or other hearings and any pending discovery deadlines and advising the client to secure other counsel (if no such counsel has been engaged). The withdrawing attorney shall forward a copy of such letter to all counsel of record and to the Clerk.

(e) An attorney for a personal representative in a decedent's estate or for the guardian of the estate who wishes to withdraw from such representation shall also notify the client (i.e., the personal representative or the guardian) that the client must be represented by an attorney and cannot appear before the Court pro se because persons appearing before the Court in a representative capacity (as opposed to an individual capacity) must be represented by an attorney in accordance with Local Rule 4.05. The client must further be notified that failure to secure a new attorney may result in their removal as personal representative of the decedent's estate or guardian of the ward's estate.

(f) The requirements of this rule are supplemental to and do not replace the requirements of Texas Rule of Civil Procedure 10.

4.03 Appearance of Attorneys Not Licensed in Texas

A request by an attorney not licensed to practice law in the State of Texas to appear in a pending case must comply with the requirements of Rule XIX of the Rules Governing Admission to the Bar.

4.04 Vacation Letters

Any attorney may reserve up to three weeks in any calendar year for vacations by filing a "vacation letter", reserving weeks in which no hearings, depositions, or trials are set as of the date of the letter. Once a letter is on file, any hearings, depositions, or trials set during the reserved weeks may be reset upon request unless objection is filed and sustained upon notice and hearing.

4.05 Self-Represented Litigants

(a) Consistent with applicable law, including statutes prohibiting the unauthorized practice of law, the Courts restrict self-represented litigants from representing themselves or others in certain instances. An individual shall be represented by an attorney if the individual is:

(1) applying to serve as an executor or administrator of an estate;

(2) applying for a guardianship for another; or

(3) representing a third party, such as a beneficiary, heir, creditor, or estate representative, who seeks relief from the Court.

(b) An individual subject to subsection (a) may present a document to the Clerk for filing, but the Court will take no action on the document until there is an attorney of record in the case.

(c) An individual may appear before the Court self-represented if the individual is:

(1) a non-corporate creditor of a probate or guardianship estate;

(2) a non-corporate party in an ancillary civil action;

(3) a distributee of an estate appearing pursuant to a small estate affidavit; or

(4) otherwise permitted to do so by the Court.

(d) All requirements of these rules applicable to attorneys apply with equal force to self•represented litigants who are not licensed to practice law in this State. Self- represented litigants are required to provide their current address, telephone numbers and email addresses at which they can be reached by Court personnel and opposing Counsel. Failure to accept delivery or to pick up mail addressed to an address provided by a self- represented litigant will be considered constructive receipt of the mailed or delivered document and may be established by a postal service receipt for certified or registered mail or comparable proof of delivery.

(e) Wherever "Counsel" or "attorney" is used in these rules, it includes a party not represented by an attorney.

(f) The Canons of Judicial Conduct do not permit a judge to permit or consider improper *ex parte* or other private communications concerning the merits of a contested judicial proceeding. Accordingly, Counsel (including self-represented litigants) in contested proceedings shall not communicate with the Court in person, in writing, or otherwise regarding the merits of a contested proceeding, except (1) during hearings or trial, (2) through Pleadings filed with the Clerk and served on all other parties, (3) when all parties are present, (4) with the consent of parties not present, or (5) as otherwise authorized by rule or law.

4.06 Guardian Ad Litem and Attorney Ad Litem

(a) When it is required, necessary or appropriate for the Court to appoint a guardian ad litem or attorney ad litem, the Court will appoint a qualified person to serve in that capacity in the exercise of the Court's discretion.

(b) An attorney ad litem shall file an answer not later than 10:00 AM on the first Monday after the expiration of ten days after the date of the order of appointment.

(c) Until an order is signed dismissing a guardian ad litem or attorney ad litem, or the guardian ad litem or attorney ad litem is discharged by operation of law, the ad litem shall be notified of all hearings and/or conferences with the Court and shall be served with all pleadings.

4.07 Local Rules and Decorum

(a) All Counsel and any self-represented person in the Dallas County Probate Courts shall by entering an appearance acknowledge that he or she has read and is familiar with these Local Rules, the Rules of Decorum adopted by the Civil District and County Courts of Dallas County, The Texas Lawyers Creed and administrative orders entered by the Dallas County Probate Courts. Additionally, Counsel are encouraged to familiarize themselves with the local guidelines contained in the Dallas County Estates Practice Manual promulgated by the Dallas Bar Association Probate, Trusts and Estates Section.

(b) Every attorney permitted to practice in these courts shall familiarize him- or herself with and comply with the standards of professional conduct required of members of the State Bar of Texas and contained in the Texas Disciplinary Rules of Professional Conduct, and the decisions of any court applicable thereto, which are hereby adopted as standards of professional conduct of these courts.

(c) Counsel, witnesses under their control, and parties should exercise good taste and common sense in matters concerning dress, personal appearance, and behavior when appearing in court or when interacting with court personnel. All lawyers should become familiar with their duties and obligations as defined and classified generally in the Lawyers Creed, Disciplinary Rules, common law decisions, the statutes, and the usages, customs, and practices of the bar.

Part V - Witnesses; Evidence

5.01 Remote Appearance or Testimony Permitted

Upon written request and in the discretion of the Judge and in the absence of any objection by an interested person, testimony of a person or appearance by Counsel may be made telephonically or by video conferencing or by any such technology as may permit examination of witnesses who are not present in the courtroom. Third-party fees associated with the provision of such testimony shall be borne by the person appearing or testifying remotely or may be taxed as costs in the discretion of the Court.

