

RULES OF COURT 36TH, 156TH AND 343RD DISTRICT COURTS

Composed of

ARANSAS COUNTY, BEE COUNTY, LIVE OAK COUNTY,

McMULLEN COUNTY & SAN PATRICIO COUNTY

The following local rules governing the practice in the District Courts of the 36th, 156th, and 343rd Judicial Districts of Texas (hereinafter referred to as “the Courts”) have been adopted.

The Clerk of the District Court of each of the counties composing the 36th, 156th, and 343rd Judicial Districts which are Aransas, Bee, Live Oak, McMullen and San Patricio, shall make available to each attorney practicing in such Court copies of these Rules.

1. JUDICIAL ADMINISTRATION

Rule 1.10 Election of the Local Administrative Judge.

Subject to Section 74.091 of the Texas Government Code and Rule 9 of the Rules of Judicial Administration, a majority of the District Judges will elect and prescribe the term of office of the Local Administrative District Judge.

Rule 1.11 Information to Local Administrative Judge.

The District and County Clerks shall be responsible to each and all the Judges and Local Administrative District Judge for the accurate collection and reporting of such information as may be prescribed in writing by the Regional Presiding Judge. Each Judge will have direct access to any such information and/or data collected at all reasonable times, Monday through Friday during work hours, and the Clerk shall produce all such and deliver same to any Judge

upon request.

Rule 1.11 EMERGENCY AND SPECIAL MATTERS.

Subject to modification and without waiving their respective jurisdiction, each District Court Judge shall assume equal responsibility in emergency and special matters pursuant to Rule 10d of the Rules of Judicial Administration.

Rule 1.13 Judicial Vacation.

Whenever a judge anticipates absence of more than five (5) court days due to vacation, illness, national service, attendance at legal education courses, attendance to the meetings of judicial or bar committees, or otherwise, then that judge shall so inform the Presiding Judge of the Fourth Administrative Region so that another judge may be assigned to that court.

Rule 1.14 Powers and Duties of Local Administrative Judge.

The Local Administrative District Judge shall see that each Court has the assistance of any other Judges who may be available for assignment and that the conduct of business is efficiently and fairly distributed to each judge having jurisdiction.

The Local Administrative District Judge shall call meetings of the District Judges of the District at least quarterly, preferably the first Friday of the month and additionally as needed. The Local Administrative District Judge shall preside over such meetings, and in his or her absence the meeting Judge shall be conducted by another Judge present.

The Judges of the District Courts may meet with the Judges of the County Courts and County Courts at Law or any other persons responsible for the efficient administration of justice

and make rules and orders relative to:

- (a) Docket management of the local courts;
- (b) Regular meetings to address the matters set forth in these rules and Rule 3e of the Rules of Judicial Administration;
- (c) Judicial budget matters;
- (d) Adult and juvenile probation matters;
- (e) County Auditor matters;
- (f) County purchasing matters;
- (g) Meeting and relationships with other governmental bodies, the public, and the news media;
- (h) Such other matters necessary to provide for the orderly, prompt, efficient, and effective administration of justice in the county;
- (i) Court reporters and timely preparation of records; and
- (j) Dismissals for want of prosecution pursuant to the law applicable thereto.

Pursuant to the Rules of Judicial Administration and Rule 3a of the Texas Rules of Civil Procedure the Judges will, as necessary, from time to time make rules pursuant to Rule 9b, Rules of Judicial Administration.

2. CASE FILING AND TRIAL SETTING(S)

Rule 2.10 Time Standards for Case Disposition.

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

Rule 2.11 Court Sessions.

The Courts sitting in the above mentioned counties shall be set according to a published schedule or calendar. The Courts shall publish an annual calendar showing the weeks of jury trials, non-jury trials, holidays and other schedules and events and any other matters that will facilitate the work of the Court. The Courts' calendar shall be available to the litigants, their attorneys and to other persons requesting it.

Rule 2.12. Filing and Assignment of Cases.

All civil cases shall be assigned to a specific Court on a rotating basis.

All criminal cases filed in Aransas and San Patricio Counties shall be filed in the 36th District Court. All criminal cases filed in Bee, Live Oak and McMullen Counties shall be filed in the 156th District Court.

Rule 2.13 Transfer of Cases/Docket Exchange/Bench Exchange.

In each county of this District, civil cases assigned to a specific Court shall remain pending in that Court until final disposition, provided that any case may be transferred to another Court by Order of the Judge of the Court in which the case is pending with the consent of the Judge of the Court to which the case is transferred.

Whenever any pending civil case is so related to another civil case pending in or disposed of by another Court, that to transfer the case to such other Court would facilitate orderly and efficient disposition of the litigation, the Judges may agree to have such related cases heard and transferred to the Court in which the earlier action was filed.

Any Judge of the District Court serving this Judicial District may act for any other Judge of the District Court serving these Judicial Districts in any case.

Rule 2.14 Request for Settings

Uncontested non-jury civil cases may be set for trial upon request to the Court Administrators' office in Sinton, Texas. Such request may be made by telephone, by letter, by Motion to Set or in any other manner that may be appropriate. Notice of such Motion or request shall be e-mailed to all other counsel/pro se parties in the case.

Contested non-jury and Jury civil cases may be set by request from any party or upon the Court's own Motion by a scheduling or Docket Control Conference through the Court Administrators' office in Sinton, Texas.

Docket control conferences will be held by telephone conference call or e-mail unless otherwise specified. The Court administrators will notify all attorneys of record and pro se parties of the date and hour of the conference call or the date which the attorneys and pro se parties, if any, shall appear.

The Court Administrators will designate the party who shall be responsible for arranging the conference call on the date and time scheduled by the Court Administrator.

