

**LOCAL RULES OF THE
279TH AND 317TH DISTRICT COURTS
OF JEFFERSON COUNTY, TEXAS
FOR FAMILY LAW PROCEEDINGS**

1. Conduct and Courtroom Decorum

1.1 Standards for All Attorneys and Self-Represented Litigants

All attorneys are expected to read and follow the *Texas Disciplinary Rules of Professional Conduct* and the *Texas Lawyer's Creed*, and they are adopted and incorporated herein by reference as guidelines for all counsel participating in family law litigation in the District Courts of Jefferson County, Texas. Self-represented litigants shall also behave with professional decorum to the Court, attorneys, and other parties / witnesses involved with the litigation. All of the rules herein apply equally to self-represented litigants, parties and attorneys.

1.2 Photographs and Recordings Prohibited

Photographs and audio / video recording are prohibited in the courtroom, unless specifically authorized in writing by court order pursuant to Tex. R. Civ. P. 18c. This rule does not apply to adoptions. Parties may take photographs of video recordings at adoption proceedings.

2. Filings, Case Information and the Transfer / Exchange of Cases

2.1 Contact Information

Attorneys and self-represented litigants are required to provide to the Court and District Clerk a current mailing address, phone number and an email address. All attorneys and self-represented litigants must immediately notify the District Clerk of any change in address, email or phone number. The Court will send notification for most, if not all, court proceedings, via email. If counsel or self-represented litigants do not open emails or mail sent to the address provided, the Court will still proceed as if the communication has been received.

2.2 Vacation Letters

Attorneys (lead counsel only) and self-represented litigants may designate not more than three weeks of vacation during a calendar year, during which that attorney or self-represented litigant will not be required to participate in any trials, court proceedings, depositions, or mediations related to cases in the 279th or 317th District Courts. Written designation for vacation weeks during June, July or August must be filed with the District Clerk by May 15. Written designation for vacation weeks in months other than June, July or August must be filed with the District Clerk by February 1.

2.3 Document Filing and Electronic Filing

Attorneys must use the electronic or e-filing system required or mandated by the District Clerk. Self-represented litigants may use electronic filing or file documents directly with the District Clerk, at the discretion of the District Clerk. If direct filing with the District Clerk is not available, self-represented litigants must use the electronic or e-filing system. The District Clerk may publish information regarding acceptable formatting and technical requirements for electronic documents.

2.4 Sensitive Data and Initials

2.4.1 All attorneys and self-represented litigants must follow Tex. R. Civ. P. 21c and must redact sensitive data before filing documents. If the inclusion of sensitive data is required by law, then the documents may be marked with a notice that the document contains sensitive data; otherwise the document must not contain that notice. If a party has filed a document containing un-redacted sensitive data, that party must resubmit a redacted substitute document.

2.4.2 A pleading must not contain initials in place of the first and last name unless redaction of the name is required or permitted by Tex. R. Civ. P. 21c, other law, or court order.

2.5 Transfer and Exchange of Cases

2.5.1 Bench Exchange. The Courts may at any time exchange cases and benches to accommodate their dockets or to expedite court proceedings. Unless an order is signed transferring such case(s), when a Judge signs an order on behalf of another Court, the case shall remain in the original Court.

2.5.2 Prior Filing(s). When a suit filed in the 279th or 317th District Court is in any way terminated (by nonsuit or otherwise), a subsequent suit or cause of action involving the same parties or the same subject matter shall be filed in, or transferred to, the Court that first had jurisdiction of the parties or subject matter. This rule applies to all controversies, including divorce, support, conservatorship, and all matters incident to them, whether sought by original proceedings or by modification, clarification or enforcement of a former order, judgment or settlement agreement. In the event such matter is not disclosed until after filing, the Judge of the Court receiving the case shall immediately request that the suit be transferred to the Court in which the prior suit was filed.

2.5.3 Transfers. In the event of conflicts, or to aid in the prompt disposition of cases, the 279th and 317th District Courts may transfers cases between each other, provided that the Judge of the transferring Court and the Judge of the receiving Court agree in writing.

