

ORANGE COUNTY, TEXAS
LOCAL RULES OF THE
128TH, 163RD, AND 260TH DISTRICT COURTS,
COUNTY COURT AT LAW & COUNTY COURT AT LAW NO. 2

PURPOSE

These Local Rules of the Courts in Orange County, Texas have as their primary purpose the management of the court dockets sensibly, efficiently and fairly. These rules are to be an aid to the just disposition of cases without unnecessary delay or expense.

RULE 1. TIME STANDARDS FOR THE DISPOSITION OF CASES

1.1 The following standards will apply to ensure the final disposition of cases in a timely manner:

1.1.1 **CRIMINAL CASES** – As provided by Article 32A.01, Code of Criminal Procedure.

1.1.2 **CIVIL CASES OTHER THAN FAMILY LAW**

Civil Jury Cases: within 18 months from appearance date.

Civil Non-Jury Cases: within 12 months from appearance date.

1.1.3 **FAMILY LAW CASES**

Contested Family Law Cases: within 6 months from appearance date or within 6 months from the expiration of the waiting period provided by the Family Code where such is required, whichever is later.

Uncontested Family Law Cases: within 3 months from appearance date or within 3 months from the expiration of the waiting period provided by the Family Code where such is required, whichever is later.

1.1.4 **JUVENILE CASES**

In addition to the requirements of Title 3, Texas Family Code:

1.1.4.1 Detention Hearings

On the next business day following admission to any detention facility.

1.1.4.2 Adjudicatory of Transfer (Waiver) Hearings

Concerning a juvenile in a detention facility, not later than 10 working days following admission to such a facility, except for good cause shown of record.

Concerning a juvenile not in a detention facility, not later than 30 days following the filing of the petition, except for good cause shown of record.

1.1.5 COMPLEX CASES

It is recognized that in especially complex cases or in special circumstances it may not be possible to adhere to these standards.

1.1.6 Failure to adhere to these standards shall be grounds to support a motion to dismiss for want of prosecution (DWOP).

RULE 2. INFORMATION REGARDING ACTIVITY OF THE COURTS

2.1 All of the Courts in Orange County, Texas shall comply with the reporting requirements required by the State of Texas by and through the District Clerk and County Clerk as to the number of cases filed, disposed, and pending in the County by type of case in accord with the definitions and requirements promulgated by the Office of Court Administration. Said reports shall be uploaded and filed monthly to the Office of Court Administration by the respective District Clerk and County Clerk.

RULE 3. LOCAL ADMINISTRATIVE DISTRICT JUDGE

3.1 Election of the Administrative Judge

Pursuant to Section 74.091 of the Texas Government Code, a majority of the District Judges will elect a Local Administrative District Judge for a term of not more than two (2) years.

3.2 Duties

The Local Administrative District Judge will have the duties and responsibilities provided in Rule 9 of the Rules of Judicial Administration.

3.3 Meetings of the District Judges of the County

The Local Administrative District Judge or any District Judge may call meetings of the District Judges as needed. The Local Administrative Judge shall preside over such meetings, or the District Judge who called the meeting, or the Judges can alternate. In a District Judge's absence, another District Judge may preside over the meeting.

3.4 Transfer of Cases/Docket Exchange

After assignment of a case to a particular court by the District Clerk, a case may be transferred to another court by request of the Judge of the court in which the case is pending to the Local Administrative Judge. The Local Administrative Judge will then sign an order requesting the case be reassigned by the District Clerk to another court with jurisdiction. The court to which a case is transferred shall have jurisdiction over that case for all purposes.

RULE 4 FILING OF CASES

Except as provided hereafter in this Rule, all cases shall be filed in the District Court and County Courts at Law of Orange County in random order, in the manner prescribed by the Judges, and shall be assigned, insofar as practicable, in an equitable manner among the Courts.