If an attorney in charge of a party or pro se party, after notice and without good cause, fails to appear for a docket control conference or fails to be available for a telephone docket control conference, the Court may:

1. Make all scheduling decisions and rule on all motions, exceptions or other matters in the absence of such counsel or pro se party.

2. Declare any motions or exceptions of an absent party waived;
3. Advance or delay the trial setting or other such scheduling matters, or decline to set the case for trial, or cancel a setting previously made, according to the convenience of counsel present;
4. Pass and re-set the docket control conference, in which case the party represented shall be entitled to recover his/her reasonable attorney's fees and expenses;
5. Consider the absence of the attorney in charge as a contempt of Court, and punish counsel accordingly;
6. Have the case set for Dismissal or schedule the matter for Dismissal for Want of Prosecution.

The District Court's Administrator will prepare a Docket Control Order and the Court will sign the same which recites any action taken or agreements reached at the scheduling conference, and such order when entered, shall control the subsequent course of the action.

Rule 2.15 Request for Preferential Setting.

Cases may be set for preferential setting by consent of the Judge in whose court the case is filed and who is the presiding Judge..

Rule 2.16 Ex Parte Relief

All applications for ex parte relief shall state whether or not within the knowledge of applicant and his/her attorney the opposing party is represented by counsel and if so the name of such counsel. The party requesting such ex parte temporary relief shall be present in Court at the time such relief is requested unless the Court waives this requirement for good cause shown.

Rule 2.17 Docket Calls and Announcements.

Each Judge shall call the number and style of the cases assigned for that day at the commencement of proceedings, at which time the attorneys for each party shall indicate whether they are ready for trial and how long the trial of the matter before the Court will take.

Rule 2.18 Dismissal Docket: Involuntary Dismissal.

If there have been no proceedings or activity in any case during the previous six (6) months, the Cause may be subject to dismissal for want of prosecution in accordance with Rule 165a of the Texas Rules of Civil Procedure. The Clerk will send notice of Intention to Dismiss such case to each of the attorneys in the case and if no request for trial is made after fifteen (15) days or such other time as may be prescribed by Rule 165a, the Cause may be dismissed.

Rule 2.19 Suspense Docket.

If a case has been stayed because it has been abated for any reason, or because a suggestion of bankruptcy proceedings involving the party thereto has been received or for any other reason, the Cause shall not be dismissed but shall be suspended until it can be determined whether the Court may proceed. The attorneys shall be responsible for notifying the Court of any change in the status of such case and respond to an inquiry from the Court in order that it may be expeditiously heard or dismissed.

3. MOTIONS AND TRIAL

Rule 3.10 Pre-Trial and Pre-Trial Motions.

At Pre-Trial Hearing all parties shall present their exceptions, motions and dilatory pleas, including Motions in Limine for rulings by the Court. Failure to present such exceptions, motions and pleas in a timely manner may cause them to be waived.

Counsel and any pro se parties shall be required to attend Pre-Trial hearings and will be expected to advise the Court which issues will be disputed and will be expected to be familiar with authorities applicable to questions of law thereby raised. Counsel and pro se parties attending the Pre-Trial Conference shall be the person who is expected to try the case or shall be familiar with the case and fully authorized to state the parties' position on the law and facts, make stipulations and enter into settlement negotiations. Should the Court find that counsel is not so qualified, it may consider that no counsel has appeared and may take action against the party involved.

Rule 3.11 Disposition Motions and Other Preliminary Matters.

Preliminary matters may be disposed of either by hearing before the Court or upon written submission of authorities by counsel. Any party may request a hearing so long as the same is requested prior to the time that the Court makes its ruling.

Rule 3.12 Motions for Severance.

When a Motion to Sever is sustained, the severed claim shall be filed as a new case in the same Court and shall be given a new or suffix number or letter by the Clerk in whose Court the case is pending. The original case from which the claim is severed shall retain the original number given it by the Clerk of the Court. Before the severed claim is filed as a new case, the

Clerk's requirement concerning deposit for costs shall be met.

Rule 3.13 Motions for Continuance.

Any grounds for continuance of a trial setting should be presented to the Court at least ten (10) days prior to the trial setting at the call of the docket or at Pre-Trial Conference.

No Motion for Continuance of a trial setting, including joint or agreed motions of all parties shall be granted without the Court's consent. Upon granting a Motion for Continuance, a setting conference shall immediately be held and the Order granting such Motion for Continuance should contain an Order resetting the case for trial.

Rule 3.14 Motions for Default Judgment.

After the appearance date of the defendant in a case has passed, a written request for entry of a Default Judgment may be made, and a form of judgment presented, together with any affidavits as to unliquidated parts of such claim. If the parties desire a hearing for default judgment, the Court Administrator should be contacted for appropriate time for setting. If a claim is liquidated and represented by documents filed, no hearing is necessary. For unliquidated claims, affidavits or testimony may be made the basis for a judgment by the Court.

Rule 3.15 Motions for Summary Judgment.

All motions for summary judgment will be set by submission only unless otherwise approved by the Court. A submission date will be given upon request made to the Court Administrator. Courtesy copies of all motions, responses and replies shall be mailed or delivered

to the Judge prior to the submission date at the Sinton, Texas office.

Rule 3.16 Motions for Referral of Disputes or Alternative Dispute Resolution Procedures.

The Court may, on its own motion or the motion of any party, refer a pending dispute for resolution of an alternative dispute resolution procedure as provided for in Chapters 151, 152 or 154 of the Texas Civil Practice and Remedies Code.

Any party may, within ten (10) days after receiving notification of a referral, file a written objection which sets forth a reasonable basis for the party's objection to referral and the same shall be forthwith set by the Judge for hearing and resolution.