3. Setting Court Proceedings (Hearings and Trials)

3.1 Conference Requirement for Setting Hearings

Parties must set court proceedings and trial dates by agreement. If a party cannot get an opposing party or counsel to respond or agree, that party should provide documentation of scheduling efforts to the Court, which may schedule the setting without agreement.

3.2 Continuances

Court approval is required for any request for a continuance of the final trial date, even if the request is agreed to by all parties. File a verified motion for continuance and email the coordinator to request a court proceeding (by submission, Zoom or in person). The failure to mediate will not be considered a basis for any requested continuance. Please review and follow Rules 251 and 252 of the Texas Rules of Civil Procedure when filing or requesting a continuance.

3.3 Conflicting Settings

Attorneys having two or more cases on trial dockets for court proceedings at the same time shall be required to bring the matter to the attention of both Courts concerned immediately upon learning of the conflict. If practicable, the affected Courts shall attempt to agree upon which case shall have priority.

3.4 Ex Parte Relief

3.4.1 Please submit your request for ex parte relief electronically. If you file a motion requesting ex parte relief and submit your proposed order through e-filing, please call or e-mail the Court Coordinator and let them know that you want action taken on the request. If you do not call or email the Court Coordinator to alert them that you want the request addressed, it will remain in the e-filing queue without action until it is reached.

3.4.2 Please do not request TRO's that contain items that are in the standing orders. The Court may reject TRO's that largely overlap the standing orders. Please include the few items of genuine concern in the TRO so that the Court can determine what relief the parties are actually requesting. Please do not request kick-outs in TRO's.

3.4.3 Counsel or parties presenting any application for an ex parte order shall, at the time the application is presented to the Court, certify in writing that:

- a. to the best of counsel's or the party's knowledge, the party against whom the relief is sought is not represented by counsel; or
- b. If the party against whom the relief is sought is represented by counsel, that (i) such counsel has been notified of the application and does not wish to be heard by the Court thereon; or (ii) counsel or the party

presenting the application has diligently attempted to notify opposing counsel, has been unable to do so, and/or the circumstances warrant waiver of notification.

3.4.4. Advance notification is not required if:

- a. the application is for a protective order under Title 4 of the *Texas Family Code* or Article 7A of the *Texas Code of Criminal Procedure*;
- b. the application sets forth a reasonable basis for believing that irreparable harm is likely imminent and there is insufficient time to notify opposing counsel or parties; or
- c. the application sets forth a reasonable basis for believing that notifying the opposing counsel or party would impair the Court's ability to grant relief due to the danger that the subject matter of the application could be compromised, removed, or destroyed.

3.5 Temporary Orders Court Proceedings

3.5.1 Parties will be granted a reasonable amount of time per side for temporary orders court proceedings, to be determined by the Court's discretion. If there are exigent circumstances that may require significant time, please let the Court Coordinator know and the Court will make a decision on scheduling and time for the temporary orders court proceedings based on pleadings and/or supporting affidavits.

3.5.2 If you are asking the Court to order temporary spousal support, child support or to divide expenses, you must provide a financial information statement, paystubs, or other income reporting documents, as well as proof of expenses for temporary spousal support cases. These items should be exchanged at least twenty-four hours before the scheduled temporary court proceeding.

3.6 Child Interviews / Testimony

If Tex. Fam. Code §153.009 requires the Court to interview a child, the interview will be conducted at a date and time as directed by the Court. Please arrange for the child to be brought to the courthouse by an adult who is not a party to the case. Please contact the court coordinator before the court proceeding date to ensure the child interview is properly scheduled on the Court's calendar. Please instruct your clients to not bring a child to Court without prior express permission from the Court. The attorney or party who is responsible for the child's attendance at court shall immediately notify the court coordinator or bailiff of the child's presence in the courthouse. The child shall not be brought into the courtroom without the express consent of the Judge.

3.7 Interpreters

If interpreters are needed for any court proceeding, please advise the Court when setting the case for court proceeding and let the Court know if additional time will be necessary because of the interpreter(s). If you are not the party setting the court proceeding and later determine that an interpreter is necessary, you must notify the Court at least three (3) business days before any court proceeding if an interpreter is necessary. The Court cannot make necessary arrangements for interpreters if this information is not provided at the time any court proceeding is scheduled or as soon as practicable.

