

# WILLIAMSON COUNTY

## LOCAL RULES

# 2012

Revised February 2012

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**SECTION 1**  
**GENERAL RULES APPLICABLE TO ALL DISTRICT COURTS**  
**AND COUNTY COURTS AT LAW**

A. DECORUM

1. Opening Procedure. Immediately before the scheduled time for the first court session on each day, the Bailiff shall direct all persons present to their seats and shall cause the courtroom to come to order. As the Judge (or Master) enters the courtroom the Bailiff shall state:

“Everyone rise, please”

And while everyone is still standing, the Bailiff shall announce:

“The \_\_\_\_\_ Court of Williamson County, Texas, is now in session. Judge \_\_\_\_\_ presiding. Be seated, please.”

2. Recess. When the Judge (or Master) announces a recess, the Bailiff shall state:

“Everyone rise, please”

And all shall remain standing until the Judge (or Master) enters and shall then state:

“Be seated, please.”

Before a recess of a jury trial, the Jury shall be excused and all other persons present shall rise while the Bailiff conducts the Jury from the courtroom into the jury room.

- 3 General Rules of Courtroom Conduct.

a. All officers of the Court, 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, complete order should be observed.

b. In the courtrooms, the following conduct is not permitted :

- 1). The use of tobacco;
- 2) Chewing gum;
- 3) Reading of newspapers or magazines;
- 4) Bottles, cups or beverage containers except court water pitchers and cups;

- 5) Food;
  - 6) Propping of feet on tables or chairs;
  - 7) Talking that interferes with court proceedings;
  - 8) Possession of knives or firearms;
  - 9) Use of any electronic device to record or photograph any court proceedings;
  - 10) Use of cell phones or any other electronic device, except by attorneys with permission of the court.
- c. The Judge, the Attorneys, and other officers of the Court will refer to and address other court officers and participants in the proceeding respectfully and impersonally by using appropriate titles and surnames rather than first names. The form of address toward a Judge shall be “Your Honor”. Any reference to the Judge shall be to “The Court”.
  - d. The oath will be administered in a manner calculated to impress upon the witnesses the importance and solemnity of the promise to adhere to the truth.
4. Conduct of Attorneys
- a. Attorneys should observe the letter of all canons of ethic, including those dealing with discussion of cases with representatives of the media and those concerning improper ex parte communications with the Judge;
  - b. Attorneys should advise their clients and witnesses of local Rules of Decorum that may be applicable;
  - c. All objections, arguments, and other comments by the counsel shall be directed to the Judge or Jury and not to opposing Counsel;
  - d. 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 to make a proper objection;
  - e. Attorneys should not approach the bench without leave of the court; should leave the courtroom only upon being granted permission to leave,

and should never lean on the bench;

- f. Attorneys shall remain seated at the counsel tables at all times except;
  - (1) when the Judge or Jury enters and leaves;
  - (2) when addressing the Judge or Jury; and
  - (3) whenever it may be proper to handle documents, exhibits, or other evidence. (Leave of court is required.)
- g. Attorneys should anticipate any need to move furniture, easels or set-up electronic equipment and make advance arrangements with the Bailiff. Such moving or arrangements should not take place during court sessions, if at all possible.

5. Dress Code

- a. All officers of the Court shall dress appropriate for court sessions; appropriate dress entails attire suitable for formal professional or business engagements.
- b. Jurors, witnesses, parties and members of the public should dress appropriately, without displaying pictures or words that are derogatory, crude, offensive, profane or disrespectful to the court proceedings.

6 Conduct of Photographers and of Television and Broadcasting Personnel

The media must obtain prior permission of the Court, and if said permission is granted, the following rules apply:

- a. Television. One fixed video camera with one operator will be permitted in the courtroom during the trial. No camera lights will be permitted in the courtroom. The various television stations will have to agree to share the tape and agree upon whose camera will be located in the courtroom. There will be no other television or movie film permitted in the courtroom. No interviews of any kind will be permitted in the courtroom. No filming will be permitted through the windows in the courtroom door. No films, videos or photos shall be made of any juror involved in the case. No witnesses should be filmed or photographed unless advance written permission is obtained from the witness.

- b. Other Media. Radio, print and television media representatives will be permitted in the courtroom so long as there is adequate seating for public access to the courtroom. Still camera photographs without flash will be permitted in the courtroom so long as the operator takes pictures from his or her seat without changing locations in the courtroom or creating a disturbance or disruption. No interviews shall be held in the courtroom. So long as all media representatives honor the Court's rules concerning media in the courtroom, these rules will remain in effect. Any violation of these rules will result in the exclusion of all filming, photographing and interviewing inside the Justice Center for the duration of that trial.

B. UNCONTESTED DOCKET

Each Court will establish procedures for uncontested cases filed in that Court.

C. TRO'S, WRITS OF ATTACHMENT, WRITS OF GARNISHMENT, WRITS OF SEQUESTRATION

1. Presentation. Cases requesting extraordinary relief shall be presented by the Attorney to the Judge in whose court the case is pending. If that Judge is unavailable and if waiting for that Judge to become available would result in an emergency situation, then the matter may be presented to another Judge for consideration.
2. TRO's in Non-Family Civil Cases. County Court at Law Judges will not grant TRO's in non-family District Court cases.
3. Notice. Before presenting a TRO or any petition for extraordinary relief, the Attorney representing the Defendant or Respondent, if known, must be notified by the Plaintiff's or Movant's Attorney and given the opportunity to appear with Plaintiffs or Movant's Attorney.

D. HEARINGS CONDUCTED BY PHONE

1. Agreement. At the discretion of the Judge and after arrangements have been made in advance for the Judge to be available, hearings not requiring the introduction of evidence may be conducted by telephone conference calls.
2. Arrangements. The Court Coordinator should not be requested to make

arrangements. The Attorney requesting the conference is responsible for arranging the telephone conference call. A Judge will not initiate a conference call. All arrangements with telephone operators must be made by an Attorney.

3. Record. A court reporter shall be provided by the Court during these calls. A request by an Attorney for such an arrangement must be made in advance.
4. Court Discretion. At any time, even after the completion of a conference call, a Judge may determine that a hearing by telephone will not be sufficient and may require a hearing in court upon notice to all parties.

E. VACATION OF COUNSEL

Any Attorney may designate not more than four weeks during the year as vacation, during which time he will not be assigned to trial or required to engage in any pre-trial proceedings. The written designation must be filed with the Clerk with a copy to all Court Coordinators no less than ninety (90) days in advance of the vacation. This rule operates only where lead Counsel, as defined by T.R.C.P. 8, is affected, unless the Court expands coverage to other Counsel.