Whenever a case is referred to alternative dispute resolution (ADR), the Court shall appoint a mediator but counsel may agree upon a certain mediator without court approval.

Rule 3.17 Discovery Motions.

All counsel are expected to engage in good faith negotiations pursuant to the discovery and deposition rules of the Texas Rules of Civil Procedure. Requests for hearings on motions for discovery, for protection, to quash interrogatories or requests for sanctions may be heard at any time, in any county in which the Judge having jurisdiction of the case can hear the same.

Rule 3.18 Settlements.

All trial counsel are urged to make a bona fide effort to settle cases before announcing ready for trial.

When an attorney settles or dismisses a case which is set for trial, he/she shall give notice

to the Court Administrator as soon as possible and submit a written dismissal or judgment forthwith.

The Court reserves the right to require the presence of counsel and the parties at the time for which trial was set if no documentary evidence of the settlement has been received before the call of the docket.

Rule 3.19 Conflicting Engagements of Counsel.

When a Motion for Continuance is made on the basis that counsel already has a trial setting in another court, such motion should state the court and cause number and style of the case pending elsewhere and should include the estimated length of time the attorney will be unavailable to this Court. The Court reserves the right to verify that appearance of counsel is necessary in any other Courts.

At docket control or scheduling conference, each attorney shall be responsible for disclosing to the Court Administrator or Judge any conflicting engagements of counsel that may interfere with a trial setting. Tentative schedules in some other Court will not be grounds for granting a continuance. In the event the case in the other Court is passed, continued or disposed of prior to or during the week in which the case is set for trial in these Courts, the attorney shall immediately notify the Court and opposing counsel of such fact.

In case of such conflicting settings, the Court whose date of setting is the earliest has preference; except that criminal cases in all District Courts shall have priority over civil cases.

Rule 3.20 Witnesses/Exhibits.

Cases announced to be ready on the date of trial shall in all respects be ready, with witnesses and other evidence available so that the trial may proceed without delay and/or interference. Insofar as is possible, counsel for the party shall pre-mark for identification all items to be introduced into evidence and further shall notify the Court as to those items upon which counsel can agree may be admitted into evidence without objection.

In any Civil case where a witness does not speak English, the attorney presenting such witness shall make provision for a properly qualified interpreter to be present at the time of such witness's testimony.

Rule 3.30 Minute Order Relating to Electronic audio and/or Video Evidence.

Audio and/or video evidence that a party intends to offer at pre-trial or trial must be in admissible form and format at the time of the offer of said evidence. A flash drive is preferable over a DVD. Questions regarding form and formats of said evidence **SHALL** be made to the trial judge prior to the offer of evidence and **MUST** be made prior jury selection, if applicable. Additionally, as to not cause unnecessary delay of a trial before jury, all objections relating to a video/audio recording redaction of shall be ruled on by the presiding judge prior to the commencement of the jury trial.

All exhibits shall be in the English language or, if they are not, they shall be offered with an English translation. Any said offer with a translation **MUST** be disclosed along with the translation to opposing parties at least 3 days prior to the offer of said exhibit with translation.

If the above procedures are not followed the admission of said evidence will be up to the sole direction of the presiding judge.

Rule 3.40 Jury Charges.

A jury charge, with questions and instructions that may be reasonably anticipated should be prepared and submitted to the Court at pre-trial hearing, or at least seven (7) days in advance of trial, whichever is earlier.

4. FAMILY LAW

Rule 4.10 Standing Order.

The District Court has issued a Standing Order regarding children, property, and conduct of the parties for every divorce suit, every suit affecting the parent-child relationship, and any modification suit filed in Aransas, Bee, Live Oak, McMullen, and San Patricio counties. (SEE ATTACHED EXHIBIT “A”)

Rule 4.11 Family Law Cases Involving Children.

All parties seeking access to a child or seeking appointment as a conservator (whether joint, sole or possessory) shall complete a Parent Education and Family Stabilization Course pursuant to the Texas Family Code and the Minute Order of the District Courts. (SEE ATTACHED EXHIBIT “B”) This course must be completed prior to the matter being set for trial.

To expedite trials, it shall be the duty of the attorney or pro se parties to confer prior to trial with regarding settlement, stipulations, estimated time of trial, waiver of jury, the extent, description, character and value of property in question, amount of support, conservatorship, periods of possession and/or access rights, duties and powers of the conservators, and contested issues.

Trial settings shall be made as set out in Rule 2.14 herein.

Child support payments are to be ordered withheld from the obligor's earnings. The name and address of the obligor's employer must accompany any order for withholding from income for child support.

Rule 4.12 Property Division

In all cases requiring a division of property and/or liabilities, the husband and wife shall each file with the court and exchange between themselves, sworn inventories. Each inventory shall list the value of each item of property and shall list each liability, the number of periodic payments in arrears, if any, the property securing its payments, and the name of the creditor. Any property or liability claimed to be separate shall be so characterized.

Each attorney shall submit a proposed property division, including property claimed or recognized as separate property, to the Court and opposing counsel not later than the commencement of trial. A courtesy copy of the inventory shall be provided to the Court at the time of hearing.

Rule 4.13 Bureau of Vital Statics Forms

At the conclusion of any family law case, the appropriate BVS forms and information on child (suit affecting parent-child relationship forms) shall be filled out and an Order/Decree prepared and presented to the Court forthwith.

Rule 4.14 Pro-se Divorce Procedures in the District Courts.

Please see the attached guideline (EXHIBIT "C").

Rule 4.15 Adoption Procedures.

Please see the attached guideline (EXHIBIT "D").

5. CRIMINAL CASES

Rule 5.10 Felony Cases.

