

RULES OF 474TH DISTRICT COURT

Judge Alan Bennett

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These rules are in addition to the Local Rules of McLennan County.

1. The Court ordinarily reserves Mondays and Thursdays for the juvenile docket and Tuesdays, Wednesdays and Fridays for civil and family law matters. The Court will schedule hearings in civil and family law matters on Mondays or Thursdays for good cause shown. Please contact the Court Administrator to request such a setting.
2. Jury selection for civil and family law cases will generally commence on Tuesday mornings at 9:00 a.m., unless the parties obtain advance approval from the Court to begin jury selection on Monday. Such a request should be made when the trial setting is requested.
3. Subject to the requirements of Texas Rule of Civil Procedure 21d, the Court encourages the use of Zoom hearings for matters that are uncontested or require only argument of counsel without the presentation of evidence or testimony. An attorney, party or witness may be permitted to appear via Zoom under **limited** circumstances where such person resides more than 50 miles from Waco. Zoom hearings may be considered for other matters in the discretion of the Court for good cause shown. The electronic device used to access a Zoom hearing for any participant must reflect the participant's given name or they will not be allowed in the hearing. The Court's Zoom ID number for civil and family law cases is 739-952-5274.
4. The Court will allow telephonic hearings under **limited** circumstances. Attorneys must confirm with the Court Administrator before scheduling a telephonic hearing. The requesting attorney has the responsibility to initiate any conference call necessary for a telephonic hearing.
5. Hearings must be scheduled through the Court Administrator. They may be scheduled by telephone or email. ***If cancellations are necessary, the Administrator needs to be advised at the earliest possible time, either by telephone or email.***
6. At the time hearings are scheduled, a **realistic** estimate of the total time needed should be given to the Administrator.
7. In all discovery disputes, the attorneys must first confer and attempt to resolve the dispute before seeking a hearing with the Court and ***a certificate of conference must be attached to any discovery motion. If no certificate of conference is attached, no hearing will be set.***
8. Other than pro se cases, expunction proceedings, or cases in which counsel tenders an original order during a hearing in open court, any order for the Court's consideration should be e-filed with the District Clerk. Such orders will be forwarded to the Court by the District Clerk's office.

9. Exhibits may be e-mailed to the Court Reporter and Court Administrator prior to a hearing. However, they must be clearly marked with exhibit labels and must be exchanged at least 48 hours before any hearing. Any deadline contained in these rules does not alter any deadlines established by the Texas Rules of Civil Procedure or other law.

10. When requesting a trial setting, the attorney requesting the date must ***confer with opposing counsel or the opposing party, if pro se, before scheduling the trial.*** When a party or parties request a bench trial setting or contested hearing, they are representing to the Court that all reasonable efforts at resolving the suit or the matter in dispute by agreement have been exhausted. The Court understands that last minute negotiations occur frequently. However, the time scheduled for a bench trial or contested hearing shall not be used for such negotiations. Any and all such negotiations shall take place before the scheduled hearing.

11. Once a trial date is set, the pre-trial conference will be held on the Friday 10 days before the trial date, unless the Court requires a different date. Any scheduling order shall require the exchange and filing, if required by rule or statute, of all pretrial materials before the date of the pretrial conference. For purposes of this rule, “pretrial materials” include fact witness lists, expert witness lists, motions in limine, designations and cross-designations of deposition excerpts, objections to designations and cross-designations of deposition excerpts, Daubert or other motions challenging expert testimony, and proposed jury charges.

12. The parties must be prepared to present objections regarding pretrial materials other than proposed jury charges and respond to such objections at the pretrial conference. Any exhibits that can be agreed on should be agreed on before the pretrial conference. Attorneys must e-mail their proposed jury charges in Microsoft Word format to the Court Administrator. **FAILURE TO APPEAR FOR A PRETRIAL CONFERENCE MAY RESULT IN CLAIMS FOR AFFIRMATIVE RELIEF BEING DISMISSED FOR WANT OF PROSECUTION.**

13. Trial settings can be passed by agreement of the parties **ONCE** without a Motion for Continuance. The parties must provide verification that they have agreed to the pass.

14. Any person who is not an attorney of record or party to the proceeding must sit in the gallery rather than at or behind the counsel table.

15. In divorce cases involving children and in original suits affecting the parent child relationship, parties must attend either the Seminar for Divorcing Parents or Co-Parenting Course/ Shared Parenting Course and file their certificate before a final hearing will be set.

16. As the referring court, this Court conducts de novo review hearings for CPS cases decided by the associate judge. Any request for a de novo hearing must be filed with the district clerk in accordance with the law. Such request shall also be emailed to the Court Administrator of this Court at the time the request is filed. In the de novo hearing, the parties may present witnesses on the issues specified in the request for hearing. The Court will consider the record from the hearing before the associate judge, including the charge to and verdict returned by a jury, if any.