F. ELECTRONICALLY TRANSMITTED COURT DOCUMENTS

The following rules govern the procedure for the District Clerk of Williamson County ("the Clerk") to receive and file electronically transmitted court documents.

1. Receipt. The Clerk is authorized to accept for filing via electronic transmission any document which might be filed in a court action except:
  - a) returns of service on issuances;
  - b) bonds;
  - c) signed orders or judgments;
2. Paper Quality. Documents electronically transmitted for filing will be received by the Clerk on a plain paper facsimile and printed by a laser printer, thereby rendering the copy of archival quality. No document printed on thermal paper shall be filed.
3. Fee and Payment. No documents electronically transmitted shall be accepted by the Clerk for filing until court costs and fees have been paid. Court costs and fees shall be paid by a payment method authorized by the Clerk. Documents tendered to the

Clerk electronically without payment of court costs and fees, or with incomplete information for payment, or which do not conform to applicable rules, will not be filed. If the Clerk rejects a filing, the clerk will notify the sender as soon as practicable.

4. Fee Schedule. A fee schedule for electronic filing shall be adopted annually by the Clerk and approved by the District Judges.
5. Original Records. An electronically transmitted document accepted for filing will be recognized as the original record of file or for evidentiary purposes when it bears the Clerk's official date and time file stamp.
6. Requirements. Every document electronically transmitted for filing shall conform to the requirements for filing established by the Texas Rules of Civil Procedure, i.e., shall be on paper measuring approximately 8 1/2 x 11 inches, shall be signed individually by the party or the party 's attorney of record, and shall contain that individual's State Bar of Texas identification number, if any, address, telephone number and telecopier number. The quality of the original hard copy shall be clear and dark enough to transmit legibly.
7. Original Signature. The sender shall maintain the original of the document with original signature affixed as required by Section 51.806, Texas Government Code.
8. Cover Sheet. A cover sheet must accompany every transmission which shall:
  - a) clearly identify the sender, the documents being transmitted, and the number of pages;
  - b) have clear and concise instructions concerning issuance of other requests; and
  - c) have complete information on the payment authorization for court costs and fees.
9. Verification. The Clerk upon receipt of an electronically transmitted document shall verify the completeness of the transmission.
10. Acknowledgement. After filing an electronically transmitted document, the Clerk will electronically transmit to the sender an acknowledgement of the filing, together with cost receipts, if any.

11. Seals. No citation or writ bearing the official seal of the court may be transmitted electronically.
12. Filing. Electronic transmission of a document does not constitute filing. Filing is complete when the Clerk's official date and time file stamp is affixed to the document. Each page of any document received by the Clerk will be automatically imprinted with the date and time of receipt. The date and time imprinted on the last page of a document will determine the time of receipt but not time of filing. Transmissions completed during a normal business day before 5:00 p.m. and accepted for filing will be filed on the day of the receipt. Transmissions completed after 5:00 p.m., on weekends or holidays will be verified and filed before 10:00 a.m. on the first business day following receipt transmission. The sender is responsible for determining if there are any changes in normal business hours.

G. LOCAL PRESIDING JUDGE

By agreement of the Judges of the District Courts and County Courts at Law, a Local Presiding Judge will be elected in January of each even-numbered year. If any Judge decides to object to this process at any time then the District Court Judges shall elect a Local Presiding Judge and the County Courts at Law Judges shall elect a Local Presiding Judge to serve until the next January that falls in an even year and for two year terms thereafter.

H. RULES OF ADMINISTRATION--THIRD ADMINISTRATIVE JUDICIAL REGION

The Courts of Williamson County will adopt the Rules of Administration, Third Administrative Judicial Region of Texas as promulgated, and as may be amended. If these local rules conflict with the Rules of Administration, then the latter will prevail.

**SECTION II**  
**FAMILY LAW –RULES APPLICABLE TO ALL DISTRICT COURTS**  
**AND COUNTY COURTS AT LAW**

**A GENERAL RULES**

1. Filing of Family Cases: All cases authorized under the Family Code, except for those filed under Chapter 261, 262 & 263 of the Texas Family Code involving the Texas Department of Family and Protective Services, shall be filed on a random basis by the District Clerk as follows: 50% in the District Courts and 50% in the County Courts at Law. The District Court family cases shall be filed as follows: 75% in the 425<sup>th</sup> District Court and 25% in the 395<sup>th</sup> District Court. The County Courts at Law family cases shall be filed as follows: 25% in County Courts at Law Three and 25% in County Court at Law Four.
2. Filing of Texas Department of Family and Protective Services Cases: All cases filed under Chapter 261, 262 & 263 of the Texas Family Code involving the Department of Family and Protective Services shall be filed on a random basis by the District Clerk as follows: 50% in the District Courts and 50% in the County Courts at Law. The District Court cases shall be filed as follows: 75% in the 425<sup>th</sup> District Court and 25% in the 395<sup>th</sup> District Court. The cases filed in the County Courts at Law shall be filed in County Court at Law One.
3. The judges presiding over family cases may adopt local administrative rules that redistribute the filing of all family cases and cases involving the Texas Department of Family and Protective Services by unanimous approval of said judges. Local Administrative Rules shall be on file and posted with the District Court's office.
4. **CHILDREN'S INTEREST SEMINAR:**  
The court may require parties in all suits affecting the parent-child relationship filed in Williamson County to successfully complete a seminar or classes that address the issues confronted by parents and children that are the subject of divorce, custody and child support litigation. Each party is responsible for payment of their fees, unless otherwise ordered by the court. The seminar or classes shall be successfully completed within 60 days of the court's order. Upon a party's failure

to successfully complete the seminar pursuant to this rule, the Court may take appropriate action, including contempt, striking of any pleading, or any of the sanctions listed in Rule 215 of the Texas Rules of Civil Procedure.