- 4.1 After assignment to a particular court, every case, both jury and non-jury, shall remain pending in such court until final disposition provided that any case may be transferred to another court by order of the Judge of the court in which the case is pending with the consent of the Judge of the court to which it is transferred.
- 4.2 Every suit or proceeding seeking to enforce, attack, avoid, or set aside a judgment, order or decree of a court (including suits such as a bill of review, writ of habeas corpus, or otherwise) shall be assigned to the court in which such judgment, order or decree was rendered.
- 4.3 Every motion for consolidation or joint hearing under Rule 174(a), Texas Rules of Civil Procedure, shall be heard in the court in which the first case

filed is pending, and if such motion is granted, other cases to be consolidated shall be transferred to the court in which the first case is pending.

RULE 5 DOCKET SETTINGS

5.1 Court Coordinator

Each court shall appoint a court coordinator. It shall be the duty of the court coordinator to:

Establish procedures for setting cases for trial and hearings.

Provide the court and the general public with a printed docket sheet indicating the cases set for a hearing for each day of court.

Notify all counsel of setting and rulings of the court as is provided by these rules or at the direction of the court.

Coordinate all setting requests.

Coordinate with the District Clerk's office and the Court Administrator's office concerning jury trials and juror requirements.

5.2 Setting Requests

Requests for hearing should be made in writing to the court in which the matter is pending in accordance with these rules, and the attorneys making such request shall serve all counsel and parties appearing pro se with notice of the hearing.

5.3 Trial Settings

Cases should be set for trial by order of the court, upon request of a party, on the court's own motion, or by a docket control order.

5.4 Conflict of Settings

Whenever an attorney has two or more cases on trial dockets for trial at the same time, it shall be the duty of the attorney to bring the matter to the attention of the courts concerned immediately upon learning of the conflicting settings.

5.5 Priority of Cases in Event of Conflict

Insofar as practicable, the affected court shall attempt to agree upon which case shall have priority. Absent such agreement, conflicting trial settings shall be resolved in the following priority:

Federal cases

Cases given statutory preference

Criminal cases against defendants who are detained in jail pending trial

Temporary Injunctions

Preferentially set cases

The earliest set case

RULE 6 DISMISSAL DOCKET/INVOLUNTARY DISMISSALS

6.1 Dismissal Dockets

All cases not brought to trial or otherwise disposed of which have been on file for more than the specified time period as established by these rules should be placed on the dismissal docket by the Court.

6.2 Notice

When a case has been placed on the dismissal docket, the District Clerk and/or the court coordinator shall promptly send notice of the court's intention to dismiss for want of prosecution to each attorney of record and pro se party whose address is shown in the clerk's file. A copy of such notice shall be filed in the court's file.

6.3 Motion to Retain

Unless a written motion to retain has been filed prior to the dismissal date as set forth in notice of intention to dismiss, such case shall be dismissed. Notice of the signing of the order of dismissal shall be given as required by Rule 165a of the Texas Rules of Civil Procedure. Failure to mail notices as set out above shall not affect any of the periods mentioned in Rule 306a of the Texas Rules of Civil Procedure except as provided in that rule.

6.4 Motion for Reinstatement

A motion for reinstatement after dismissal shall follow the procedure and be governed by the provisions of Rule 165a of the Texas Rules of Civil Procedure relating to reinstatement.

RULE 7 CONTINUANCES

Any motion for continuance of the trial setting shall be presented to the court pursuant to the docket control order, or the Texas Rules of Civil Procedure, regardless if said motion is agreed to by all parties. The order granting or denying such motion shall contain an order resetting the case for trial for a specific date and time.

RULE 8 ALTERNATIVE DISPUTE RESOLUTION AND MEDIATION

In order to encourage the early settlement of disputes and to carry out the responsibilities of the courts set out in Chapter 154 of the Texas Civil Practice and Remedies Code, appropriate alternative dispute resolution procedures and mediation will be encouraged and utilized. ADR and/or mediation may be required by the Court before a final setting is given so check with the particular court upon requesting a final setting to determine the requirement of that Court.

RULE 9 SETTLEMENTS

All trial counsel are required to make a bona fide effort to settle cases at the earliest possible date before trial. The court will expect counsel to confer with his/her client and with opposing counsel concerning settlement offers. When an attorney settles or dismisses a case which is set for trial, he/she shall give notice to the court as soon as possible and a final judgment shall be entered in that court within 30 days after the settlement is reached.

