

LOCAL RULES for
CALDWELL and COMAL COUNTIES

FOR PRACTICE IN THE
22ND, 207TH, 274TH, 421ST, 433RD and 466TH
DISTRICT COURTS OF TEXAS
AND

County Court at Law #1, County Court at Law #2 and County Court at Law #3
of COMAL COUNTY

Pursuant to the authority granted District Courts and Statutory County Courts by Rule 3a, T.R.C.P. and Art. 33.08, C.C.P. to promulgate Rules of Practice for conducting the business of District Courts, the rules and procedures set forth below are in effect in these Courts until amended and approved by the District Courts and/or Statutory County Courts accordingly. These Local Rules may be found online at www.co.comal.tx.us, and www.co.caldwell.tx.us.

PART ONE: CIVIL RULES
DISTRICT COURTS AND STATUTORY COUNTY COURTS

SECTION ONE – Settings

Rule 1. Written Request

- a. Prior to setting any hearing or trial, the party wishing to set the matter shall first contact the Court Administrator/Coordinator and secure available dates for the hearing or trial, preferably via email or other method as set by the Court Administrator/Coordinator. Prior to setting any hearing or trial, the party wishing to set the matter shall first confer with all parties of record pursuant to the Texas Lawyer's Creed, III.14¹. This rule shall not be interpreted to require an agreement on the setting date.

All motions or requests for relief set for hearing must contain a Certificate of Conference by the filing party that a reasonable effort has been made to resolve the dispute without the necessity of court intervention and the effort failed. The Certificate of Conference should be in substantial compliance with the following language:

“The undersigned has conferred with all parties who may be affected by the relief sought in this motion in a good faith effort to resolve or narrow the issues raised herein and agreements could not be reached” or

“The undersigned has made reasonable efforts to confer with all parties who may be affected by the relief sought in this motion but has been unable to do so.”

¹ 14. I will not arbitrarily schedule a deposition, Court appearance, or hearing until a good faith effort has been made to schedule by agreement.

- b. Any matter may be set for trial or hearing by agreement of the parties and on a date approved by the Court or the Court Administrator/Coordinator.
- c. Notwithstanding the time requirements of TRCP 245 or Rule 1(d) below, an agreement complying with the TRCP 11 may shorten any required time period.
- d. All hearings and final trials must be set by way of a written Motion to Set by the requesting party unless otherwise ordered by the Court. The Motion to Set must include an estimated length of the entire hearing or trial. The hearing or final trial shall not be set unless Rule 1(a) has been complied with. A form is available on each Court's website and in the Court Administrator's/Coordinator's office.
- e. If for good cause the opposing party cannot proceed to a hearing or final trial on the requested date, the party shall file and serve a written objection within five (5) days of receipt of notice of the setting, unless the hearing is requested within less than five (5) days, in which event, the written objection must be filed and served at least one (1) day prior to the hearing. The objection shall include the specific reason(s) for the conflict, including but not limited to the styles and cause numbers of any cases for which a court setting, mediation, deposition, or other matter is a reason for the conflict. In addition to providing the specific reason(s) for the conflict, the party objecting shall also provide two (2) alternate available dates obtained from the Court Administrator/Coordinator, on which they are available for the hearing or final trial. Failure to comply may waive the objection. It shall be the responsibility of the objecting party to set the Objection to Setting for hearing or to file a motion for continuance on the setting. Failure to appear will waive the objection.
- f. Nothing in these local rules shall change any time period or notice requirements that apply to emergency hearings and/or ex parte hearings allowed by the TRCP or the Texas Family Code ("TFC.") No party shall attend or request a hearing in an emergency or ex parte without prior notice to the opposing attorney or Self-Represented Litigant ("SLR"), after service, to afford the opposing attorney/SLR the opportunity to attend the hearing either in person, by telephone or by Zoom, as approved by the Court.
- g. Nothing in these rules shall prevent a party from filing and seeking a hearing on a Motion for Continuance in accordance with TRCP 251.
- h. If an objection complying with these rules is filed, the party requesting the hearing shall have the right to reset the hearing on any one of the available dates provided by the objecting party by filing and serving a Motion to Set pursuant to the TRCP and these Rules.
- i. If the matter is not reset, the hearing will proceed on the originally set date and any pending objection/motion for continuance will be heard at that time if not set for hearing prior to the original date.