4. Litigation and Discovery

4.1 Subpoenas Directed to Non-Party Government Employees

Before issuing a subpoena directed at a non-party government employee, the requesting party must comply with the requirements of this section.

- 4.1.1 Conference Requirement. During regular business hours, at least 3 business days before the subpoena is issued, the requesting party must contact the legal representative or chief executive officer of the governmental entity and make a reasonable good faith inquiry to ascertain the name and capacity of the person with knowledge of the matter and records sought.
- 4.1.2 Certificate Requirement. The subpoena must include a certificate that provides the following information:
 - (a) The party timely attempted to contact the legal representative or chief executive officer on (list dates, times, methods of contact, and persons contacted) and provide a detailed message alerting the person of the reasons for the subpoena, but received no response; or
 - (b) The party conferred with an authorized representative and was unable to agree on a representative to appear or provide documents sought were critical for the following reasons: (list all reasons that apply)

If a party fails to comply with these requirements, the Court may grant the motion of a person or entity opposing the subpoena on that ground and may award expenses and attorney fees to the person or entity opposing the subpoena.

4.2 Discovery Motions

All motions for discovery sanctions, request for rulings on discovery objections, and motions to compel discovery shall set out within the body of the motion the interrogatory or request which is in dispute, and the objection and answer or response which is in dispute, so that all matters necessary for the Court's consideration are set out in the pleadings.

4.3 Attorney Withdrawals

Motions to Withdraw must comply with all requirements of Tex. R. Civ. P. 10. Counsel may not withdraw within 30 days of trial without leave of Court. The withdrawal motion and order must contain the client's last known physical and email address. A motion to withdraw may be granted without a hearing if:

- (a) The client has signed the motion or order, consenting to the withdrawal;
- (b) Another lawyer has made an appearance on behalf of the client; or
- (c) The motion is accompanied by a letter that notifies the client of the client's right to object to the withdrawal within 10 days of the date the letter was mailed, the withdrawing attorney certifies that the motion and letter were sent to the client's last known address by both certified and regular first class mail, and no objection was filed or received.

4.4 Dismissals for Want of Prosecution (DWOP)

A case may be placed on a dismissal docket and dismissed for want of prosecution for any of the following reasons:

- (a) Failure of the Petitioner to set the case for trial, enter a scheduling order, or take other appropriate actions after notice that the case will be dismissed for want of prosecution;
- (b) Failure of the Petitioner or Petitioner's counsel to appear for trial or a pretrial conference;
- (c) Failure of Petitioner to announce "ready" when the case is called for trial; or
- (d) For any other reason permitted by law as determined by the Court.

4.5 Final Judgments Due Within 30 Days

Unless the Court orders otherwise, within 30 days after any reported settlement, rendition, or verdict, the parties shall submit to the Court a written final judgment or order, indicating whether it is approved by all parties as to form or substance. If a final judgment is not submitted to the Court within 30 days, the Court may presume that the parties intend for the case to be dismissed with prejudice with costs taxed as the Court's discretion. A party may file a motion to request for additional time to submit a written final judgment or order.

5. Final Court Proceedings

5.1 Scheduling

When scheduling final court proceedings or trials, please let the coordinator know the number of hours that you are requesting for the final court proceeding.

5.2 Bench Trials

After receiving trial dates and conferring with the opposing party or counsel, please e-file the Court's form Scheduling Order (available on the Court's website) with the trial date and mediation details. If dates cannot be agreed to, please e-file a letter describing your efforts and attach all attempts at obtaining a signature for the scheduling order. After ten days of receipt of your letter and no objection by opposing counsel, you may then file the Scheduling Order and the Court will sign and enter the scheduling order and set the case for trial per the scheduling order.

5.3 Jury Trials

A final in-person pre-trial court proceeding is required for those cases being called to jury trial. This pre-trial court proceeding is required and must be included in the scheduling order at the time of filing. The scheduling order specifies the many tasks that must be completed at or before the pre-trial court proceeding, including expert challenges, proposed jury charges, pre-marked exhibits (and stipulated exhibits), witness lists, etc. All proposed exhibits should pre-marked and exchanged before this court proceeding takes place. The Court will take up all pre-trial matters at the pre-trial court proceeding. These matters will not be taken up on the day of trial. Please contact the Court Coordinator if you anticipate that your pre-trial court proceeding will take more than 30 minutes per side. The parties are required to submit a proposed jury charge and Motions in Limine to the Court at the pre-trial court proceeding. This can be done by emailing the Court with the proposed charge and Motion in Limine in Word or editable PDF format and copying opposing counsel.