5.02 Interpreters; Accommodations for Persons Not Fluent in English or with Special Needs

(a) Counsel shall alert the Court as soon as practicable if a party, witness or interested person is not fluent in English or has a speech-related or hearing-related disability so that appropriate accommodation can be made, including accommodations in the appointment of a court investigator, court visitor, attorney ad litem or guardian ad litem.

(b) If an interpreter (including sign language) is needed for a party, witness, or interested person, Counsel should, to the extent possible, notify the Court in writing, in advance of the proceeding, that an interpreter will be needed.

5.03 Use of Media at Trial

Counsel intending to offer video depositions or other media at trial, except those offered solely for impeachment, must make such media available to opposing Counsel sufficiently in advance of trial so that a hearing on any objections can be held before commencement of trial. Any media not so tendered will not be permitted into evidence atthe trial. All Counsel must timely examine any tendered media and request a hearing immediately, if there are objections to the admissibility of any part of the media. Any objections not heard prior to trial shall be deemed waived.

5.04 Stipulations in Contested Matters

It is the responsibility of each Counsel practicing in the Statutory Probate Courts to stipulate to all facts that are not reasonably in dispute and to waive formal proof as to any documents to be introduced into evidence about which there is not reasonable dispute as to authenticity.

5.05 Testimony Committed to Writing

All testimony taken in open court upon the hearing of an application to appoint an administrator or independent administrator or an application to determine heirs shall be committed to writing at the time it is taken and subscribed and sworn to in open court by the witness or witnesses and filed with the Clerk; provided, however, that the Court may waive this requirement in whole or in part upon the agreement of the parties or on the Court's own motion. Nothing in this Local Rule shall be construed to modify the requirements of section 256.157 of the Texas Estates Code concerning testimony in cases seeking to probate a will.

5.06 Testimony in Support of Heirship Application

Unless the evidence shows that only one or no disinterested persons have personal knowledge of the facts that must be proven to establish the identity of a decedent's heirs, it is the preference of the Statutory Probate Courts that all judgments declaring heirs be based on the testimony of at least two disinterested witnesses.

5.07 Testimony Regarding Medicaid in Muniment of Title Proceedings

(a) In all applications for probate of a will as a muniment of title only, the applicant shall state whether the Decedent applied for and received Medicaid benefits on or after March 1, 2005.

(b) If the Decedent did apply for and receive Medicaid benefits on or after March 1, 2005, the applicant shall state whether any claim of the Texas Medicaid Estate Recovery Program, or such successor entity as may be made responsible for recovering Medicaid

benefits paid on behalf of decedents in Texas after the adoption of these Local Rules, has been waived or otherwise satisfied.

(c) The testimony at the hearing on any application for probate of a will as a muniment of title and any proof containing such testimony shall include statements offact reflecting the information required by paragraphs (a) and (b) of this Local Rule.

Part VI - Miscellaneous

6.01 Pleadings to be Signed by Personal Representative

(a) Unless waived by the Court, the personal representative shall personally sign the following pleadings filed with the Clerk, however styled:

(1) Inventory, Appraisement and List of Claims;
(2) Annual and Final Accounts;
(3) Annual Reports;
(4) Application for Authority to Expend Funds (if greater than $1,000);
(5) Application for Payment or Reimbursement of Attorneys' Fees;
(6) Memorandum of Allowance or Rejection of Claim;
(7) Application to Ratify Unauthorized Acts or Expenditures;
(8) Application to Reduce Bond; and
(9) Any other pleading as directed by the Court in the exercise of its discretion.

(b) The provisions of this rule are supplemental to and do not replace the requirements of the Texas Estates Code and the Texas Rules of Civil Procedure.

6.02 Ratification of Acts Taken by Fiduciary

(a) If an administrator files an account that cannot be approved by the Court but the distributees of the estate each file an instrument with the Clerk indicating that he or she has reviewed the account, waives all objections to the account, ratifies all acts of the administrator, and asks the Court to enter an order approving the account, the Court may enter an order finding that all the distributees have ratified the actions of the administrator, approving the account and requiring the administrator to take any such actions as are necessary to proceed toward closing the estate.

(b) If a guardian (other than a temporary guardian) files a final account that cannot be approved by the Court but the former ward whose rights have been restored, the persons who would be the distributees of the estate upon the ward's death (if the ward's rights have not been restored), or the distributees of a deceased ward's estate, each file an instrument with the Clerk indicating that he or she has reviewed the account, waives all objections to the account, ratifies all acts of the guardian, and asks the Court to enter an order approving the account, the Court may enter an order finding that all the distributees have ratified the actions of the guardian, approving the account and requiring the guardian to take any such actions as are necessary to proceed toward closing the estate.

If a living ward's rights have not been restored, a guardian ad litem may be appointed to represent the ward's best interests in connection with court's approval of the final account.

6.03 Temporary Administrations; Temporary Guardianships

(a) In connection with the appointment of a temporary administrator pending will contest or temporary guardian of the estate pending contest, the temporary administrator or temporary guardian shall file an inventory within thirty days after qualification, unless the Court waives compliance with this Local Rule. The Court may enter an order approving the inventory.

(b) Within thirty days after the termination of a temporary administration or temporary guardianship of the estate, whether by court order or by operation of law, the temporary administrator or temporary guardian of the estate shall file a final account and such other instruments as are required by the Court to show that the property that came within the control or custody of the temporary administrator or temporary guardian of theestate was managed properly and has been delivered to the person or persons entitled thereto, unless an extension to file is granted by the Court.

(c) Within thirty days after the termination of a temporary guardianship of the person, the temporary guardian of the person shall file a report indicating that any property that came into the guardian's custody or control has been delivered to the person or persons entitled thereto, unless an extension to file is granted by the Court.