- j. No matter will be set unless the Motion to Set or Notice of Setting has been signed by the Court Administrator/Coordinator or as directed by the specific court.
- k. **DISTRICT COURTS ONLY** - A party conferring with the Court Administrator/Coordinator, or directly with the Court during a hearing may obtain a proposed date for a hearing or final trial. If a proposed date has been provided by the Court Administrator/Coordinator or the Court during a hearing in a District Court proceeding, the date will remain as a potential hearing date for the party's case for 48 hours. If the party does not provide a written Motion to Set or Notice of Setting that complies with these rules to the District Court through the e-file system with the proposed date formally setting it for a hearing within the 48 hour time period, the proposed date will be removed from the District Courts' calendar and the matter will not be set.
- l. When all parties have agreed that a setting is no longer necessary, the parties shall advise the Court Administrator/Coordinator, via email, that the parties are passing the hearing. The matter will not be removed from the Court's calendar until all necessary parties have notified the Court in writing.
- m. Parties seeking a hearing on objections on an expedited basis may request a hearing with any judge available to hear the objection.

Rule 2. Mediation

All contested civil cases, including family law cases, shall be mediated prior to a final trial or hearing on the merits unless mediation has been previously waived by order of the Court. The mediation shall be conducted by a mediator agreed upon by the parties, or absent agreement, a mediator appointed by the Court.

Rule 3. Docket Control Order

For all civil matters, including family law matters, prior to the first hearing or within thirty (30) days after the last answer is filed, whichever is first, the parties shall submit to the Court a proposed docket control order. The proposed docket control order shall be substantially in compliance with the form docket control orders provided by the Court.

SECTION TWO – Jury Cases

Rule 4. Jury

In all jury cases, each party shall furnish to the Court and counsel for all other parties that party's proposed Charge of the Court two (2) business days before jury selection unless otherwise provided by order of the Court or written agreement of the parties.

SECTION THREE – Domestic Relations

Rule 5. Court Mandated Co-Parenting Seminar

Unless good cause is shown otherwise, a certificate of completion of a Co-Parenting Seminar must be on file for each parent prior to the parties obtaining a Final Decree of Divorce or Final SAPCR Order or Modification Order. The parties may take any of the following Co-Parenting Seminars which are approved by the Court: “For Kids’ Sake,” “Putting Kids First,” “Kids First,” “Co-Parenting/Divorce Class,” “The Texas Cooperative Parenting Course for Divorcing Parents,” or “Child Sharing” or any other co-parenting program approved by the Court.

Failure to complete a Co-Parenting Seminar, shall subject the party to any appropriate sanctions.

Rule 6. Court Appointments

All Guardians Ad Litem, Amicus Attorneys, Attorneys Ad Litem or Court Appointed Attorneys (“Representative”) may be either agreed upon by the parties or ordered by the Court. When a Representative has been appointed by the Court, each party shall deposit with the Representative one-half of the Representative’s requested deposit unless there is a written agreement of the parties or order of the Court otherwise. The Representative shall have no obligation to act in such capacity until all requested or ordered deposits have been made.

Rule 7. Child Support and Spousal Maintenance

Financial Information Required.

- a. In all contested hearings involving child support or spousal maintenance, each party shall comply with Texas Family Code Chapter 154.063 and provide any financial statement(s) submitted within the last two years for the purpose of obtaining credit or a loan and present same to opposing counsel as soon as practical but no later than docket call the day of the hearing.
- b. The parties shall also exchange with opposing counsel a financial statement in a form substantially similar to Form 4.2 of the Texas Family Law Practice Manual.
- c. Copies of these financial forms shall be available for the Court for any contested hearing involving child support or spousal support.

Rule 8. Obligor’s Place of Payment

Unless waived by the Court, all child support payments are to be sent to the Texas Child Support Disbursement Unit, P.O. Box 659791, San Antonio, Texas 78265-9791.

Rule 9. Contested Temporary Orders Hearings

All contested temporary orders hearings will have the following time limits:

- a. Property only – 30 minutes per side including cross-examination
- b. Child Custody and Combined Property and Child Custody – 60 minutes per side including cross-examination
- c. The Court for good cause shown may shorten or extend these limits

The parties shall not be entitled to multiple hearings on temporary orders absent good cause as determined by the Court.

