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Chapter 1. General Rules

Rule 1.1. Scope, Authority, and Application of Local Rules

- (a) These rules are the Local Rules of Travis County Probate Courts No. 1 & 2. The term “Court” used in the Local Rules means both Probate Court No. 1 & 2 unless otherwise noted.
- (b) These rules are adopted by Travis County Probate Courts No. 1 & 2 under Texas Rules of Civil Procedure Rule 3a and Texas Government Code Section 25.0022.
- (c) The purpose of these rules is to secure uniformity and fairness in proceedings before the Court and to promote justice.
- (d) These rules are standing orders of the Travis County Probate Courts. Knowing or intentional violation of these rules may be punished by contempt or other sanction authorized by law or by rules of procedure as the trial judge may deem appropriate.
- (e) If any provision of these rules is found to conflict with any statute or other statewide rule, the statute or statewide rule will prevail.

Rule 1.2. Parties, Including Parties Proceeding without an Attorney

- (a) In these rules “counsel” includes both attorneys and parties representing themselves without an attorney (“pro se”).
- (b) Any person proceeding on his or her own behalf without an attorney (pro se) is expected to read and follow these Local Rules and the Texas Rules of Civil Procedure, the Texas Rules of Evidence, the Texas Estates Code, the Rules of Appellate Procedure, and all other statutes and rules as may be appropriate in the particular case. Failure to comply may be sanctioned, fined, or punished as in other cases. Pro se parties must provide the Clerk with current addresses and phone numbers. The addresses provided will be used as the addresses for serving all pleadings and any other notices on the pro se party.

Rule 1.3. Court Administration

- (a) Consistent with Texas Government Code Section 25.2293:
 - (1) A statutory probate court has eminent domain jurisdiction. All actions, cases, matters, or proceedings of eminent domain arising under Chapter 21, Property Code, or under Section 251.101, Transportation Code, shall be filed and docketed in Probate Court No. 1 of Travis County. A statutory probate court may transfer an eminent domain proceeding to a county court at law in the county.
 - (2) Probate Court No. 2 of Travis County has primary responsibility for mental health matters.

- (3) The county clerk shall docket:
 - (i) all mental health matters in Probate Court No. 2, notwithstanding the local rules adopted under Section 74.093;
 - (ii) all odd-numbered probate, guardianship, and trust cases, and related cases, as defined by the local rules, in Probate Court No. 1; and
 - (iii) all even-numbered probate, guardianship, and trust cases, and related cases, as defined by the local rules, in Probate Court No. 2.
- (4) The judges of the statutory probate courts of Travis County may sit and act for each other in any matter or proceeding pending in either court. No formal appointment order is necessary.
- (b) The judges of the statutory probate courts shall select from amongst themselves a Local Administrative Probate Judge to handle administrative matters for the Travis County Probate Courts. The new term for the Local Administrative Probate Judge shall begin January 1st of every odd year.
- (c) The judges of the statutory probate courts of Travis County may transfer cases to each other's courts for judicial economy, docket equalization, or any other reason.

Chapter 2. Opening a Case and Filing Pleadings

Rule 2.1. Electronic Filing (E-Filing) in Travis County Probate Courts No. 1 & 2

Approved Rules Incorporated by Reference. On August 31, 2004, the Supreme Court of Texas approved the Local Rules of Probate Court No. 1 of Travis County Concerning the Electronic Filing of Court Documents, with changes adopted by the Court, June 23, 2004. Those E-Filing Rules are currently in effect. Those E-Filing Rules or any subsequent versions approved by the Supreme Court of Texas are incorporated by reference in these Local Rules.

Rule 2.2. Opening a New Case

Docketing the case.

- (1) **Assignment of cause number.** The County Clerk will assign a cause number to all matters filed in Travis County Probate Courts No. 1 & 2. Once a cause number has been assigned and the case has been docketed, all pleadings in the case must be filed using the same cause number (unless the Court orders a severance or consolidation).
- (2) **Docketing instructions.** Unless otherwise specified by statute, the Presiding Judge of Statutory Probate Courts of Texas will direct the County Clerk in the matters of filing, docketing, and transferring cases within the jurisdiction of the statutory probate Court in the county. The Presiding Judge will give this direction based on the request of the Travis County statutory probate judges unless the administration of justice requires otherwise.
- (3) **Principal cases and related or ancillary cases.** The Court posts on its website *Instructions for Filing Probate and Guardianship Proceedings, Related Matters, and Ancillary Proceedings*. The purpose of these instructions is to describe which actions should be filed in a principal probate or guardianship case and which other actions are related or ancillary and should be placed in a new cause number. While any stage of a probate or guardianship proceeding can be contested, it is usually the contested matters that bear no direct relationship to the administration of the estate that are related or ancillary and must be given a new cause number.
- (4) **Case style when filing a related or ancillary case.** The case style for a related or ancillary case must indicate the parties *in that related or ancillary case*. In addition, it is helpful to include a bracketed reference to the cause number and style of the principal case and any other related case(s), preferably in smaller type than for the style of the ancillary matter itself. For examples, see the posted *Instructions for Filing Probate and Guardianship Proceedings, Related Matters, and Ancillary Proceedings*.