RULE 10 GUARDIANS AND ATTORNEYS AD LITEM

When it is necessary for the court to appoint a guardian ad litem for minor or incompetent parties or an attorney ad litem for absent parties, independent counsel will be appointed. If a joint agreement is reached by all counsel on the particular appointment of counsel to fulfill said role, said agreement shall be communicated to the court upon filing of the order appointing.

RULE 11 ENTRY OF INTERIM ORDERS

An interim order is any temporary order entered by the court during the pendency of the suit. In the event that the court renders an oral interim order, the court shall require a party to prepare a written order complying

with the court's rendition. Some of the courts provide pre-printed forms for some interim orders and those may be used or counsel can prepare his/her own. The party preparing the order shall obtain approval and signature as to form from the opposing counsel and/or self-represented litigant. If signatures are not obtained then a motion to enter the judgment or order should be set for oral hearing or by submission.

RULE 12 ENTRY OF FINAL ORDERS

In the event that the court renders an oral final order, the court shall require a party to prepare a written final order complying with the court's ruling. The party preparing the order shall obtain approval and signature as to form from the opposing counsel or self-represented litigant. If signatures are not obtained then a motion to enter the judgment or order should be set for oral hearing or by submission.

RULE 13 ARTIFICIAL INTELLIGENCE (AI)

If the lawyer, in the exercise of his or her professional legal judgment, believes that the client is best served by the use of technology (e.g., Chat GPT, Google Bard, Copilot, Bing AI Chat, or generative artificial intelligence services), then the lawyer is cautioned that certain technologies may produce factually or legally inaccurate content and should never replace the lawyer's most important asset – the exercise of independent legal judgment. If a lawyer chooses to employ technology in representing a client, the lawyer continues to be bound by all of the requirements of the Texas Rules of Civil Procedure, the Texas Lawyer's Creed and all other applicable standards of practice and must review and verify any computer generated content to ensure that it complies with all such standards.

RULE 14 CRIMINAL CASES

14.1 Assignment of Cases After Indictment

The District Clerk shall assign criminal cases to each District Court on a rotating basis unless instructed otherwise by the Board of District Judges.

14.2 New Indictments After Assignment

After assignment, the clerk shall assign any new indictment against a defendant to the same court.

14.3 Re-indictments

The clerk shall assign any re-indictment of the same defendant to the same court in which the prior indictment was assigned.

14.4 Co-Defendant Indictment

The clerk, after random assignment of an indictment to a court, shall assign any co-defendant subsequently indicted to the same court in which the first co-defendant's indictment was assigned.

RULE 15 ATTORNEY VACATIONS

Each attorney who desires to schedule a vacation may do so by complying with Rule 11 of the Second Administrative Region of Texas Regional Rules of Administration.

RULE 16 CONDUCT OF ATTORNEYS

- 16.1 The conduct of attorneys shall be prescribed by the Rules of Civil Procedure, the Texas Disciplinary Rules of Professional Conduct and the Texas Lawyer's Creed.
- 16.2 Specifically, the Standards of Professional Conduct in Section IV of the Texas Lawyer's Creed, as promulgated by the Texas Supreme Court and the Texas Court of Criminal Appeals are adopted and incorporated herein by reference as guidelines for participating in litigation in Orange County, Texas.
- 16.3 Counsel shall timely appear before the Court at each setting and following each recess.
- 16.4 Counsel shall be appropriately attired for all court proceedings.
- 16.5 Counsel shall rise and remain standing while addressing the Court, unless otherwise instructed.
- 16.6 Counsel shall address all statements, requests and objections to the Court and not to opposing counsel.
- 16.7 Counsel shall not interrupt or talk over opposing counsel, except to state formal objections.
- 16.8 Counsel shall neither make nor insinuate derogatory or insulting remarks about opposing counsel.