B. **SETTING THE CASE.**

1. Court Coordinator/Administrator. All settings for non-jury matters and jury trials shall be done through the office of the Court Coordinator/Administrator for the court in which the case is pending. No setting for jury trial will be given until the proper jury fee has been paid. At the time a jury trial is set, the Court Coordinator/Administrator shall schedule a date for the pre-trial hearing.
2. Attorney Conference. Attorneys shall communicate with opposing Counsel before requesting the setting of a trial in an effort to agree upon a setting date. If the case is set without agreement of Counsel, the Attorney who set the case shall immediately notify the opposing Counsel according to the Rules of Civil Procedure.
3. Conflicts. No request for settings shall be directed toward any Judge. Any conflicts or difficulties in obtaining a setting may require a hearing before the Court. The Court shall then resolve the conflict or set the case at a time that is reasonable for all parties.
4. Preferential. A preferential setting before a visiting Judge may be obtained if the parties are willing to waive in writing their objection to a visiting Judge or if the case has been set for trial on four prior occasions and has not been reached by the Court. There will be no preferential settings before a sitting Judge.
5. Attempt to Confer.  
No pre-trial matter will be set for hearing unless the moving party has first communicated with opposing Counsel to determine whether a contemplated motion or special exception will not be opposed. If the motion or special exception will not be opposed, the moving party shall submit a proposed order signed by Counsel for all parties affected by the order indicating approval of same. If the motion or special exception will be opposed, the moving party shall include at the end of his pleading one of the following certificates:

- 1) “A conference was held on (date) with (name), Attorney for opposing party, on the substance of this motion or special exception. We are not able to agree, therefore, the matter is presented to the Court for determination,” or
  - 2) “I was unable to reach opposing Counsel, (name), to confer about the merits of this matter, after the following attempts: (briefly state the dates and nature of the unsuccessful attempts to contact opposing Counsel).” or
  - 3) In multi-party cases, "Before setting this matter for hearing, I attempted to resolve this dispute by sending the attached letter to all Counsel of record.”
- b) The Court Coordinator will not set any pre-trial matter for hearing unless it is accompanied by one of the foregoing certificates.
  - c) This rule does not apply to cases in which no opposing Attorney has entered an appearance, or to matters involving family violence, habeas corpus, attachment, contempt of court, or temporary orders.

#### C. ANCILLARY FAMILY LAW ORDERS

1. Administration. The Child Support Division of the Williamson County District Clerk is designated as the administrator for all Williamson County Courts having family law jurisdiction for all spousal and child support payments. Every order or decree requiring such support payment shall require all payments be made through the Attorney General’s Office, Child Support Disbursement Unit, unless otherwise directed.
2. Information. The party who is to receive support shall provide to the Williamson County District Clerk's office the information required by that office.
3. Wage Assignment Order. The party who is to receive support through a wage assignment is responsible for presenting the wage assignment order to the Judge, if at all possible, at the time a decree of divorce or order modifying a prior order is signed. The party is also responsible for having all documents required by the District Clerk for forwarding wage assignments completed and filed with the wage assignment order.

4. Other Forms. The party who is responsible for preparing a decree of divorce for the Judge to sign is also responsible for completing any vital statistics forms and other documents required by the District Clerk's office.
5. QDRQ. The party who is to receive a portion of another party's retirement benefit through a domestic relations order is responsible to present the order, if at all possible, at the time the decree of divorce is signed.

D. **PRE-TRIAL PROCEDURES IN FAMILY LAW CASES**

The Williamson County Courts having family law jurisdiction require the following procedures for family law matters. Pursuant to Rule 166, Texas Rules of Civil Procedure, it is hereby ordered that these rules constitute a standing pre-trial and discovery order in all suits affecting the parent-child relationship, and in all actions to modify or enforce orders in those suits.

1. Inventory and Appraisalment

- a) Within fifty days of appearance date, each party shall file with the District Clerk, a copy being furnished to the Judge, opposing Counsel and pro se parties, a sworn inventory and appraisalment of all property (both separate and community) of the parties, including any property belonging to children of the parties.
- b) In the event of the filing of a written agreement completely settling the property of the parties to such action and all custody and support matters, it shall not be necessary to file such inventories and appraisalments.
- c) The failure to timely file such inventories and appraisalments, affidavits or statements may result, in addition to other sanctions provided by law, in continuance of temporary alimony and/or support or in the discontinuance of same, depending upon the party failing to comply with these rules.
- d) The parties may agree in writing to exchange inventories without filing the inventories or to delay filing inventories beyond fifty days after a petition for divorce is filed.

2. Proposed Disposition of Issues

- a) Before 5:00 p.m. on the date that is seven (7) days prior to the date set

for a trial on the merits for any divorce trial, each party shall deliver to the opposing party and to the Court Coordinator of the Court in which the case is filed a Proposed Disposition of Issues, fully completed and in the form attached as Exhibit "A" to these Rules.

- b) If the parties have an agreement on issues pertaining to the division of community property and community debt, and the trial on the merits on the Court's docket setting remains at the time the parties are required to deliver the Proposed Disposition of Issues, the parties shall deliver to the Court Coordinator either a signed copy of their written agreement or a single Proposed Disposition of Issues stating their agreement and signed by both parties.

3. Proposed Support Decision and Information

- a) Before 5:00 p.m. on the date that is seven days prior to the date set for a trial on the merits before a Judge to determine an amount of child or spousal support, each party shall deliver to the opposing party and to the Court Coordinator of the Court in which the case is filed a Proposed Support Decision and Information, fully completed and in the form attached to these Rules as Exhibit "B".
- b) If the parties have an agreement on all issues pertaining to support, and the setting remains on the Court's docket at the time when the Proposed Support Decision and Information forms must be delivered, the parties shall deliver to the Court Coordinator either a signed copy of their written agreement or a single Proposed Support Decision and Information stating their agreement and signed by both parties.

4. Settlement Conference Certification. Before 5:00 p.m. on the date that is seven (7) days prior to the date set, the parties shall certify in writing to the Judge that a settlement conference has been held. Failure to certify that a settlement conference has occurred may result in sanctions for the non-certifying party.

5. Proposed Support Decision—Temporary Orders. Immediately before a hearing on temporary orders in which the Court must decide temporary child support or

temporary spousal support, each party shall deliver to the opposing party if known, and to the Court, a Proposed Support Decision and Information, fully completed and in the form attached to these Rules as **Exhibit "A"**.