Rule 2.3. Form of Pleadings

- (a) **Specific titles required.** All pleadings must include a precise title that identifies the pleading. For example, “Application to Probate a Copy of a Will as a Muniment of Title,” not “Application”; “Order Approving Annual Account from May 15, 2016 to May 14, 2017,” not “Order.”
- (b) **Social security numbers.** Redact all social security numbers except for the last three numbers on all pleadings including death certificates.

- (c) **Signatures.** All pleadings must be signed with full contact information, including email address, as required by Texas Rules of Civil Procedure Rule 57. A document that is electronically served, filed, or issued by a court or clerk may be electronically signed as provided by Texas Rules of Civil Procedure Rule 21(f)(7).
- (1) **Party represented by attorney.** Each pleading of a party represented by an attorney must be signed by at least one attorney of record in the attorney's individual name and must include the attorney's State Bar of Texas identification number, address, telephone number, email address, and if available, fax number.
- (2) **Pro se party (party not represented by attorney).** A party not represented by an attorney must sign each filed pleading and must include the party's address, telephone number, email address, and, if available, fax number.

Rule 2.4. Certificates of Service, Including the Courts' Additional Rules

- (a) **When certificates of service are required.** When Texas Rules of Civil Procedure (TRCP) Rule 21 or any provision of the Texas Estates Code or other statute requires a pleading or notice to be served on other parties, TRCP Rule 21a requires that the attorney or pro se party who is filing the pleading or notice must certify to the Court that all other parties have been served with a copy of the pleading or notice – including all attorneys known to represent other parties in the matter, all other parties not represented by an attorney, and any attorney ad litem or guardian ad litem who has been appointed in the case.
- (b) **The Courts' additional rules for certificates of service.** Under these rules, a generic statement that all necessary notice has been served is never sufficient without additional information. This Court requires that a certificate of service must *specifically* include all of the following:
- (1) the name of each person who was served with the pleading or notice;
 - (2) if the person served is an attorney, the name of the party or parties the attorney represents; *and*
 - (3) the manner in which each person was served.
 - (A) If service was through the electronic filing manager, no *additional* information about the manner of service is needed.
 - (B) If service was not through the electronic filing manager, the certificate must give further details about the manner of service, specifying the physical address, mailing address, email address, or fax number used for service.

Chapter 3. Setting Cases and Changing Settings

Rule 3.1. The Probate Courts' Dockets

- (a) **Overview of probate court dockets.** The probate court has a variety of dockets:
- Jury docket
 - Uncontested guardianship docket
 - Uncontested probate docket (mostly will prove-ups and some heirships)
 - Sales docket
 - Mental health docket
 - “Regular” docket – covering all hearings that don’t fit on one of the other dockets
- (b) **No probate court dockets are “drop in” dockets; all hearings are specifically set.** The probate courts’ uncontested dockets are different from the uncontested dockets in some other courts. The probate courts’ uncontested dockets are designed for some of the Courts’ more straightforward cases, but all cases on the uncontested dockets – as well as all other dockets – are specifically set. The probate courts have no “drop in” docket.
- (c) **Jury and non-jury weeks.** The probate courts create a yearly calendar showing which weeks are jury and non-jury weeks. At the Court’s discretion, the Court may call to trial any jury matter during a non-jury week. During jury weeks, the Courts always schedule mental health dockets and usually schedules uncontested probate and guardianship dockets. Other non-jury matters may also be set and tried during jury weeks subject to the jury docket and the availability of court reporters.