After indictments are returned and the Clerk has issued precepts, a Docket Call shall be held at which each Defendant is expected to appear with his/her attorney if one has been engaged. If he/she has no attorney, he/she should be prepared to fill out the form requesting an attorney. If he/she is found to be indigent, an attorney will be appointed and the case set for trial by jury and for an earlier pre-trial and announcement. The Criminal Pre-Trial proceedings shall be governed by Article 28 of the Texas Rules of Criminal Procedure.

If court-appointed attorneys are necessary in any criminal case the appointment and procedures shall be pursuant to the 36th, 156th and 343rd Judicial District's Alternate Indigent Defense Plan for each county.

Rule 5.11 Appearance of Defendants and Counsel

In criminal cases all Defendants and their attorneys must be personally present in Court during arraignment, pre-trial hearings and announcements unless appearance has been waived by the Court in advance. Attorneys are required to notify the Office of the Judge and of the Clerk in writing that they are employed in the case. If such retainer notice is not given to the Clerk prior to the dates of hearing, pre-trial arraignment, hearing, announcement or trial, the Court may make an appointment from among the attorneys available to the Court for appointment and the client may be required to pay for such services. Substitution of retained counsel, who failed to notify the Court of retention, may only be permitted by leave of the Court.

At Announcement each Defendant and Attorney must attend and announce for the Jury

Trial setting in order that the parties may prepare for trial. The trial shall be by jury on the date appointed and shall likewise be governed by the Texas Rules of Criminal Procedure relating to criminal jury trials.

5.12 Court Appointed Interpreters

In criminal cases, a motion for a court appointed interpreter shall be filed at pre-trial or earlier as provided in the Code of Criminal Procedure.

6. JURY TRIALS

Rule 6.10 Jury Management.

The Trial Judges in each County of the District shall adopt a jury plan governing the selection, management, assignment and time of jury service.

Where appropriate, a Judge designated by the Local District Administrative Judge, may preside over the qualifications of petit jurors and the assignment of jury panels to the several weeks in any one county where the same appears appropriate.

Each member of the jury panel shall receive and complete a uniform juror questionnaire. Each juror shall bring the questionnaire to Court and the questionnaires shall be available to the attorneys in jury selection.

During all weeks in which cases are set, juries will be summoned for 9:00 A.M. on Monday or at other appropriate times, as ordered by the Judge, and will be subject to assignment during the ensuing week, and may be carried over for additional weeks on order of the Judge.

All juries will be selected on the first day of each jury week or at the Judge's discretion.

After jury selection, any case may be recessed to a time certain during the trial week or a subsequent week. Where more than one jury is to be selected, counsel in all cases should be present at the entire voir dire in order to refrain from repeating questions already asked of members of the jury panel on voir dire of a previous case.

7. COURT PERSONNEL

Rule 7.10 Non-Judicial Personnel.

The Local Administrative District Judge shall supervise the Court Administrator Program and shall be responsible for all administrative matters peculiar to the Courts (as distinguished from judicial matters). The Local District Administrative Judge shall periodically review case flow procedures and operations of Court Administration program and shall recommend necessary changes to the Judges of the District Courts, County Judges and County Court At Law Judges.

Unless otherwise agreed upon by all of the District Court Judges each District Judge shall control the employees of their Court, including those who render services directly or indirectly to each Court, including, but not limited to: Official Court Reporters, Deputy Official Court Reporters, Court Administrators, Court Coordinators, staff, if any, of Court Administrators, Bailiff, assignment clerks, central jury bailiffs and staff, and grand Jury Bailiffs and others so employed and hired. The qualifications for these positions shall be those set forth in the pertinent statutes, in the approved job descriptions or in official joint Court Orders. Non-judicial personnel should observe the standards of decorum and conduct set forth in the Code of Judicial Conduct.

Rule 7.11 Bailiff Duties

The Bailiff shall see that the flag of the United States and the flag of the State of Texas are properly and prominently displayed at some convenient place in the courtroom.

Formal Opening of Court. Immediately before the scheduled time for the beginning of court sessions, the Bailiff shall direct all Court officers and spectators to their seats and shall bring Order. As the Judge enters the Courtroom, the Bailiff shall state, "Everyone please rise." While everyone is still standing he shall make an appropriate announcement such as, "The ____ Court is now in session, the Honorable _____, Judge Presiding." If the Judge does not seat the persons assembled, the Bailiff will then say, "Be seated please."

Formal Closing. At the end of the trial day the Court shall tell the jury, if there is a jury, or otherwise will announce to the officers of the Court: "This Court will be in recess until tomorrow morning at ____ o'clock", at which time the Court Bailiff shall state, "The ____ Court of _____ County, Texas, will stand in recess until (date) at _____ o'clock A.M."

8. ATTORNEYS DUTIES

Rule 8.10 Attorneys - Attorney Vacations.

Vacation letters setting the days an attorney will be unavailable due to vacations shall be sent to the District Court Administrators as soon as attorneys know of vacation days. If there is a prescheduled trial date a Motion for Continuance must be filed and said continuance may be granted at the discretion of the judge. If a setting is made after a vacation letter has been received by the Court Administrators said attorney may request a reset from the Court Administrator without a Motion for Continuance. At their discretion a Judge may recognize another time for

the designated vacation period.

Rule 8.11 Attorney Withdrawal.

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. Such motion shall be accompanied by the client's written consent to such withdrawal or pursuant to Texas Rules of Civil Procedure. Such leave may be denied where the Motion is presented so near the trial date as to require delay of the trial. If leave is granted, the Clerk shall notify the party of such action and advise the party of any trial settings and that he/she may secure other counsel.

Rule 8.12 Conduct/Decorum of Counsel.

Each day the Court is engaged in hearing a matter, the Court shall be opened by the Bailiff directing all Court officials and spectators to their seats.