- 16.9 Counsel shall request leave of court before approaching the bench or to approach the witness when necessary to work with documentary or tangible evidence.
- 16.10 Counsel shall not lean on the bench except as may be necessary to prevent jurors from overhearing bench conferences. Counsel shall not engage in personal discussions with the Court or each other during trial while in the presence of jurors, parties, or witnesses.
- 16.11 Counsel shall not use profanity in the courtroom.
- 16.12 Counsel shall advise counsel's clients, witnesses and others subject to counsel's control of these rules of conduct and courtroom decorum.
- 16.13 Only one attorney shall examine each witness per side.

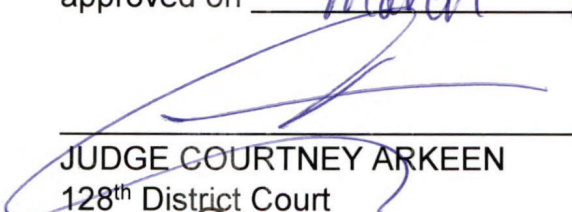
RULE 17 CONDUCT OF ALL PERSONS IN ORANGE COUNTY COURTS

- 17.1 All cell phones must be silenced while in the courtroom and all calls must be placed or received outside of the courtroom.
- 17.2 No sleeveless shirts, shorts or hats.
- 17.3 No shirts with ethnic, racial or sexual phrases.
- 17.4 No food.
- 17.5 No disruptive children.
- 17.6 No communication with inmates unless allowed by the Court or Bailiff.
- 17.7 No chewing gum used by the witnesses while on the witness stand or by any attorneys while interrogating the witness or addressing the Court.
- 17.8 No contact with inmates in custody unless approval is given by the bailiff/officer in charge of that inmate.
- 17.9 No tobacco use in any form is permitted.
- 17.10 No talking or unnecessary noise is permitted which interferes with the court proceeding.
- 17.11 No person may, by facial expression, shaking or nodding of the head, or by any other conduct, express approval or disapproval of any testimony, statement, or transaction in the courtroom.
- 17.12 All persons shall rise when the judge enters the courtroom, and at such other times as the bailiff shall instruct.

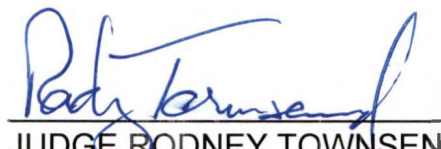
- 17.13 No person shall bring packages, suitcases, boxes, duffel bags, shopping bags or containers into the courtroom without the prior approval of the bailiff.
- 17.14 No photographs or recordings will be made in the courtroom and no recording devices or cameras will be brought into the courtroom without first obtaining permission from the Court. See the Media Plan and Rules Regarding Recording for Orange County, Texas for further requirements.
- 17.15 These conduct rules will be enforced by the Bailiff, the Judge or the court staff.

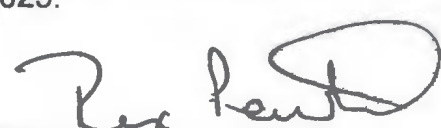
The Orange County District Clerk is directed to submit a copy of these rules to the Office of Court Administration and record these rules in the minutes of the 128th, 163rd, and 260th District Courts of Orange County, Texas. The Orange County County Clerk is directed to record these rules in the minutes of the County Court at Law and County Court at Law No. 2 of Orange County, Texas.

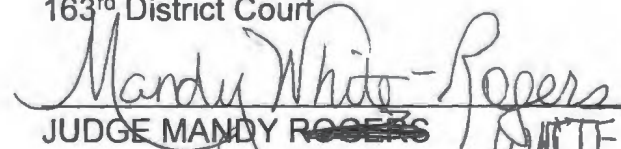
These Local Rules for the 128th, 163rd and 260th District Courts, County Court at Law, and County Court at Law No. 2 of Orange County, Texas are adopted and approved on March 11, 2025.


JUDGE COURTNEY ARKEEN
128th District Court


JUDGE STEVE PARKHURST
260th District Court


JUDGE RODNEY TOWNSEND
County Court at Law No. 2


JUDGE REX PEVETO
163rd District Court


JUDGE MANDY ~~ROGERS~~
County Court at Law

WHITE-ROGERS