Rule 3.2. Requesting a Setting

- (a) **Before requesting a setting.**
- (1) **File motion(s) to be heard.** As a general rule, all motions and other pleadings must be filed before they can be set for a hearing. If counsel is seeking emergency relief and it is impossible to file an application or case before it is presented to a judge, the Court may allow the application to be filed immediately after the Court takes action.
 - (2) **Confer with other counsel about dates and times.** The Court strongly prefers that all counsel – including any pro se party and any appointed attorney ad litem or guardian ad litem – confer and agree on possible hearing dates and times before a specific hearing date is requested.
 - (3) **Estimate total time.** The Court also strongly prefers that all counsel confer about the time needed for the entire hearing for all participants so the time estimate that must be included in the hearing request is as accurate as possible.
- (b) **Procedures for setting cases.** For information about setting cases on the Court’s different dockets, see the Court’s *Setting Hearings in Travis County Probate Court* document, posted on the Court’s website and available at the Court.
- (1) **Default procedure for requesting a hearing date or trial setting.** Request a hearing date or a trial setting by emailing a *Regular Docket Hearing Request Form*, posted on the Court’s website, to the Court Coordinator of the Court in which the case is pending. The Court Coordinator’s email address can be found on the Court’s website.

- (2) **Exceptions to the default procedure.** See the Court's *Setting Hearings in Travis County Probate Court* document, posted on the Court's website and available at the Court, for information about how to set the following types of hearings:
 - uncontested guardianship hearings
 - uncontested will prove-ups
 - all heirships hearings (including will prove-ups with a partial intestacy)
 - hearings involving accountings
 - sales docket (set by Court)
 - (3) **If Judge is unavailable.** If a judge is unable to set a hearing due to illness, recusal, vacation, disqualification, or death, then the County Clerk may set the hearing.
 - (4) **The Court will not sign an order setting a hearing unless it is necessary.** Do not request that the Court sign an order setting a case unless a show cause order is needed or some rule of law requires that a judge sign an order for a setting.
- (c) **Emergency settings – matters requiring immediate action.** The following additional procedures apply when counsel seeks a hearing or a signed order on an application requesting emergency relief, including but not limited to applications for a restraining order, temporary administration, temporary guardianship, or emergency receivership.
- (1) **Before requesting a hearing date and time from the Court Coordinator, counsel must first confer with one of the Court's staff attorneys.** For a temporary guardianship or any emergency action related to a guardianship, counsel must first confer with the Court Investigator or Assistant Court Investigator. For a temporary administration or any other emergency relief *not* related to a guardianship, counsel must first confer with the Probate Court's Staff Attorney.
 - (2) **If emergency relief is requested and the party against whom relief is sought is represented by an attorney,** movant's counsel must give that attorney advance notice that the movant intends to present the application to the Court at a given time and place, unless otherwise directed by the Court.
- (d) **Additional requirements: jury trials.**
- (1) **Before requesting a setting for a jury trial, the party requesting the jury trial must file the required written request for a jury trial and must pay the jury fee.** See Texas Rule of Civil Procedure Rule 216. The Court will not set a jury trial date until the request for a jury trial has been filed and the jury fee has been paid (unless the party requesting the jury trial has filed an affidavit to the effect that the party is unable to pay the jury fee).
 - (2) **Parties must agree on a jury trial setting or set a scheduling conference.** Unless counsel can agree on the jury trial setting, the parties should schedule a conference with the Court during which a trial date will be determined.

Rule 3.3. Notice of Setting to be Provided by Party Obtaining the Setting

The Court does not send notices of settings. The party that obtained the setting must give notice to all other parties of the date and time of a setting and the total time requested for the entire hearing for all participants. Notice must be given in the manner and within the time provided by the Texas Rules of Civil Procedure. Notice should be sent the same day the party

obtains the setting, and any delay in sending notice may be argued by opposing counsel as a basis for continuance.

Rule 3.4. Notify Court When Matters Are Resolved before Hearing, Including Settlements

Notify the Court Coordinator immediately if a matter is resolved and a hearing or trial setting is no longer needed – or a shorter time is needed to present a settlement for Court approval. If a matter or issue is resolved before a scheduled hearing or trial date, the party that obtained the setting must advise the Court Coordinator immediately that the hearing or trial date is no longer needed – or that a shorter time is needed to present a settlement for Court approval. (As a general rule, the Court requires a hearing when parties seek Court approval of a settlement.) If the setting wasn't obtained by one party, then counsel for the plaintiff, movant, or party seeking affirmative relief is responsible for notifying the Court Coordinator so the setting may be used for other cases.