All officers of the Court, except the Judge and jurors, and all other participants, except witnesses who have been placed under the Rule, shall promptly enter the courtroom before the scheduled time for each Court session. When the Bailiff calls the Court to order the following order shall be observed.

In the courtroom there shall be:

- (a) No tobacco used;
- (b) No chewing gum used by a witness or by any attorney while interrogating a witness or addressing the Judge or jury;
- (c) No reading of newspapers;
- (d) No bottles, cups, or beverage containers except water pitchers and cups unless

otherwise permitted by the Judge;

- (e) No edibles;
- (f) No propping of feet on tables or chairs;
- (g) No noise or talking which interferes with the court procedure.

The Judge, the attorneys, and other officers of the Court will refer to and address other Court officers and other participants in the proceedings respectfully and impersonally, as by using appropriate titles and surnames rather than first names.

The oath will be administered in a manner calculated to impress the witness with the importance and solemnity of the promise to adhere to the truth.

All officers of the Court shall dress appropriately for court sessions. In order to promote judicial decorum male attorneys and court officials shall wear coats and ties and female attorneys and court officials shall dress in a consistent manner.

Non-attorneys and non-court officials shall dress appropriately. No rubber sandals, shorts, sleeveless shirts or bare feet will be allowed in the Courtrooms.

Attorneys should observe the letter and spirit of all canons of ethics including those dealing with discussion of cases with representatives of the media and those concerning improper ex parte communications with the Judge.

Attorneys should advise their clients and witnesses of the local Rules of Decorum that may be applicable.

All objections, arguments, and other comments by counsel shall be directed to the Judge or jury and not to opposing counsel.

While another attorney is addressing the Judge or jury, an attorney should not stand for

any purpose except to claim the right to interrupt the attorney who is speaking.

Attorneys should not approach the bench without leave of the Court and must never lean on the bench, stack papers or place books on the bench without permission.

Attorneys shall remain seated at the counsel tables at all times except:

- (a) when the Judge enters and leaves;
- (b) when addressing the Judge or jury; and,
- (c) whenever it may be proper to handle documents, exhibits, or other evidence.

Attorneys should anticipate any need to move furniture, appliances, or easels, and should make advance arrangements with the bailiff. Tables should not be moved during court sessions.

All pagers, cellular telephones and other telecommunication devices shall be turned off while in the Courtrooms.

No knives, guns or any other weapons shall be carried into the Courtrooms. Any such weapon found shall be confiscated and forfeited.

9. MISCELLANEOUS LOCAL RULES.

Rule 9.10 Attorneys ad Litem and Amicus Attorneys.

Any Judge may appoint Attorneys ad Litem or Amicus attorneys upon request by a party or on the Court's own motion. The request may not be made by any person interested in being appointed.

Rule 9.11 Judgment and Orders.

All orders and judgments must be submitted to the Court for entry within seven (7) days

from the date of the hearing or decision by the Court unless additional time has been approved by the court.

Rule 9.12 Photography or Recording in Courtroom .

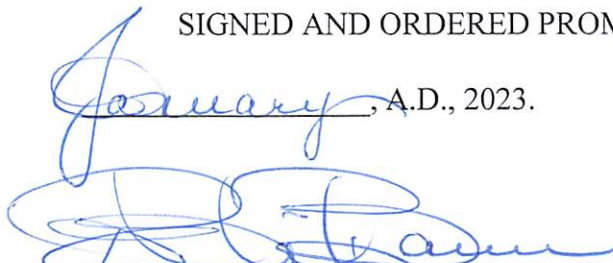
The use in the courtroom of cameras, tape recorders or recording devices of any kind, except by the Court Reporter, will not be permitted.

CONCLUSION

Nothing herein provided shall be construed to modify or supersede any provision of the Texas Rules of Civil Procedure, the Texas Code of Criminal Procedure, the Rules of the State Bar of Texas, or any statute of Texas, nor do the foregoing rules apply to the manner of obtaining extraordinary relief that may not be practicably handled in accordance with these rules.

SIGNED AND ORDERED PROMULGATED on this 9th day of

January, A.D., 2023.


STARR BOLDRICK BAUER
36th District Court Judge


PATRICK L. FLANIGAN
156th District Court Judge


JANNA K. WHATLEY,
343rd District Court Judge

Exhibit "A"

36th, 156th, 343rd DISTRICT COURTS' AND ARANSAS
COUNTY COURT AT LAW GENERAL ORDERS

36th, 156th, 343rd DISTRICT COURTS' AND ARANSAS
COUNTY COURT AT LAW STANDING ORDER
REGARDING CHILDREN, PROPERTY, AND CONDUCT
OF THE PARTIES

No party to this lawsuit has requested this order. Rather, this order is a standing order of the 36th, 156th, 343rd District Courts and Aransas County Court at Law that applies in every divorce suit, every suit affecting the parent-child relationship, and any modification suit filed in ARANSAS, BEE, LIVE OAK, McMULLEN and SAN PATRICO COUNTIES. The 36th, 156th, 343rd District Courts and Aransas County Court at Law have adopted this order because the parties and their children should be protected and their property preserved while the lawsuit is pending before the court. Therefore it is ORDERED:

1. **NO DISRUPTION OF CHILDREN** Both parties are ORDERED to refrain from doing the following acts concerning any child who is the subject of this case:

- 1.1 Removing a child from the State of Texas for the purpose of changing the child's residence, acting directly or in concert with others, without the written agreement of both parties or an order of this Court.
- 1.2 Disrupting or withdrawing a child from the school or day-care facility where the child is presently enrolled, without the written agreement of both parents, or an order of this Court.
- 1.3 Hiding or secreting a child from the other parent or changing a child's current place of abode, without the written agreement of both parents or an order of this Court.
- 1.4 Disturbing the peace of a child.
- 1.5 Making disparaging remarks about each other or the other party's family members, to include but not be limited to the child's grandparents, aunts, uncles, or stepparents.
- 1.6 Discussing with a child, or with any other person in the presence of a child, any litigation related to a child or the other party.
- 1.7 If this is an original divorce action, allowing any unrelated adult to remain overnight in the home while in possession of a child. Overnight is defined as from 10:00 p.m. until 7:00a.m.
- 1.8 Consuming any illegal Controlled Substance (as that term is defined in the Texas controlled Substance Act) twelve (12) hours prior to and during the party's possession of the child.
- 1.9 Intentionally, knowingly, or recklessly causing bodily injury to the other party or to a child of both/either party.