6. Proposed Disposition of Other Issues. Except for temporary orders requirements, at the time any party is required by these Rules to deliver one or more disputed or agreed pre-trial forms, the party shall also deliver to each opposing party and to the Court Coordinator a Proposed Disposition of Other Issues, which shall state separately in brief, complete sentences each trial or hearing decision that is sought by the party not covered by a required form.
7. Waiver of Issues. All issues not stated as required by these Rules may be deemed waived except upon a showing of good cause for failure to comply with the Rules.
8. Sanctions. If at the time pre-trial forms (excluding inventories) are required to be delivered to the Court Coordinator, all parties in a case fail to deliver the forms, the setting for that case may be stricken, unless the case was set for trial by the Court after notice of intent to dismiss for want of prosecution.
9. Extension. A Court Coordinator is not authorized to extend the time for delivering pre-trial forms.
10. Pre-Trial Sanctions Conference. If it appears that there has been a failure to comply with the Rules, the Judge may conduct a pre-trial sanctions conference immediately before commencing the trial or hearing. If the Judge determines upon hearing that there has been such a failure, one or more of the sanctions stated in Rule 215, Texas Rules of Civil Procedure, may be imposed against any party or Attorney responsible for the failure.
11. Use of Forms. Subject to the applicable rules of evidence, the pre-trial forms required by these Rules may be used during the trial or hearing and may be marked as exhibits. The forms shall not be filed with the District Clerk at any time. The forms are not required for any hearing before a Title IVD Master.
12. No Waiver. The provision and requirements of these Rules (except for sworn inventories) may not be waived or modified by agreement of the parties. These Rules shall not be constructed as a substitute for or as any limitation upon, a pre-

trial or discovery right or proceeding pursuant to the Texas Rules of Civil Procedure. In cases subject to these local Rules, as in other cases, Texas pre-trial conference and discovery Rules shall be utilized.

E. DISMISSAL DOCKET; INVOLUNTARY DISMISSAL

1. Time. At least once a year, all domestic relations cases which have been on file for more than 180 days and all cases which have been continued by agreement three times shall be placed on a dismissal docket and sent a notice of the Court's intention to dismiss the case for want of prosecution as provided by Texas Rule of Civil Procedure 165 a. Written motions to remove a case from the dismissal docket must be presented to the Judge prior to the notified date of dismissal.
2. Dismissal. If no appearance or announcement is made when the case is called for trial, the case will be dismissed for want of prosecution at that time.
3. Reset. Where motions to remove a case from dismissal docket are granted, the case shall be set for trial. The party or Attorney setting the case shall give notice to opposing Counsel according to the Rules of Civil Procedure.

F. JUDICIAL BYPASS OF PARENTAL NOTIFICATION (“JANE DOE” CASES)

Pursuant to Chapter 33 of the Texas Family Code, the Williamson County Courts require the following procedures in cases seeking judicial bypass of parental notification for the purposes of obtaining an abortion. These cases will be referred to herein as "Jane Doe cases".

1. District Clerk Designated. A “Jane Doe case” application may be filed with either the District Clerk or the County Clerk, but if an application is received by the County Clerk, the County Clerk shall accept it and shall immediately transfer the application to the District Clerk.
2. Assignment of Case. All District Courts, Statutory County Courts or Statutory Probate Courts shall hear "Jane Doe cases” through the active judge of the court (or through a judge previously assigned to the court for general purposes) who is then present in the county. The District Clerk shall assign the case by a random blind drawing in strict rotation (no court, having heard an application, will hear another application until all other courts have subsequently heard an application).

In the event of doubt about the presence of a judge in the county, the Clerk shall request the guidance of the Presiding Judge of the county.

3. Notification of the Hearing. The District Clerk shall notify the "Jane Doe" applicant of the time and place of the hearing on the application, which shall be at 2:00 p.m. on the next business day after the filing of the application, unless an application for postponement is filed by the applicant. The Court to which the case is assigned shall notify the individual or individuals appointed to serve as guardian and /or attorney ad litem of the time and place of the hearing on the application. The hearing shall be held in accordance with the provisions Chapter 33 of the Family Code and the Texas Parental Notification Rules promulgated by the Texas Supreme Court pursuant thereto.

**SECTION III  
CIVIL CASES  
DISTRICT COURTS AND COUNTY COURTS AT LAW**

A. GENERAL RULES

1. Case Filing. All District Court civil cases shall be filed on a blind, random basis by the District Clerk in the 26<sup>th</sup>, 277<sup>th</sup>, and 368<sup>th</sup> District Courts except tax cases which will be filed on a strict rotation in those courts. All County Court civil cases shall be filed by the County Clerk in County Court-at-Law Four. The County Court judges may adopt local administrative rules that redistribute the civil cases by unanimous approval of said judges. Local Administrative Rules shall be on file and posted with the County Clerk's office.
2. Designation. Except as herein provided, or as otherwise provided by law, all cases shall be designated civil, family, tax or probate.
3. Garnishment. Every garnishment suit shall be assigned to the Court in which the original suit is pending. If the original suit is transferred to another Court, then the ancillary garnishment action shall be transferred to the same Court.
4. Avoidance of Judgment. Every action in the nature of a writ of error or bill of review, or that seeks to attack, avoid or set aside any judgment, order or decree of a Trial Court of Williamson County, Texas, shall be filed and assigned in the Court in which the original judgment, order or decree was rendered.
5. Consolidation. All motions for consolidation or joint hearing under Rule 174A, TRCP, shall be filed in the Court in which the first case filed is pending and if such motion is granted, the consolidated case shall be assigned to the Court where the first case filed is pending.
6. Severance. Any case which has been severed shall be filed in the Court where the original action was filed and shall be given a new cause number.
7. Pre-Conviction Writs of Habeas Corpus. Pre-Conviction Writs of Habeas Corpus shall be filed in the Court whose Grand Jury term is in session.

## B. SETTING THE CASE

1. Court Coordinator. All settings for non-jury matters and jury trials shall be done through the office of the Court Coordinator for the Court in which the case is filed. No setting for jury trial will be given until the proper jury fee has been paid. At the time the jury trial is set, the Court Coordinator shall schedule a date for the pre-trial hearing.
2. Attorney Conference. Attorneys shall communicate with opposing Counsel before requesting the setting of a trial in an effort to agree upon a setting date. If the case is set without agreement of Counsel, the Attorney who set the case shall immediately notify opposing Counsel according to the Rules of Civil Procedure.
3. Conflicts. No request for settings shall be directed toward any Judge. Any conflicts or difficulties in obtaining a setting may require a hearing before the Court in which the conflict arose. The Court shall then resolve the conflict or set the case at the time that is a reasonable for all parties.
4. Preferential. A preferential setting before a visiting judge may be obtained if the parties are willing to waive in writing their objection to a visiting Judge or if the case has been set for trial on four prior occasions and has not been reached by the Court. There will be no preferential settings before a sitting Judge.
5. Attempt to Confer.
  - a) No pre-trial matter will be set for hearing unless the moving party has first communicated with opposing Counsel to determine whether a contemplated motion or special exception will be opposed. If the motion or special exception will not be opposed, the moving party shall submit a proposed order signed by a Counsel for all parties affected the order indicating approval of same. If the motion or special exception will be opposed, the moving party shall include at the end of Movant's pleading one of the following certificates:
    - 1) "A conference was held on (date) with (name), Attorney for opposing party, on the substance of this motion or special exception. We are not able to agree, therefore, the matter is presented to the Court for determination," or

- 2) “I was unable to reach opposing Counsel, (name), to confer about the merits of this matter, after the following attempts: (briefly state the dates and nature of the unsuccessful attempts to contact opposing Counsel).” or
  - 3) In multi-party cases, "Before setting this matter for hearing, I attempted to resolve this dispute by sending the attached letter to all Counsel of record.”
- b) The Court Coordinator will not set any pre-trial matter for hearing unless it is accompanied by one of the foregoing certificates.
  - c) This rule does not apply to cases in which no opposing Attorney has entered an appearance, or to matters involving family violence, habeas corpus, attachment, contempt of court, or temporary orders.