Rule 3.5. Motions for Continuance and Agreements to Pass a Setting

(a) **Motions for continuance.**

- (1) **General rule: a motion for continuance must be filed at least five days before the hearing or trial.** A motion for continuance must be filed at least five days before the hearing or trial date unless the motion is based on facts that occur on or after the fifth day before the hearing or trial date.
- (2) **Exception: a motion for continuance can be filed later when the motion is based on facts that occur within five days of the hearing or trial.** If a motion for continuance is based on facts that occur within five days before the hearing or trial date:
 - (A) The motion for continuance must be filed as soon as possible.
 - (B) The party filing the motion for continuance must notify the Court of the filing in one of the following ways:
 - (i) serve the motion on the Court through the electronic filing manager, or
 - (ii) email an e-file-stamped copy of the motion to the Court Coordinator, copying all other parties on the email.
 - (C) The motion will be heard at a time set by the Court.

- (b) **Agreements to pass a setting.** Parties must notify the Court Coordinator of an agreement to pass a setting. Parties cannot agree to pass a hearing for a case that was retained on the Court's docket following a dismissal notice.

Rule 3.6. Vacations of Counsel

- (a) **Do not send vacation notices to the Court.** If counsel chooses to file a vacation notice, the notice must be filed in a specific case, with notice served on all other parties as required by Texas Rules of Civil Procedure Rule 21. Do not send vacation notices directly to the Court.

- (b) **Do not request a setting that conflicts with scheduled counsel vacations.** Counsel must not request a setting for any date they have previously been informed by other counsel is a scheduled vacation date.

- (c) **Counsel must immediately notify the Court Coordinator if the Court sets a hearing or trial date that conflicts with counsel's planned vacation.** If the Court sets a case for trial on a date that conflicts with counsel's planned vacation, counsel must notify the Court Coordinator immediately after learning of the setting. The case will be reset for a different time unless there is a clear showing of abuse or unreasonable delay.

Chapter 4. Rules that Apply to All Cases

Rule 4.1. Submitting Proposed Orders and Other Proposed Documents to the Court

- (a) **Procedures.** Procedures for submitting proposed orders and other proposed documents to the Court vary depending on what type of case it is, what docket the case is set on, and whether a proposed order could be signed without a hearing. A copy of the Court's document *How Do You Get Documents to the Court for Review?* is posted on the Court's website and is available at the Court.
- (b) **Who is responsible?** A party seeking affirmative relief at a hearing must provide an appropriate proposed order.
- (c) **Draft orders in contested cases.** As far as possible, each draft order, judgment, or decree to be presented to the Court outside of a hearing in a contested case should be signed by all parties evidencing approval as to form before it is presented to the Court.

Rule 4.2. Remote Appearances and Remote Hearings

- (a) **Remote appearances and hearings disfavored.** The Court does not permit remote hearings or a witness's remote appearance unless absolutely necessary and in compliance with the law, including Texas Civil Practice & Remedies Code § 30.012 and/or the Americans with Disabilities Act.
- (b) **Contested cases.** Remote appearances are prohibited in a contested case when documentary evidence will be presented during the course of the hearing.
- (c) **Must arrange for remote appearance in advance.** Counsel may request that a party or attorney be allowed to participate in a hearing remotely. Counsel's request for a remote appearance must be made in advance by contacting the Court Coordinator:
 - (1) In a contested case, the request must be made by emailing the Court Coordinator *with notice to all other parties*. Any party who objects must notify the Court Coordinator, with notice to all other parties.
 - (2) In a case where there are no other parties, the request does not need to be in writing.
- (d) **Judge may require hearing in Court.** A judge may, at any time, determine that a remote appearance or remote hearing is not sufficient and may require a hearing in Court.

Rule 4.3. Affidavits in Lieu of Live Testimony or Depositions are Prohibited

The Court prohibits the use of affidavits signed by witnesses in lieu of live testimony or depositions unless authorized by law such as Texas Civil Practice & Remedies Code § 32.012 and/or the Americans with Disabilities Act.

Rule 4.4. Interpreters

- (a) **Party needing interpreter must arrange.** When a party needs an interpreter or plans to call a witness who needs an interpreter, the party must arrange in advance for a certified interpreter to be present at the hearing.

- (b) **Foreign language interpreter.** A party needing a foreign language interpreter may make arrangements directly with a certified interpreter at the party's expense. If the party has filed an affidavit of indigency, the party may ask the Court Coordinator to arrange for a certified interpreter to be paid by Travis County. Any request for a foreign language interpreter to be paid by Travis County must be submitted to the Court Coordinator at least three business days before the hearing.
- (c) **Interpreter for the deaf or hard of hearing.** A party needing an interpreter for the deaf or hard of hearing must make arrangements directly with Travis County Services for the Deaf & Hard of Hearing, which will provide an interpreter free of charge if the arrangements are made far enough in advance.