2. **CONDUCT OF THE PARTIES DURING THE CASE** Both parties are ORDERED to ~~refrain~~ from doing the following acts:

- 2.1 Communicating in person or in any other manner, including by telephone, electronic voice transmission, video chat, writing, or electronic messaging, with the other party by use of vulgar, profane, obscene, or indecent language or in a coarse or offensive manner.
- 2.2 Threatening the other party in person or in any other manner, including by telephone, electronic voice transmission, video chat, writing, or electronic messaging, to take unlawful action against any person.
- 2.3 Placing one or more telephone calls, anonymously, at an unreasonable hour, in an

- offensive or repetitious manner, or without a legitimate purpose of communication.
- 2.4 Opening or diverting mail, e-mail, or any other electronic communication addressed to the other party.
- 2.5 Using any password or personal identification number to gain access to the other party's e-mail account, bank account, social media account, or any other electronic account.
- 2.6 Illegally intercepting or recording the other party's electronic or telephonic communications.
- 2.7 Posting any information regarding the other party on any social media sites.
- 2.8 Excluding the other party from the use and enjoyment of the parties' residence.

3. PRESERVATION OF PROPERTY AND USE OF FUNDS DURING DIVORCE.

CASE These orders apply to electronic records and electronically stored information, regardless of whether the information is stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium. If this is a divorce case, both parties to the marriage are **ORDERED** to refrain from doing the following acts:

- 3.1 Destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties.
- 3.2 Misrepresenting or refusing to disclose to the other party or to the Court, on proper request, the existence, amount, or location of any tangible or intellectual property of one or both of the parties.
- 3.3 Damaging or destroying the tangible or intellectual property of one or both of the parties, including any document that represents or embodies anything of value.
- 3.4 Tampering with the tangible or intellectual property of one or both parties, including any document that represents or embodies anything of value, and causing pecuniary loss or substantial inconvenience to the other party.
- 3.5 Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any property of either party, whether personal property, real estate property, or intellectual property, and whether separate property or community property, except as specifically authorized by this order.
- 3.6 Incurring any debt, other than legal expenses in connection with this suit, except as specifically authorized by this order.
- 3.7 Withdrawing money from any checking or savings account in any financial institution for any purpose, except as specifically authorized by this order.
- 3.8 Spending any money in either party's possession or subject to either party's control for any purpose, except as specifically authorized by this order.
- 3.9 Withdrawing or borrowing in any manner for any purpose from any retirement, profit-sharing, pension, death, or other employee benefit plan, employee savings plan, individual retirement account, or Keogh account, of either party, except as specifically authorized by this order.
- 3.10 Signing or endorsing the other party's name on any negotiable instrument, check, or draft, including a tax refund, insurance payment, and dividend, or attempting to negotiate any negotiable instrument payable to the other party without the personal signature of the other party.
- 3.11 Taking any action to terminate or limit credit or charge cards in the name of the other party.
- 3.12 Entering, operating, or exercising control over a motor vehicle in the

possession of the other party.

- 3.13 Discontinuing or altering the withholding for federal income taxes from either party's wages or salary.
- 3.14 Terminating or in any manner affecting the service of water, electricity, gas, telephone, cable television, or any other contractual service, such as security, pest control, landscaping, or yard maintenance at the other party's residence, or in any manner attempting to withdraw any deposit paid in connection with such services.

4. **PERSONAL AND BUSINESS RECORDS IN DIVORCE CASE** These orders apply to paper records as well as electronic records on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium. If this is a divorce case, both parties to the marriage are **ORDERED** to refrain from doing the following acts:

- 4.1 Concealing or destroying any family records, property records, business records, or any records of income, debts, or other obligations.
- 4.2 Falsifying any writing or record relating to the property of either party.
- 4.3 Destroying, disposing of, or altering any financial record of either party, including a canceled check, a deposit slip, any other record from a financial institution, a record of credit purchases or cash advances, a tax return, or a financial statement.
- 4.4 Destroying, disposing of, or altering any e-mail, text message, video message, chat message, or other electronic information relevant to the suit.
- 4.5 Modifying, changing, or altering the native format or metadata of any electronic information relevant to the suit.
- 4.6 Deleting any data or content from any social network profile used or created by either party or a child of the parties.

5. **INSURANCE IN DIVORCE CASE** If this is a divorce case, both parties to the marriage are **ORDERED** to refrain from doing the following acts:

- 5.1 Withdrawing or borrowing in any manner all or any part of the cash surrender value of a life insurance policy on the life of either party or a child of the parties, except as specifically authorized by this order.
- 5.2 Changing or in any manner altering the beneficiary designation on any life insurance policy on the life of either party or a child of the parties.
- 5.3 Canceling, altering, failing to renew or pay premiums on, or in any manner affecting the level of coverage that existed at the time the suit was filed, of any life, casualty, automobile, or health insurance policy insuring the parties' property or persons, including a child of the parties.