### C. PRE-TRIAL PROCEDURE

1. TRCP. It is in the intention of the Trial Courts of Williamson County to make full utilization of the pre-trial rules contained in Rule 166, Texas Rules of Civil procedure, and this rule will be strictly followed.
2. Scheduling. At the time of filing in each non-family civil case, the Clerk will provide the plaintiff a copy of the following rules relating to pre-trial scheduling to be served with the petition. They are as follows:
  - a) Any additional parties to be joined within 90 days from the date answer is filed.
  - b) Plaintiff’s expert witnesses to be designated within 120 days from the date answer is filed. Defendant's expert witnesses shall be designated within 150 days from the date answer is filed.
  - c) Discovery shall be completed within 180 days from the date answer is filed.
  - d) Motions for summary judgment to be filed within 210 days from the date answer is filed.
  - e) A settlement conference must be held with the two parties present within 250 days from the date of answer.
  - f) A pre-trial statement setting forth unresolved issues, proposed jury charges, and stipulations and all matters to be considered in a Rule 166 pre-trial

conference shall be filed no later than 270 days from the date of answer. If the parties are unable to agree on a joint pre-trial statement then separate submission is required.

3. Ready for Trial. Cases will be considered ready for trial after the 270<sup>th</sup> day and may be set on Court's own motion thereafter. Failure to comply with the Rules of pre-trial scheduling may result in sanctions being imposed unless the parties seek relief prior to the foregoing deadlines.
4. ADR. After completion of discovery as set out in C.2.c. above but prior to any case being tried before the Court or a jury, counsel will participate in ADR to attempt to resolve the dispute, unless waived by the Court. Counsel must certify to the Court that they were unable to resolve the dispute by any ADR procedure before trial commences.
5. Pre-trial. The Court will set all jury cases for pre-trial hearing. Any motions in limine will be heard at that time, and all matters considered for pre-trial pursuant to Rule 166. When Counsel for either party fails to appear at the pre-trial after notice to appear, the Court may:
  - a) rule on all motions and exceptions in the absence of such Counsel;
  - b) declare any motions or exceptions of such absent party to be waived;
  - c) advance or delay trial setting according to the convenience of the Counsel present.

The Counsel at the pre-trial shall either be the Attorney who expects to try the case, or shall be familiar with the case and fully authorized to state his party's position on the law and facts, make stipulations and enter into settlement negotiations as trial Counsel. If the Court finds Counsel is not qualified, the Court may consider that no Counsel has appeared and may take any of the procedures provided above.

6. Special Exception. All special exceptions shall be considered waived if not timely filed and presented to the Court at the pre-trial hearing.
7. Withdrawal. Withdrawal by Attorney of record will be pursuant to R. 10 of TRCP.

D. DISMISSAL DOCKET; INVOLUNTARY DISMISSAL

1. Time. At least once each year, all cases in which there has been no activity on the file for 180 days shall be placed on the dismissal docket and sent a notice of the Court's intention to dismiss the case for want of prosecution as provided by Texas Rule of Civil Procedure 165a. Written motions to remove a case from dismissal docket must be presented to the trial Judge prior to the notified date of dismissal.
2. Dismissal. If no appearance or announcement is made when the case is called for trial the case will be dismissed for want of prosecution at that time.
3. Reset. Where motions to remove a case from dismissal docket are granted, the case shall be set for trial.

**SECTION IV**  
**CRIMINAL CASES -DISTRICT COURT**

**A. GENERAL PROVISIONS**

1. Name. These rules shall be known at the "Local Rules of Felony Criminal Practice in Williamson County" and may be referred to as the "Felony Criminal Rules".
2. Application. These rules shall be applied to secure the effective administration of the felony criminal practice in the District Courts of Williamson County, Texas, and to eliminate unjustifiable expense and delay in the disposition of felony criminal cases.
3. Object of Rules. These rules shall be liberally construed to achieve fairness to all parties, with the due regard to the rights of the State, the accused, the victim and society.
4. Rules of Court. Each District Court shall retain its inherent authority to adopt local rules of Court not inconsistent with these rules.

**B. GRAND JURY TERMS**

1. Terms. The rotation of Grand Jury terms will be set by agreement of the District Judges.
2. Responsibilities. During the Grand Jury term of a Court, the Judge of that Court will be responsible for all ancillary criminal matters filed during that term including but not limited to the following: appointing Attorneys to unindicted indigent Defendants; granting and revoking pre-trial releases; hearing pre-indictment writs of habeas corpus; and hearing any bond issues on unindicted cases.

**C. ASSIGNMENT OF CASES**

All cases indicted by a Grand Jury shall be filed in the Court which empanelled the Jury except for cases transferred by agreement of the Judges or transferred by the following rules:

1. Multiple Prosecutions. Multiple prosecutions arising from the same facts or against the same Defendant will be filed in the same Court. If cases must be transferred to accomplish this, all cases will go to the Court with the lowest cause number, unless the Judges agree otherwise.

2. If a newly indicted Defendant has a pending case in another Court or is on probation in another Court then the new case will be transferred to that Court.
3. If a new indictment is a re-indictment of a pending case then the case will be transferred to the Court where the original indictment is pending.
4. Capital Cases.
  - a) The first capital case returned by a Grand Jury of Williamson County, Texas, on or after the effective date of these rules, shall be deemed as filed with or transferred in the sequential rotation as follows:  
1<sup>st</sup>; 277<sup>th</sup>  
2<sup>nd</sup>; 368<sup>th</sup>  
3<sup>rd</sup>; 26<sup>th</sup>
  - b) A case indicted and called for trial as a capital case will count a "Capital Case" even though subsequently reduced to a lesser offense.