Rule 4.5. Appointments of Attorney ad Litem or Guardian ad Litem

- (a) **Appointments.** The Court will appoint an attorney ad litem or a guardian ad litem when appropriate or required under the Texas Estates Code or the Texas Rules of Civil Procedure.
- (b) **Duration of appointment.** Until the Court signs an order dismissing an attorney ad litem or guardian ad litem, the ad litem must be served with all pleadings and must be notified of all hearings or conferences with the Court.

Rule 4.6. Motions to Withdraw as Attorney of Record and Motions to Substitute Attorneys

- (a) **Required certification.** A motion to withdraw must contain the attorney's certification that there are no Court rulings in the case that have yet to be reduced to writing.
- (b) **When no hearing required.** No motion to withdraw as attorney of record will be granted without a hearing unless:
 - (1) the moving attorney files a written consent to the withdrawal signed by all parties;
 - (2) the moving attorney files a written consent to the withdrawal signed by the client; *and*
 - (3) the moving attorney files a certificate stating the client's last known mailing address.

If a motion to withdraw and to substitute another attorney includes an appearance by another attorney under the Texas Rules of Civil Procedure, that appearance will satisfy the requirements of paragraphs (2) and (3) above, but the appearance by another attorney will not satisfy the requirement that the movant must file written consents to the withdrawal signed by counsel for all other parties.

- (c) **When hearing required.** If all requirements of Local Rule 4.6(b) are not satisfied, a motion to withdraw or to substitute another attorney must be presented at a hearing after notice to the client and to all other parties.
- (d) **Compliance and show cause hearings.** When a case is set for a compliance or show cause hearing, an attorney will not be allowed to withdraw before the hearing unless all problems listed on the hearing notice have been resolved. An attorney who has not been

allowed to withdraw is expected to appear at the time and date specified in the notice provided by the Court. Absent special circumstances, the attorney will not be released or allowed to withdraw until all notices and pleadings listed on the compliance notice have been filed.

- (e) **Court’s discretion.** Even if all parties and counsel agree to a motion to withdraw, the Court retains discretion to grant or deny the motion.

Rule 4.7. Recording and Broadcasting of Court Proceedings

The following provisions govern the recording, broadcasting, televising, or photographing of court proceedings before Travis County Probate Court No.1 and No. 2 and their associate judges and masters.

(a) **Definitions.**

- (1) **Court.** “Court” means the particular judge, associate judge, or master before whom the proceeding will be held.
- (2) **Media coverage.** “Media coverage” means any visual or audio coverage of court proceedings by a media agency.
- (3) **Media or media agency.** “Media” or “media agency” means any person or organization engaging in news gathering or reporting and includes any newspaper, radio or television station or network, news service, magazine, trade paper, in-house publication, professional journal, or other news reporting or news gathering agency or individual.
- (4) **Visual coverage.** “Visual coverage” means coverage by any equipment that has the capacity to reproduce or telecast an image. Visual coverage includes still and moving picture photographic equipment, smart phones, tablets, and all other video equipment.
- (5) **Audio coverage.** “Audio coverage” is coverage by equipment that has the capacity to reproduce or broadcast sounds, and includes digital and tape recorders, smart phones, tablets, and all other sound-recording equipment.

- (b) **General Rule: Visual and/or audio recording of court proceedings prohibited.** Visual and/or audio recording of any court proceeding is strictly prohibited unless expressly authorized by the Court in writing. Exceptions to this general rule are governed by Rule 4.7 of these local rules. Failure to comply with these rules are subject to contempt of court, confiscation of the recording or recording equipment, and/or permanent deletion of the recording.

- (c) **Media coverage for investitures or other ceremonial proceedings.** If media coverage is requested for an investiture or some other ceremonial proceeding, permission for coverage and the manner of coverage will be determined solely by the Court, with or without guidance from these Rules.

- (d) **Media coverage for other types of proceedings.** If media coverage is requested for a proceeding other than an investiture or some other ceremonial proceeding, the provisions of these Rules will govern.

- (1) **Written order required.** Media coverage is permitted only on the Court's written order. The following procedures must be followed, except in extraordinary circumstances and only if there is a finding by the Court that good cause justifies a different procedure.
- (2) **Filed request for media coverage required.** A person wishing to broadcast, televise, record, or photograph a court proceeding must file with the Probate Clerk a request to cover the proceeding. The request must state all of the following:
 - (A) the cause number and case style;
 - (B) the date and time when the proceeding is to begin;
 - (C) the name of the requesting person or organization;
 - (D) the type of coverage requested (for example, televising, recording, or photographing);
 - (E) the type and extent of equipment to be used; and
 - (F) if requesting media coverage with consent, all signed consent forms.