6. **SPECIFIC AUTHORIZATIONS IN DIVORCE CASE** If this is a divorce case, both parties to the marriage are specifically authorized to do the following:

- 6.1 To engage in acts reasonable and necessary to conduct that party's usual business and occupation.
- 6.2 To make expenditures and incur indebtedness for reasonable attorney's fees and expenses in connection with this suit.
- 6.3 To make expenditures and incur indebtedness for reasonable and necessary living expenses for food, clothing, shelter, transportation, and medical care.

7. **SERVICE AND APPLICATION OF THIS ORDER**

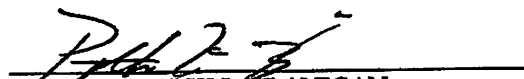
- 7.1 The Petitioner shall attach a copy of this order to the original petition and to each copy of the petition. At the time the petition is filed, if the Petitioner has failed to attach a copy of this order to the petition and any copy of the petition, the Clerk shall ensure that a copy of this order is attached to the petition and every copy of the petition presented.
- 7.2 This order is effective upon the filing of the original petition and shall remain in full force and effect until the final order is entered in this case or the case is dismissed. This entire order will terminate and will no longer be effective when the court signs a final order or the case is dismissed.

8. **EFFECT OF OTHER COURT ORDERS** If any part of this order is different from any part of a protective order that has already been entered or is later entered, the protective order provisions prevail. Any part of this order not changed by some later order remains in full force and effect until the court signs a final order or this case is dismissed.

9. **PARTIES ENCOURAGED TO MEDIATE** The parties are encouraged to settle their disputes amicably without court intervention. The parties are encouraged to use alternative dispute resolution methods, such as mediation, to resolve the conflicts that may arise in this lawsuit.

THIS STANDING ORDER REGARDING CHILDREN, PROPERTY, AND CONDUCT OF THE PARTIES SHALL BECOME EFFECTIVE ON JANUARY 1, 2018.


JUDGE STARR B. BAUER,
36TH JUDICIAL DISTRICT JUDGE


JUDGE PATRICK L. FLANIGAN,
156TH JUDICIAL DISTRICT JUDGE


JANNA K. WHATLEY,
343RD JUDICIAL DISTRICT JUDGE

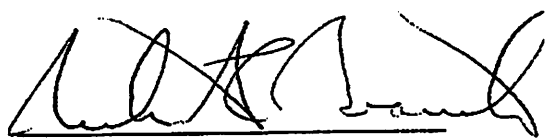

RICHARD P. BIANCHI,
ARANSAS COUNTY COURT OF LAW

Exhibit "B"

**IN THE 36TH, 156TH and 343RD DISTRICT COURTS OF
ARANSAS, BEE, LIVE OAK, MCMULLEN AND SAN PATRICIO COUNTIES
ORDER REGARDING PERSONS SEEKING CONSERVATORSHIP IN
FAMILY LAW CASES**

Pursuant to the inherent powers of the court, and Section 105.009 of the Texas Family Code, the Courts hereby find that the best interest of the children of parties involved in a suit affecting the parent-child relationship, including an action to modify an order in a suit affecting the parent-child relationship providing for possession of or access to a child, hereby Orders that the parties so involved to successfully attend and complete a parent education and family stabilization course.

The parties to the suit are not required to attend the course together.

The course must be at least four (4) hours, but not more than twelve (12) hours, in length and be designed to educate and assist parents with regard to the consequences of divorce on parents and children. The course must include information on the following issues:

- (1) the emotional effects of divorce on parents;
- (2) the emotional and behavioral reactions to divorce by young children and adolescents;
- (3) parenting issues relating to the concerns and needs of children at different development stages;
- (4) stress indicators in young children and adolescents;
- (5) conflict management;
- (6) family stabilization through development of a co-parenting relationship;
- (7) the financial responsibilities of parenting;
- (8) family violence, spousal abuse, and child abuse and neglect; and
- (9) the availability of community services and resources.

The course satisfies the requirements of the Courts if it is offered by:

- (1) a mental health professional who has at least a master's degree with a background in family therapy or parent education; or
- (2) a religious practitioner who performs counseling consistent with the laws of this state or another person designated as a program counselor by a church or religious institution if the litigant so chooses.

Information obtained in a course or a statement made by a participant to a suit during a

course may not be considered in the adjudication of the suit or in any subsequent legal proceeding. Any report that results from participation in the course may not become a record in the suit unless the parties stipulate to the record in writing.

The court may take appropriate action with regard to a party who fails to attend or complete a course ordered by the court under this section, including holding the party in contempt of court, striking pleadings, or invoking any sanction provided by Rule 215, Texas Rules of Civil Procedure. The failure or refusal by a party to attend or complete a course required by this section may not delay the court from rendering a judgment in a suit affecting the parent-child relationship.

The course required under this section may be completed by:

- (1) personal instruction;
- (2) videotape instruction;
- (3) instruction through an electronic medium; or
- (4) a combination of those methods

On completion of the course, the course provider shall issue a certificate of completion to each participant. The certificate must state:

- (1) the name of the participant;
- (2) the name of the course provider;
- (3) the date the course was completed; and
- (4) whether the course was provided by:
 - (A) personal instruction;
 - (B) videotape instruction;
 - (C) instruction through an electronic medium; or
 - (D) a combination of those methods.

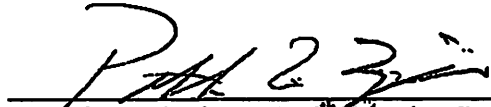
The course shall be successfully complete by the petitioner or movant within 31 days of filing of the original motion or complaint and by the respondent within 31 days of respondent's first appearance or by the filing of an answer or waiver by the respondent.