#### D. ATTORNEY OF RECORD

1. Court Appointed Counsel.
  - a) Qualifications. The Court Coordinators of the District Courts shall maintain a list of Attorneys available for appointment to represent indigent Defendants in criminal cases. To be on the list the Attorney must volunteer by submitting an application providing the name, address and telephone number, together with proof that he or she is licensed by the Supreme Court of Texas and a member in good standing of the Williamson County Bar Association. In addition, the application and qualifications made part of the County's Indigent Defense Plan must be completed and submitted. This rule does not limit a Judge's authority to appoint any qualified Attorney to represent an indigent Defendant should the Judge deem it appropriate.
  - b) Fee Schedule. The District Judges shall promulgate a fee schedule for the payment of Court appointed Counsel which shall take into account the nature of each case, the complexity of the legal questions involved, the time involved and the number of court appearances necessary to dispose of the case.

2. Appearance of Counsel. Any Attorney who makes bail bond for a Defendant, obtains the release of a Defendant by asserting his or her intent to represent Defendant as a condition of release on a personal bond, or who appears at any hearing for the Defendant shall be considered as the Attorney of record for the Defendant until released as such by the Court. In the event more than one attorney represents a Defendant, than the lead Attorney shall file with the Court a designation of lead Attorney.
3. Notice in Retained Cases. Upon employment, the Defense Attorney shall give written notice thereof to the District Attorney, the District Clerk and the Court Coordinator in the Court in which the case is filed. The Clerk will note the Attorneys name on the docket sheet.

E. WITHDRAWAL OF COUNSEL

1. Withdrawal. An Attorney's motion to withdraw will be heard at any time when the Defendant has had notice to appear.
2. Substitution. Motions to substitute Counsel will be granted without hearing if the order is signed by the Defendant as well as the incoming and outgoing Attorneys. A motion to withdraw or for substitution of Counsel that causes delay requires a hearing.
3. Settings. Motions to withdraw or to substitute Counsel are set with the Court Coordinator at the convenience of the Court. Notice of such motions shall be delivered to the State when the motion is set.

F. INITIAL APPEARANCE

After indictment, all Defendants and their Attorneys of record shall be notified and are required to appear for announcement as set by the Court.

G. PRE-TRIAL AND TRIAL SETTINGS

Each Court shall determine its own setting for pre-trial, trial and sentencing. All Defendants and their Attorneys shall appear at each scheduled pre-trial and hearing.

## H. DISCOVERY

To encourage the expeditious disposal of cases, to promote judicial economy, and without the diluting the rights of Defendants and in the interest of justice, the District Attorney's office will provide a check list of discovery material provided informally to the Defense Attorney and the list will be filed with the Court upon completion of discovery.

## SECTION V

### CRIMINAL CASES-COUNTY COURTS AT LAW

#### A. GENERAL PROVISIONS

1. These rules shall be known as the "Local Rules of Misdemeanor Criminal Practice in Williamson County" and may be referred to as the "Misdemeanor Criminal Rules"
2. These rules shall be applied to secure the effective administration of the misdemeanor criminal practice in the County Courts at Law of Williamson County, Texas, and to eliminate unjustifiable expense and delay in the disposition of misdemeanor criminal cases.
3. These rules shall be liberally construed to achieve fairness to all parties with due regard to the rights of the State, the accused, the victim and society.
4. Each County Court shall retain its inherent authority to adopt local rules of court not inconsistent with these rules.

#### B. ASSIGNMENT OF CASES

1. All criminal cases shall be filed on a random basis as follows: 20% to County Court One; 50% to County Court Two; 30% to County Court Three
2. Multiple prosecutions arising from the same facts or against the same Defendant shall be filed in the same Court. If a Defendant has a pending case in a court or is on probation in a court and is charged in a subsequent case, the new case shall be filed in the original court. If a case(s) must be transferred to accomplish this, generally all cases will go to the Court of the case with the lowest cause number, unless the Judges agree otherwise.
3. The County Court Judges may adopt local administrative rules that redistribute the criminal cases by unanimous approval of said judges. Local Administrative Rules shall be on file and posted with the County Clerk's office.

#### C. ATTORNEY OF RECORD

1. Court Appointed Counsel

- a) **Qualifications.** The Court Coordinators of the County Courts at Law shall maintain a list of Attorneys available for appointment to represent indigent Defendants in criminal cases. To be on the list the Attorney must submit the approved application, be a member in good standing with the State Bar of Texas and a member of the Williamson County Bar Association. In addition, the application and qualifications made part of the County's Indigent Defense Plan must be completed and submitted. The attorney applicant must be approved by the consent of the majority of County Court Judges hearing criminal cases. An Attorney remains the Attorney of record for a Defendant until relieved by written order of the Court.
  - b) **Fee Schedule.** The County Court at Law Judges shall promulgate a fee schedule for the payment of Court appointed Counsel which shall take into account the name of each case, the complexity of the legal questions involved, the time involved and the number of court appearances necessary to dispose of the case,
2. Appearance of Counsel. Any Attorney who makes bail bond for a Defendant, obtains a release of a Defendant by asserting his or her intent to represent the Defendant as a condition of release on a personal bond, who obtains a setting or resetting of a case, appears at any hearing for the Defendant or who seeks discovery or plea recommendation shall be considered as the Attorney of record for the Defendant until released as such by the Court. In the event more than one Attorney represents a Defendant, then the lead Attorney shall file with the Court a designation of lead Attorney.
  3. Upon employment, the Defense Attorney shall give notice thereof to the County Attorney, to the County Clerk and the Court Coordinator in the Court in which the case is filed. The Clerk will note the Attorney's name on the docket sheet and indicate whether he is retained or appointed.

#### D WITHDRAWAL OF COUNSEL

1. An Attorney remains the Attorney of record for a Defendant until relieved by written order of the Court.

2. An Attorney's Motion to Withdraw will be heard at any time when the Defendant has had notice to appear.
3. Motions to Substitute Counsel will be granted without hearing if the order is signed by the Defendant as well as the incoming and outgoing Attorneys. A motion to withdraw or for substitution of Counsel that will cause delay requires a hearing.
4. Motions to Withdraw or Substitute Counsel are set with the Court Coordinator at the convenience of the Court. Notice of such motions shall be delivered to the State when the motion is set

#### E. INITIAL APPEARANCE

1. When a Defendant is released on bond the Defendant shall be notified of a date to appear before the Court. Defendants are to appear on that date at the time specified or forfeit their bond and a new warrant shall issue a warrant for their arrest. A new bond may be set by the Court.
2. In instances where a Defendant has not been arrested, ie. citation by a peace officer, referral/ transfer from the District Courts, a Defendant may be given notice to appear at a specific time and date. Failure to appear may result in additional charges and a warrant shall issue for the Defendant's arrest and a bond amount may be set by the Court.