The request must be filed with the Probate Clerk with a copy delivered to the Court Coordinator, all attorneys of record, and all parties not represented by attorneys.

The request must be made in time to afford the attorneys and parties sufficient time to confer, to contact their witnesses, and to be fully heard by the Court on the questions of whether media coverage should be allowed and, if so, what conditions, if any, should be imposed on the coverage.

Whether or not consent of the parties or witnesses is obtained, the Court may in its discretion deny, limit, or terminate media coverage. In exercising its discretion, the Court will consider any relevant factors.

- (3) **Coverage with consent: consent forms.** If media coverage is sought with consent, consent forms adopted by the Court must be used to indicate the consent of the parties and witnesses. Original signed consent forms of the parties must be attached to and filed with the request to cover the proceeding. Consent forms of the witnesses must be obtained in the manner directed by the Court. No witness or party may give consent to media coverage in exchange for payment or other consideration of any kind or character, either directly or indirectly. No media agency may pay or offer to pay any consideration in exchange for consent.
- (4) **Coverage without consent.** If media coverage is sought without consent, the decision about whether to allow coverage will be made by the Court on a case-by-case basis. Any objections to media coverage should not be conclusory, but should state the specific and demonstrable injury alleged to result from media coverage. If the Court denies coverage, it will set forth in its order the findings on which its denial is based. In determining a request for coverage, the Court will consider all relevant factors, including but not limited to the following:
 - (A) the type of case involved;
 - (B) whether the coverage would cause harm to any participants;
 - (C) whether the coverage would interfere with the fair administration of justice, advancement of a fair trial, or the rights of the parties;
 - (D) whether the coverage would interfere with any law enforcement activity;

- (E) the objections of any of the parties, prospective witnesses, victims, or other participants in the proceeding for which coverage is sought;
 - (F) the physical structure of the courtroom and the likelihood that any equipment required to cover the proceedings can be installed and operated without disturbing the proceedings or any other proceedings in the courthouse;
 - (G) the extent to which the coverage would be barred by law in the judicial proceeding for which coverage is sought; and
 - (H) the fact that any party, prospective witness, victim, or other participant in the proceeding is a child, to which fact the Court will give great weight.
- (e) **Coverage of jurors prohibited.** Visual coverage of potential jurors and jurors in the courthouse is prohibited unless the Court finds that the physical layout of the courtroom makes it impossible to conduct visual coverage of the proceedings without including the jury. In those cases, visual coverage is allowed only if the jury is in the background of a picture of some other subject and only if individual jurors are not identifiable.
- (f) **Other prohibited media coverage.**
- (1) **Any type of media coverage of the following is always prohibited:**
 - (A) proceedings held in chambers;
 - (B) proceedings closed to the public; and
 - (C) jury selection.
 - (2) **Audio coverage or close-up video coverage of the following is always prohibited:**
 - (A) bench conferences between counsel and the Court;
 - (B) conferences between attorneys; and
 - (C) conferences between attorneys and client(s), witness(es), or assistant(s).
- (g) **Equipment and personnel.** To allow for reasonable media coverage without disrupting proceedings, the Court may specify standards for media personnel and equipment. Unless the Court in its discretion and for good cause orders otherwise, the following standards apply.
- (1) The Court may require that a person or organization seeking to cover a proceeding demonstrate or display the equipment to be used.
 - (2) All equipment must be in place before a proceeding or hearing begins. Operators must not move equipment or enter or leave the courtroom while Court is in session, nor can operators otherwise cause a distraction.
 - (3) Equipment that produces distracting sound is prohibited.
 - (4) Moving lights, flash attachments, sudden lighting changes, and other distracting lights are prohibited.
 - (5) Unless concealed, signal lights and other devices showing when equipment is operating are prohibited.
 - (6) The Court may require that identifying marks, call letters, words, and symbols must be concealed on all equipment. The Court may require that media personnel not display any identifying insignia on their clothing.