5.4 Mediation

Mediation is required and must be completed at least fourteen (14) days before any scheduled final court proceeding or trial that is expected to exceed three hours of court time. Scheduling orders without mediator name(s) will be rejected. If the parties are not able to agree to a mediator, they should submit a letter with their scheduling order stating that they could not agree and request the Court to appoint a mediator. If the Court appoints a mediator, the costs of the mediator will be paid by the parties.

5.5 Continuances

Court approval is required for any request for a continuance of the final trial date, even if the request is agreed to by all parties. File a verified motion for continuance and email the coordinator to request a court proceeding (by submission, Zoom or in person). The failure to mediate will not be considered a basis for any requested continuance. Please review and follow Rules 251 and 252 of the Texas Rules of Civil Procedure when filing or requesting a continuance.

5.6 Withdrawals

- 5.6.1 Withdrawals within 30 days of a final trial must be set for a court proceeding. The order on a motion to withdraw should not be e-filed if there is a pending ruling / order that needs to be entered.

5.6.2 For any withdrawal filed outside of 30 days before trial, the motion to withdraw may be granted without the necessity of a court proceeding under the following circumstances:

- (1) The motion is accompanied by a certificate by another lawyer attesting that the lawyer has been retained to represent the client in the case; or
- (2) The motion is accompanied by a letter that notifies the client of the client's right to object to the withdrawal within ten days of the date that the letter was mailed; the withdrawing attorney certifies that the motion and letter were sent to the client's last known address by certified and regular mail; and no objection is filed.

5.7 Property Division

If the parties are asking the Court to divide property, a sworn, verified inventory listing all assets and debts must be filed at least seven (7) days before any final court proceeding. Counsel for Petitioner shall be responsible for preparing a comparative inventory with a proposed or requested division of property and debts.

5.8 Spousal Support

If a party is asking the Court to order spousal support or divide expenses in the Final Decree, the parties must provide a financial information statement listing income and expenses.

5.9 Health Insurance and Cash Medical Support

5.9.1 In every case involving children, the parties must file a pleading or statement describing health insurance for the children.

5.9.2 If the children are receiving health insurance through a government program such as CHIP or Medicaid, the obligor shall be required to pay cash medical support.

6. Adoption, Approval and Amendment of These Local Rules

6.1 Adoption, Title and Application of Rules

These rules are adopted by the Judges of the 279th District Court and 317th District Courts pursuant to the Texas Rules of Civil Procedure, and the constitutional, statutory and inherent powers of the Courts to regulate proceedings before them and to provide for the orderly and efficient dispatch of litigation. Further, these rules shall be known as the *Local Rules of the 279th and 317th District Courts of Jefferson County, Texas for Family Law Proceedings* and shall govern any family law matters heard by any other District Court in Jefferson County, Texas.

6.2 Effective Date of Rules

These rules shall become effective immediately upon publication on the Office of Court Administration's website in conformity with Rule 3a(c) of the Texas Rules of Civil Procedure, and shall remain effective until amended, repealed, or modified.

6.3 Amendment or Modification of Rules

These rules may be amended, repealed, or modified by written approval of the Judges of the 279th District Court and 317th District Court and publication of the same as required above. Accordingly, these rules supersede any prior local rules of practice specific to family law matters in the District Courts of Jefferson County, Texas.

6.4 District Clerk

The Jefferson County District Clerk is directed to record these rules in the minutes of the 58th, 60th, 136th, 172nd, 252nd, 279th, and 317th District Courts of Jefferson County, Texas.

These *Local Rules of the 279th and 317th District Courts of Jefferson County, Texas for Family Law Proceedings* are adopted and approved on the 4th day of May, 2023.



JUDGE RANDY SHELTON
279TH DISTRICT COURT



JUDGE GORDON FRIESZ
317TH DISTRICT COURT