#### F. PRE-TRIAL AND TRIAL SETTINGS

1. Each Court shall determine its own settings for cases.
2. Each Defendant and their Attorney shall appear at each scheduled court setting, unless waived by the Court.
3. Cases may be set by the Court to the Announcement Docket. Notice of such setting will be given to the Defendant and the Defense Attorney. Attendance at the Announcement Docket setting by both the Defendant and the Defense Attorney is required. Failure of the Defendant to appear at the Announcement Docket may result in the Defendant's bond being revoked. Failure of the Defense Attorney to appear may result in sanctions as the Court deems appropriate. Cases may be reset from the Announcement Docket after a plea-bargain recommendation is obtained from the County Attorney's office.

4. Defense Attorneys shall subpoena all witnesses, including the State's witnesses, and law enforcement officers necessary for pre-trial hearings.
  - a) No pre-trial motions shall be heard on the date of the jury trial, except motions in limine, and those designated by the trial court.
  - b) All pre-trials shall be held at least seven (7) days prior to jury trial.
  - c) All pre-trial motions must be filed at least seven (7) days before the date of the pre-trial hearing.

#### G. PROBATION INTAKE INTERVIEW

1. In cases where a Defendants is to be placed on probation and has requested a pre-sentence investigative report or the trial court ordered a pre-sentence investigative report, a probation intake interview shall be scheduled with the Williamson County Community Supervision Department on a day prior to the date set for sentencing unless otherwise permitted by the Court.
2. Attorneys representing Defendants shall be responsible for making appointments for their clients in advance of the sentencing date so that no delays are incurred in disposing of the case.

**Exhibit "A"**

NO. \_\_\_\_\_

IN THE MATTER OF  
THE MARRIAGE OF

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IN THE \_\_\_\_\_

\_\_\_\_\_  
AND

\_\_\_\_\_

\_\_\_\_\_  
AND IN THE INTEREST OF

\_\_\_\_\_ AND

\_\_\_\_\_  
MINOR CHILDREN

WILLIAMSON COUNTY, TEXAS

PROPOSED DISPOSITION OF ISSUES

TO THE HONORABLE JUDGE OF SAID COURT:

\_\_\_\_\_ hereby presents to the  
Court the following proposed issues.

Community Property Division

	Property	Fair Market Value	Secured Debt Balance	To Wife Net Value	To Husband Net Value
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					

9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					
19.					
20.					
21.					
22.					
23.					
24.					
25.					
26.					
27.					
28.					
29.					

30.					
	Total Community Property	0.00	0.00	0.00	0.00
	Total Community Property Less Secured Debt	0.00	0.00	0.00	0.00

LESS UNSECURED  
COMMUNITY DEBTS:

	Creditor	Debt Balance	To Wife Net Value	To Husband Net Value
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				

16.				
17.				
	TOTAL UNSECURED COMMUNITY DEBTS	0.00	0.00	0.00
	TOTAL COMMUNITY	0.00	0.00	0.00
	PERCENTAGES	100.00	??	??

**Exhibit "B"**

NO. \_\_\_\_\_

IN THE MATTER OF  
THE MARRIAGE OF

\*  
\*  
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\*  
\*  
\*

IN THE \_\_\_\_\_

\_\_\_\_\_  
AND

\_\_\_\_\_

\_\_\_\_\_  
AND IN THE INTEREST OF

WILLIAMSON COUNTY, TEXAS

PROPOSED SUPPORT DECISION AND INFORMATION

OF \_\_\_\_\_

I, \_\_\_\_\_, would testify under oath in open court that the attached information is true and correct. I understand that at such a court hearing I may be required to prove these amounts by testimony and by records such as pay vouchers, cancelled checks, receipts and bills.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Party

I intend to ask the court to set support at \$\_\_\_\_\_ per month.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Party of Attorney

<b>GROSS MONTHLY EARNED PER MONTH</b>			
(1) Gross wages and salary income			
(2) Commission, tips and bonuses			
(3) Self-employment income (net of expenses other than depreciation of tax credits)			
(4) Rental income (not of expenses other Deprecation).			
(5) All other income actually received (specify)			
<b>TOTAL</b>	0.00		
<b>GROSS MONEY EARNED PER MONTH</b>		0.00	(A)
<b>(B) ACTUAL DEDUCTIONS PER MONTH</b> Attach most recent pay stub from each employer			
(1) Income tax withholding			
(2) FICA (Social Security)			
(3) Medicare			
(4) Health Insurance			
(5) Union Dues			
(6) Other (specify)			
<b>Total</b>	0.00		
<b>TOTAL ACTUAL DEDUCTIONS PER MONTH</b>		0.00	(B)
<b>(C) NET MONEY ACTUALLY RECEIVED PER MONTH. SUBTRACT (B) FROM (A)</b>		0.00	(C)
<b>(D) STATURORY NET RESOURCES DEDUCTIONS ALLOWED PER MONTH</b>			
(1) Income tax withholding for a sing person Claiming one personal exemption and standard deduction.			
(2)			
(2) FICA (Social Security)			
(3) Medicare			
(4) Health Insurance attributable to the Children			

(5) Union Dues			
	0.00		
STATUTORY NET RESOURCES DEDUCTIONS ALLOWED PER MONTH		0.00	(D)

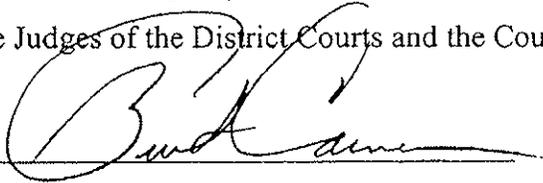
(E) STATUTORY NET RESOURCES PER MONTH. SUBTRACT (D) FROM (A)	0.00	(D)
(F) TOTAL MONEY EARNED PER MONTH BY ME AND MINOR CHILD(REN) LIVING WITH ME. For items which are not paid monthly, Express the amount as a monthly average.		
(1) Rent or house payment		
(2) Real property taxes (omit if part of house payment)		
(3) Residence maintenance (repairs, yard)		
(4) Insurance-home or renters (omit if part of house payment)		
(5) Utilities—Gas		
(6) Utilities—Electric and water		
(7) Telephone (including average long distance)		
(8) Utilities—Garbage service		
(9) Groceries and household items		
(10) Meals away from home		
(11) School lunches		
(12) Dental and orthodontia		
(13) Medical and prescriptions		
(14) Laundry and dry cleaning		
(15) Car payment		
(16) Gas and vehicle maintenance		
(17) Clothing and shoes		
(18) Insurance—Car		
(19) Insurance—Life		
(20) Insurance—Health (omit if payroll deduction)		
(21) Child care		
(22) Children’s activities		
(23) Entertainment		
(24) Haircuts		
(25) Cable TV and newspaper		
(26) Total monthly payments on debts (list below at G and show total here)		