- (7) The Court may determine the number of cameras to be allowed in the courtroom.
 - (8) The Court may specify the placement of personnel and equipment.
 - (9) The Court may require pooling of equipment if more than one person or organization wishes to cover a proceeding.
 - (10) The Court may require the use of the courtroom's existing video, audio, and lighting systems, if any.
- (h) **No delay of proceedings.** No proceeding or hearing will be delayed or continued for the sole purpose of allowing media coverage, whether because of obtaining consents, installing equipment, or other media-coverage issues. To help media agencies prepare in advance for media coverage, the following are appropriate when media coverage in a proceeding has been approved:
- (1) The Court will attempt to make the courtroom available when not in use for the purpose of installing equipment.
 - (2) Counsel – to the extent they deem their clients' rights will not be jeopardized – may make witness lists available to the media.
 - (3) The Probate Court Administrator will inform the media agencies of settings or proceedings.
- (i) **Not part of official record.** Films, photographs, video recordings, or audio recordings made in a proceeding under these Rules will not be considered as part of the official Court record.

Chapter 5. Rules that Apply to Contested Cases Including Jury Trials

Rule 5.1. Mediation and Other Alternative Dispute Resolution

- (a) **Court's Policy.** It is the Court's policy to encourage the peaceable resolution of disputes and the early settlement of pending litigation. Parties are strongly encouraged to try to settle their cases with or without formal mediation or other alternative dispute resolution procedures. Even if the parties cannot resolve all issues in controversy, counsel are directed to use all reasonable means to resolve specific pretrial disputes to avoid the necessity of judicial intervention.
- (b) **Referral of cases to mediation or other alternative dispute resolution.** On its own motion or by agreement of the parties, the Court may refer a case for resolution by mediation or another alternate dispute resolution procedure. Any party or counsel may move for referral for resolution by an alternate dispute resolution procedure.

Rule 5.2. Pretrial Hearings

- (a) **Pretrial hearings and orders.** Each case set on the jury docket will have at least one pretrial hearing, which will be scheduled at the time the trial date is set. The Court may set pretrial hearings in other cases – or additional pretrial hearings in cases on the jury docket – at the request of any counsel or on the Court's own motion.
- (b) **Pretrial scheduling order for cases set on the jury docket.** A standing order, posted on the Court's website, governs the pretrial schedule for jury trials. The standing order also sets out some specific jury trial procedures. Counsel should not repeat or otherwise address the subject matter contained in the standing order except to seek modification of the standing order.

Rule 5.3. Courtesy Copies

If counsel wants the Court to consider at a hearing a motion or response that is longer than 15 pages including exhibits, counsel should deliver a courtesy copy to the Court *as soon as possible after the motion or response is filed*, with the hearing date and time clearly indicated.

Rule 5.4. Use of Electronic Media

Use of the Travis County Probate Court's electronic courtroom (E-Courtroom) equipment is subject to all Travis County requirements. If all requirements are met, the E-Courtroom equipment may be used for jury trials and other regular-docket hearings, but cannot be used for the Court's uncontested dockets.

- (a) **Travis County User Agreement.** As long as it is a Travis County requirement, anyone wanting to use the Court's E-Courtroom equipment must certify that counsel or the managing partner of counsel's firm has signed the Travis County User Agreement governing use of E-Courtroom equipment.
- (b) **Counsel must notify the Court Coordinator.** Counsel must notify the Court Coordinator when counsel intends to present some or all evidence electronically, including any use of the E-Courtroom technology. For all hearings, counsel must notify the Court Coordinator at least five days before the hearing, with notice to all other parties. For jury trials, see the

Court's standing pretrial scheduling order, posted on the Court's website, for the deadline and other requirements.

- (c) **Paper Copies of Materials.** Counsel must be prepared with paper copies of all materials to be used on electronic media in the event of equipment malfunction or other unanticipated technical error.

Rule 5.5. Proceedings before Associate Judge

- (a) **Appointment and authority of associate judges.** Under Texas Government Code Chapter 54A, Subchapter C, the Courts have appointed one or more associate judges to hear certain matters specified by a standing order, posted on the Courts' website. That standing order refers those matters to the associate judges, and an associate judge may hear all matters referred to associate judges in the standing order.
- (b) **Objections to Assignment of Associate Judges.**
 - (1) A party may file an objection to the assignment of an associate judge to hear any trial on the merits. A trial on the merits is any final adjudication from which an appeal may be taken to a court of appeals.
 - (2) If a party objects to an associate judge hearing a trial on the merits or presiding at a jury trial, the party must file an objection within 10 days after the date the party receives notice that the associate judge will hear the trial.
 - (3) On the day an objection is filed with the County Clerk, the person filing the objection must also deliver a copy of the objection to all parties and to the Probate Court Administrator.
 - (4) If an objection is filed, the referring court will hear the trial on the merits or preside at a jury trial.
- (c) **Request for De Novo Hearing.** Any person requesting a de novo hearing before the referring Court as permitted by Texas Government Code Section 54A.216 must also deliver a copy of the request to the Probate Court Administrator on the day the request is filed with the County Clerk.