Rule 10. Child Custody Evaluations

- a) Date for Completion

Any child custody evaluation pursuant to §107.101, TFC shall be completed and filed with the Court at least thirty (30) days prior to the final hearing.

- b) Arrangements for Payment.

When a child custody evaluation has been ordered, each party shall deposit with the child custody evaluator one-half of the evaluator's requested deposit unless there is a written agreement of the parties or order of the Court. The child custody evaluator shall have no obligation to begin or complete the child custody evaluation until all requested or ordered deposits have been made. Failure to timely pay the deposit may subject the party to sanctions.

- c) Appointment of a Child Custody Evaluator

The parties may agree upon a child custody evaluator to conduct a child custody evaluation and, absent agreement, the Court shall appoint a child custody evaluator. It shall be the responsibility of the parties requesting the child custody evaluator to provide the evaluator a copy of the order and the initial contact information for all parties and counsel.

Rule 11. Inventory and Appraisement/Proposed Division of Community Estate

- a. Inventory. Prior to any contested hearing involving property, each party shall provide to the other party a sworn Inventory and all necessary Appraisements at least thirty (30) days prior to the contested hearing. The form of the inventory shall be substantially similar to the form in §7.1 of the Texas Family Law Practice Manual.
- b. Proposed Division of Community Estate. Prior to any contested hearing involving division of the community estate, each party shall provide to the other party a proposed division of the estate setting out and identifying the property and debts to be divided and their values at least thirty (30) days prior to the contested hearing. The parties shall

provide copies of their latest proposed division of property to the Court at any contested hearing.

Rule 12. Standing Order of the Court

All Original Divorce or Suits Affecting Parent-Child Relationship Petitions shall have attached a copy of the “Standing Order Regarding Children, Property and Conduct of Parties” (“Standing Order”).

SECTION FOUR – Judgments

Rule 13. Proposed Judgments and Orders

- a) All judgments and orders must be efiled with the Court for entry within thirty (30) days from the date of rendition, unless otherwise directed by the Court. At the Court’s discretion or upon a party’s motion, a hearing may be scheduled for entry of the judgment.
- b) The prevailing party or the party who is directed to or has agreed to prepare the judgment or order shall furnish all opposing parties with a copy of the proposed judgment or order within twenty-one (21) days from the date of rendition/hearing.
- c) Any party objecting to a proposed judgment shall do so within five (5) business days of the filing of the proposed judgment and shall provide to all parties the reasons for the objection and any proposed new language. Failure to provide written objections and proposed alternative language may be deemed a waiver of objection to the proposed judgment or order.
- d) Every judgment or order to be signed by a Judge shall be approved as to form by all attorneys before it is presented to the Judge.
- e) Any party may avail themselves of the relief available in TRCP 305.
- f) All proposed judgments or orders shall provide a signature line for the Presiding Judge to sign. The signature line shall not be placed on a page by itself. It must be placed on the final page with a substantive portion of the judgment or order preceding it on the signature page.

PART TWO: CRIMINAL RULES
DISTRICT COURTS ONLY

SECTION ONE – Settings

Rule 14. Settings

All criminal cases shall be set ONLY by Court Order or by Administrative notice of setting by the Court Administrator or appropriate Court personnel.

If, for good cause, defense counsel cannot attend a hearing or go to trial on such date, defense counsel shall, within five (5) days of receipt of the setting notice, advise the Court Administrator or appropriate Court personnel in writing stating such reason. In no event shall the case be reset beyond the time limits set out in the Code of Criminal Procedure or the Rules of Judicial Administration.

SECTION TWO – Pretrial

Rule 15. Pretrial Date Required

All cases shall be set for a pretrial hearing

Rule 16. Paperwork

All pretrial motions shall be filed in accordance with the Code of Criminal Procedure.

All paperwork shall be prepared in advance, whether it be a negotiated plea or a pretrial motion.

On pretrial motions, attach by separate page on all motions, an Order with the proper cause number and style of case.

SECTION THREE – Jury Trial

Rule 16. Jury

After pretrial hearing, all cases will be set for jury trial unless the defense attorney or Self-Represented Litigant defendant requests a trial before the Court or a date for a plea of guilty.

At the final pretrial hearing, the parties will make their announcements for trial, providing the Court with their anticipated number of days for trial and whether or not the Defendant intends to go to the Court of the jury for punishment. Parties must be prepared to present any remaining pretrial motions to the Court at the final pretrial hearing, including motions in limine. Both the State and the Defense should be prepared to present proposed jury charges to the Court at this hearing.