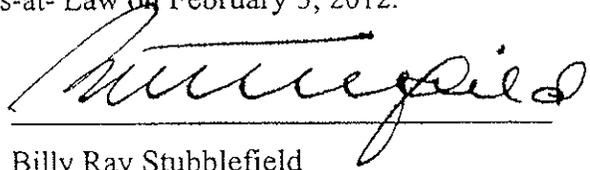
(H) DIFFERENCE BETWEEN MONEY RECEIVED AND MONEY NEEDED. SUBTRACT (F) FROM (C)		0.00	(H)
(I) PRESUMED CHILD SUPPORT—MULTIPLY (E) BY THE GUIDELINE PERCENTAGE _____%			(I)

PROPOSED DISPOSITION OF OTHER ISSUES

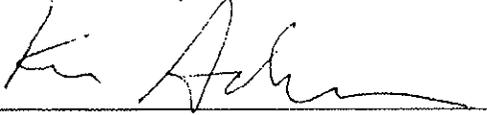
The foregoing Local Rules for Williamson County were approved at a called meeting of the Judges of the District Courts and the County Courts-at- Law on February 3, 2012.



Burt Carnes  
Judge, 368<sup>th</sup> District Court  
Williamson County, Texas



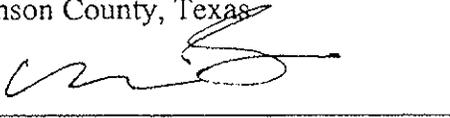
Billy Ray Stubblefield  
Judge, 26<sup>th</sup> District Court  
Williamson County, Texas



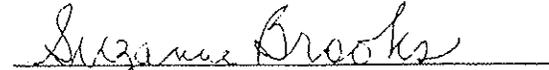
Ken Anderson  
Judge, 277<sup>th</sup> District Court  
Williamson County, Texas



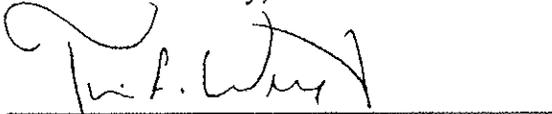
Michael Jergins  
Judge, 395<sup>th</sup> District Court  
Williamson County, Texas



Mark Silverstone  
Judge, 425<sup>th</sup> District Court  
Williamson County, Texas



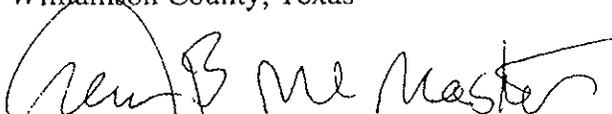
Suzanne Brooks  
Judge, County Court at Law One  
Williamson County, Texas



Tim Wright  
Judge, County Court at Law Two  
Williamson County, Texas



Doug Arnold  
Judge, County Court at Law Three  
Williamson County, Texas

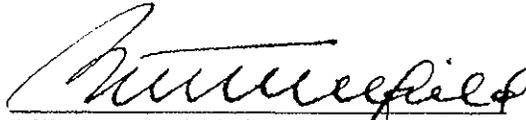


John B. McMaster  
Judge, County Court at Law Four  
Williamson County, Texas

CERTIFICATE OF APPROVAL  
OF REGIONAL JUDGE

The Local Rules of Williamson County approved by the District Court Judges and the County Court-at-Law Judges of Williamson County, Texas on February 3, 2012 is hereby approved and transmitted to the Supreme Court of Texas for final action this 3<sup>rd</sup> day of

February, 2012

  
Billy Ray Stubblefield, Presiding Judge  
Third Administrative Judicial Region

**IN THE SUPREME COURT OF TEXAS**

Misc. Docket No. 12- 9049

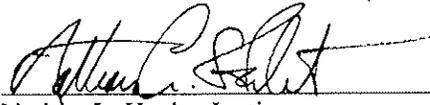
**APPROVAL OF LOCAL RULES FOR  
THE DISTRICT AND COUNTY COURTS OF  
WILLIAMSON COUNTY**

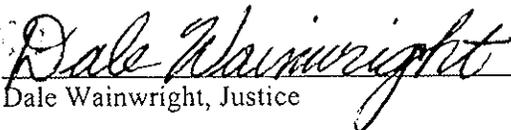
**ORDERED** that:

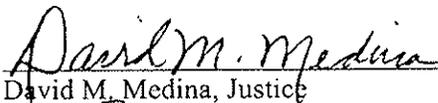
Pursuant to Texas Rule of Civil Procedure 3a, the Supreme Court approves the following local rules for the District and County Courts of Williamson County.

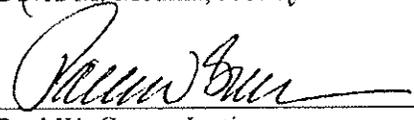
Dated: March 26<sup>th</sup>, 2012.

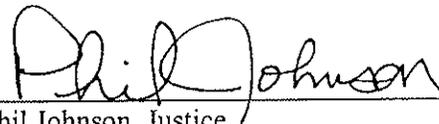
  
Wallace B. Jefferson, Chief Justice

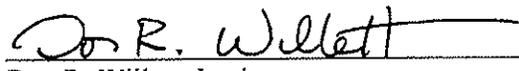
  
Nathan L. Hecht, Justice

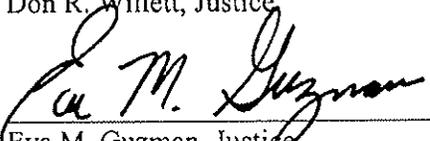
  
Dale Wainwright, Justice

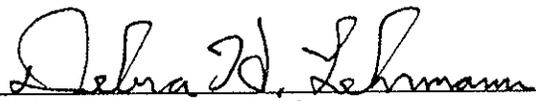
  
David M. Medina, Justice

  
Paul W. Green, Justice

  
Phil Johnson, Justice

  
Don R. Willett, Justice

  
Eva M. Guzman, Justice

  
Debra H. Lehrmann, Justice