For good cause shown on Motion by a party, the assigned judge may waive the requirement of completion of this program in individual cases.

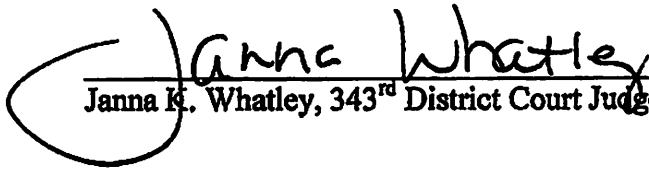
So Ordered this the 9th day of January, 2015.



Starr B. Bauer, 36th District Court Judge



Patrick L. Flanigan, 156th District Court Judge



Janna K. Whatley, 343rd District Court Judge



DISTRICT JUDGE'S OFFICE
P.O. Box 700
SINTON, TEXAS 78387-0700
Office: (361) 364-9310
Fax: (361) 364-9410

Exhibit "C"

STARR BOLDRICK BAUER

District Judge 36th Judicial District

PATRICK L. FLANIGAN

District Judge, 156th Judicial District

JANNA K. WHATLEY

District Judge, 343rd Judicial District

COUNTIES:
ARANSAS
BEE
LIVE OAK
MCMULLEN
SAN PATRICIO

Pro-se Divorce Procedures in the District Courts
of Aransas, Bee, Live Oak, McMullen and San Patricio Counties
36th, 156th & 343rd Judicial District Courts

The PETITIONER (the party who filed the Divorce) must do the following:

1. Either: **Serve the Respondent (the non-filing party) as stated in the Texas Rules of Civil Procedure; or,**

File a Waiver of Citation that is dated and signed after the date the Petition for Divorce is filed. If the Waiver is signed the same day the Divorce Petition is filed the Waiver must be filed AFTER the petition and must have a different time stamped by the District Clerk's office.

2. Before requesting a court setting the Pro Se Petitioner **MUST:**

- A. Have attended the family counseling program, if children are involved and so **MUST** their spouse (certain exceptions exist for out of area spouses);
- B. Know the divorce case number and filing date
- C. Know the date of service or the date the Waiver of Citation was filed or whether the Respondent filed an Answer or has an attorney;
- D. Know the Attorney General case number (if there is one) and have it referenced in the Decree;
- E. Have a Divorce Decree with all blanks filled in and a vital statistics form (obtained from the clerk) placed in their Divorce file in the Clerk's office.

When all of the above requirements have been completed, the Pro Se Petitioner may call the Court Administrator of the court that the divorce was filed in at the number listed below to request a court date.

If the Respondent was not served, there is no waiver of service or no answer by the Respondent or a Decree of Divorce in the clerk's file then a court date **will not** be set. **All blanks must be filled out in the Divorce Decree prior to seeing the Judge.**

The Pro Se Petitioner must keep the District Clerk's office notified of their current address. If the Clerk's file does not have a correct address the case may be dismissed and the filing fees will be lost and a new case would then need to be filed with new filing fees.

Nina DeLaGarza, 36th District Court Administrator, (361)364-9310
Sylvia Mejias, 156th District Court Administrator, (361)364-9310
Jennifer Surginer, 343rd District Court Administrator, (361) 364-9310



DISTRICT JUDGE'S OFFICE
P.O. Box 700
SINTON, TEXAS 78387-0700
Office: (361) 364-9310
Fax: (361) 364-9410

STARR BOLDRICK BAUER

District Judge 36th Judicial District

PATRICK L. FLANIGAN

District Judge, 156th Judicial District

JANNA K. WHATLEY

District Judge, 343rd Judicial District

COUNTIES:
ARANSAS
BEE
LIVE OAK
MCMULLEN
SAN PATRICIO

**ADOPTION PROCEDURES IN THE DISTRICT COURTS
IN ARANSAS, BEE, LIVE OAK, MCMULLEN and SAN PATRICIO COUNTIES**

1. You must provide an order appointing the pre-adoptive home screening and post-placement report provider. You may suggest a provider but the Judge will have the right to select their preferred provider. If the parties live outside the district, please bring that to the court's attention when you send the Order appointing provider(s). You are responsible for notifying the provider of their appointment and of all deadlines and dates. **THE COURT IS NOT RESPONSIBLE FOR NOTIFYING THE PROVIDER OF THE APPOINTMENT OR COURT DATE.** You and your client are responsible for payment to the provider and scheduling all meeting with the provider.

2. The criminal history must be obtained as required by Family Code Section 162.0085 and must be from the Texas Department of Public Safety <https://www.dps.texas.gov/internetforms/Forms/CR-62.pdf> If the criminal history report is not filed with the district clerk by the time the hearing is set, the case will be passed until such time as the report is filed. It will then be the duty of the attorney for the petitioner to request a reset once the report is on file.

3. You must provide an order appointing the ad litem. You may suggest an ad litem but the Judge will have the right to select the ad litem. You are responsible for notifying the ad litem of their appointment and of all deadlines and dates. **THE COURT IS NOT RESPONSIBLE FOR NOTIFYING THE AD LITEM OF THE APPOINTMENT, BUT WILL NOTIFY THE AD LITEM OF ANY HEARING DATES.** If you feel that an ad litem is not necessary, you must notify the court of that fact and provide a written waiver to the Judge prior to obtaining a hearing date from the court administrator.

4. Please do not forget to have your clients fill out the Adoption Vital Statistic Form prior to their leaving the courthouse.

Nina DeLaGarza, 36th District Court Administrator, (361) 364-9310

Sylvia Mejias, 156th District Court Administrator, (361) 364-9310

Jennifer Surginer, 343rd Court Administrator, (361) 364-9310