SECTION FOUR – Trial Before the Court

Rule 17. Waiver

If the defense attorney or Self-Represented Litigant defendant requests a trial before the Court, a jury waiver must be filed with the Court. The waiver is to be signed and sworn to by defendant and approved by defense counsel and District Attorney.

SECTION FIVE – Judgments

Rule 18. Prepared by Prosecutor

The Prosecutor shall prepare all judgments in criminal cases. Final judgments shall be presented to the Court at time of sentencing in all cases involving criminal sentencing, unless the Judge Presiding authorizes a brief delay for good cause shown.

PART THREE: GENERAL RULES **DISTRICT COURTS AND STATUTORY COUNTY COURTS**

SECTION ONE – Docket Call

Rule 19. Time

Docket call is at 9:00 a.m., unless otherwise noticed in writing or as otherwise specified by a particular Court.

Attorneys or Self-Represented Litigants who do not expect to be on time or present in the Courtroom during docket call must promptly notify the Court and all parties, and give a reason for the delay, and an estimated time of arrival.

SECTION TWO – Removal of Case from Docket Setting

Rule 20. Priority of Cases in Event of Conflict

- a. Insofar as practicable, the affected Courts shall attempt to agree upon which case shall have priority. Absent such agreement, conflicting trial settings shall be resolved in the following priority:
 - i. Federal cases
 - ii. Temporary injunctions/Protective Orders
 - iii. Criminal cases against defendants who are detained pending trial
 - iv. Cases given statutory preference
 - v. Preferentially set cases, other than those given statutory preference
 - vi. The earliest set case

It shall be the obligation of each attorney who is set in more than one county at the same time and date to contact opposing counsel and the appropriate coordinator in each county prior to docket call to notify them of their conflict and giving them a best time estimate as to when they will appear in that county on that date.

Rule 21. Default Judgments

In accordance with the Texas Rules of Civil Procedure a default judgment may be heard by any Court without the necessity of a formal setting request or advance notice to the defaulting party.

Rule 22. Dismissal Docket

- a. All civil cases filed shall be disposed of within the time requirements published by the Texas Supreme Court unless for good cause shown.
- b. Notice of the Court's intention to dismiss will be sent to each attorney of record and to each Self-Represented Litigant. At the dismissal hearing, the Court shall dismiss the case for want of prosecution unless a motion to retain has been timely filed and there is good cause for the case to remain on the docket.
- c. Counsel and Self-Represented Litigants are required to be present for the dismissal docket in order to have their Motion to Retain heard.
- d. Any case maintained at a dismissal docket will be scheduled for mediation and set for trial and a pre-trial scheduling order.

SECTION THREE – Interpreters

Rule 23. Court Appointed Interpreters

Any party or Self-Represented Litigant who requires a Licensed Interpreter is required to notify the Court Administrator/Coordinator not less than ten (10) days prior to the setting, or if less than 10 days, as soon as practicable.

In the event a hearing or trial is canceled, the attorney or Self-Represented Litigant who requested the Court Appointed Interpreter is required to notify the Court Administrator/Coordinator immediately.

SECTION FOUR – Decorum in Court Room

Rule 24. Recording and Photographing

No broadcasting, televising, recording (audio or visual) or taking of photographs shall be allowed in the Courtroom or on the same floor where the Courtrooms are located unless

otherwise approved by the Court. The use of artificial intelligence and/or any application used to transcribe or record any court proceeding is prohibited.

Rule 25. Cell Phones and Electronic Devices

Electronic devices, including but not limited to laptops or other computers, cell phones, iPads, smart phones, tablets and like devices may be used in the courtroom, except for the uses prohibited in Rule 24, herein. Any such device shall be turned to silent mode upon entering the courtroom. Cell phones shall not be used for verbal communications inside the courtroom at any time unless otherwise permitted by the Court.

Rule 26. Dress Code

In the courtroom, all attorneys and Court officials shall dress in keeping with the dignity required for Court proceedings (No blue jeans, short skirts, T-shirts, hats, shorts or flip-flops). Litigants, witnesses, and observers shall dress appropriately in Court (appropriate T-shirts and jeans permitted, but no tank tops, short skirts, shorts, hats, or flip-flops). The Court reserves the right to determine if attire by the attorneys, litigants, witnesses and observers is appropriate and no person who is dressed inappropriately shall be permitted in the Courtroom without permission of the Court.