Chapter 6. Dismissal Docket

Rule 6.1. Case Selection

The following cases are eligible for dismissal for want of prosecution on the Court's own motion:

- (a) Contested cases on file for more than 180 days in which no answer has been filed.
- (b) Cases that have been on file for more than 12 months and are not set for trial and have had no settings or substantive filings within 180 days.
- (c) Cases in which a party or the party's attorney has failed to take any action specified by the Court.
- (d) Any other case designated by the Court.

Rule 6.2. Notice of Dismissal

For each case set on a dismissal docket, the Court will give notice that the case will be dismissed for want of prosecution on the date indicated in the notice of dismissal unless one of the following is done before that date: (1) applicant files a notice of nonsuit; (2) applicant files a motion to dismiss with a proposed order; (3) a hearing on the merits has been held; or (4) applicant has obtained a specific hearing or trial setting and has filed a motion to retain and a proposed order, both of which comply with all requirements set out in the notice of dismissal.

Rule 6.3. Motions to Retain and Objections to Motions to Retain

- (a) A motion to retain must set forth the factual and legal basis for retaining the case and must comply with all requirements set out in the notice of dismissal.
- (b) To be considered timely and to ensure the Court's consideration, a motion to retain must be filed at least 14 days before the dismissal date specified in the notice of dismissal, with notice to all parties.
- (c) To be considered timely, any objection to a motion to retain must be filed at least 7 days before the dismissal date specified in the notice of dismissal. If the motion to retain was filed fewer than 14 days before the dismissal date, an objection will be considered timely if it is filed within 7 days of the date the motion to retain was filed or before the dismissal docket, whichever date is earlier.
- (d) If a timely motion to retain is filed and no timely objection is filed, the court may grant the motion or may set it for a hearing.
- (e) If a timely motion to retain and a timely objection are both filed, the court will set the motion to retain for a hearing.

Rule 6.4. Copies to Court Coordinator

In addition to being filed with the County Clerk, a motion to retain or an objection to a motion to retain must also be delivered to the Court Coordinator.

Rule 6.5. Dismissal Docket

At the dismissal hearing, the Court will dismiss cases without further proceedings unless there is good cause for a case to be maintained on the docket.

Chapter 7. Rules of Courtroom Conduct (Rules of Decorum)

Rule 7.1. Conduct of all Persons

- (a) All persons entering the courtroom must dress appropriately.
- (b) Do not take the following into the courtroom:
 - Don't take food, drinks, bottles, cups, or beverage containers into the courtroom.
 - Don't take a cell phone or tablet into the courtroom unless it is turned off or put on silent.
- (c) Do not do the following in the courtroom:
 - Don't talk or make noise that interferes with court proceedings.
 - Don't chew gum.
 - Don't use tobacco.
 - Don't wear a hat while in the courtroom.
 - Don't read newspapers or magazines.
 - Don't look at phones, tablets, or laptops (except for counsel at the counsel table).
 - Don't prop up your feet on tables or chairs.
- (d) When the judge or jury enters or exits the courtroom, all persons must stand.
- (e) When Court is called to order, complete order should be observed.

Rule 7.2. Conduct of Litigants (all parties and counsel involved in a case)

- (a) Attorneys must advise their clients and witnesses of the Rules of Courtroom Conduct.
- (b) Pro se litigants (parties representing themselves) must become familiar with the Rules of Courtroom Conduct and must advise their witnesses of the rules.
- (c) Litigants should anticipate any need to move furniture, easels, or other equipment and should make arrangements with the Court before the hearing. Tables should not be moved during court hearings.
- (d) All litigants must enter the courtroom before the scheduled time for each court hearing.
- (e) All objections, arguments, and other comments by counsel must be directed to the judge or jury and not to opposing counsel.
- (f) Unless otherwise instructed by the Court, litigants must remain seated at the counsel tables at all times except:
 - (1) when the judge enters or exits the courtroom;
 - (2) when addressing the judge or jury;
 - (3) when standing to claim the right to interrupt another litigant who is addressing the judge or jury; and
 - (4) when it is proper to handle documents, exhibits, or other evidence, or to approach a witness (leave of court is not required).

- (g) Litigants must not approach the bench without leave of court and must never lean on the bench.