Rule 27. Food and Drinks

No food or drinks (other than water in a closed container) are allowed in the Courtroom without permission of the Court.

Rule 28. Bags and Briefcases

No bags, purses, or briefcases shall be allowed beyond counsel tables except by Court permission.

SECTION FIVE - Miscellaneous

Rule 29. Vacation and Continuing Legal Education (CLE) Letters

Each attorney may file vacation and/or CLE letters with the appropriate Court personnel for periods not to exceed four (4) weeks in a given calendar year. Such notice must be filed at least ninety (90) days in advance of each designated vacation week. A case shall not be set for trial or hearing during the time for which an attorney has filed the vacation and/or CLE notice that complies with these rules. If a counsel receives a request to attend a hearing in which they had previously filed vacation and/or CLE letters with appropriate Court personnel that complies with these rules, they shall immediately provide to the party requesting the setting a copy of the vacation and/or CLE letter along with a request to remove the matter from the requested setting date and notification to the appropriate Court personnel.

Rule 30. Hearing in another County

The Court Administrators/Coordinators may, under Section 24.017, Government Code, set a hearing in another county within the District Judge's district. It is the responsibility of the attorneys to transport the Court's file and docket sheet to the county where the hearing will be held and then to return it to the District Clerk's office that same day, if possible.

Rule 31. Hearing or Appearance by Electronic Means

Hearings and/or appearances may be conducted by telephone or other electronic means at the discretion of the Court. The party requesting the hearing or appearance by telephone or other electronic means shall secure permission from the Court in advance of said hearing to be held by telephone or other electronic means and shall provide notice of the details of how the hearing will be held (by telephone or other electronic means) to all parties involved in the cause. See the Courts' standing order regarding Zoom hearings.

Rule 32. Motions To Withdraw/Substitute As Attorney.

- a. Except as provided in Rules 8 and 10 of the Texas Rules of Civil Procedure, a motion to withdraw or substitute will be granted without a hearing only if the moving attorney:

Files written consents to the withdrawal/substitution signed by the client on a motion to withdraw or by withdrawing counsel and new counsel on motion to substitute, in a motion that complies with the Texas Rules of Civil Procedure.

- b. If not, the motion to withdraw or to substitute another attorney must be presented at a hearing after notice to the client and to all other parties.

Rule 33. Discovery

Depositions.

A party initiating an oral deposition shall first attempt to communicate with opposing counsel to determine whether agreement can be reached as to date, time, place, and materials to be furnished at the time of deposition. Any written notice of deposition shall contain a certificate of conference as described in Rule 1a, above.

Written Discovery.

Parties must confer on any discovery disputes prior to setting any motion for hearing. Failure to confer by either party may be a basis for sanctions.

Rule 34. Certification regarding use of Artificial Intelligence

All attorneys and Self-Represented Litigants who file pleadings with the Court shall confirm that artificial intelligence has not been used to generate the pleading or, if artificial intelligence is utilized, that the attorneys and/or Self-Represented Litigants have personally confirmed that the information generated by artificial intelligence is accurate. The signing of the pleading will serve as a certificate that the party and/or the Self-Represented Litigant, and all members of the attorneys' law firm, have complied with this rule.

SO ORDERED THIS 1st DAY OF May, 2025.


JUDGE BRUCE BOYER
22nd Judicial District Court and Local
Administrative District Court Judge


JUDGE TRACIE WRIGHT RNEAU
207th Judicial District Court


JUDGE GARY STEEL
274th Judicial District Court


JUDGE AMANDA MONTGOMERY
421st Judicial District Court


JUDGE DIB WALDRUP
433rd Judicial District Court


JUDGE STEPHANIE S. BASCON
466TH Judicial District Court


JUDGE RANDY GRAY
County Court at Law #1


JUDGE CHARLES A. STEPHENS, II
County Court at Law #2 and
Local Administrative County Court at Law
Judge


JUDGE DEBORAH WIGINGTON
County Court at Law #3

FILED FOR RECORD
At 4:04 o'clock PM

APR 30 2025

HEATHER N. KELLAR
CLERK DISTRICT COURT
COMAL COUNTY, TEXAS
BY  DEPUTY