JUDGE GERALD W. EDDINS
County Court at Law No. 1

LOCAL RULES

RULE 1: SETTING OF CASES FOR TRIAL

A. OBTAINING A TRIAL SETTING: Cases will be set for trial by the Court Coordinator or upon written request by any party. A trial setting request from any party indicates the following:

1). All pleadings are in order,
2). All discovery is complete or will be completed by the time of trial including designations of experts and the taking of their depositions, if necessary, and
3). Lead counsel will be available for trial.

A party may object to a trial setting request. Written objection must be made within 7 days of the request, or such objection may be considered waived.

B. "SPECIAL" OR "PREFERENTIAL" SETTINGS: A party may request a special setting or the Court may set a particular case as a "special setting". A case which is preferentially set has priority over all other settings which counsel may have, especially those settings or events which occur after the setting. Counsel are required to advise this Court as soon as they become aware of any actual or potential conflicts in their schedule, and are likewise required to advise promptly any other affected tribunal that a special setting exists in this Court and is preferential. A case designated as a "Special Setting" will typically not be continued for any of the following reasons:

1). The case is not ready to be tried
2). Discovery is not complete
3). The case should first be mediated
4). Availability of a party or witness unless it is a medical emergency
5). Unresolved discovery disputes
6). Conflicting trial schedules (Unless there is an Order overruling the Motion for Continuance in the conflicting setting which expressly states you are specially set in this case).
7). Recent discovery of new witnesses, parties or evidence unless they could not have been discovered before.
8). Vacation letter
9). Difficulty getting ready for trial due to conflicting trial schedule
10). Protective Order from another court, unless entered over your written objection expressly stating to that court that you have a preferential setting

C. MULTIPLE SETTINGS: Some cases may have multiple trial settings. If a case is also set on an earlier docket, it does not indicate that the earlier setting has been passed. The second setting should be viewed as a backup to the earlier setting.

D. TRY OR DISMISS: A case designated as a "Try or Dismiss" case or placed on the "Try or Dismiss" docket will not be passed by agreement nor will an "agreed" or "unopposed" motion for continuance be automatically granted. A hearing will be necessary.

RULE 2: HEARINGS

A. CONFERENCE: Before any motion or other contested matter will be heard, the parties must make a good faith attempt to resolve the disputed matter by agreement.

B. CANCELING HEARINGS: The parties shall notify the Court as soon as they become aware that a hearing is not necessary, will be cancelled, or cannot take place due to scheduling conflicts. The party cancelling the hearing shall be responsible for timely notice to the Court and to all other parties of the cancellation.

C. LENGTH OF HEARINGS: The parties should notify the Court Coordinator if the hearing is expected to last longer than approximately 15 minutes.

RULE 3: ADR AND STATUS CONFERENCES

A. ADR: Alternative Dispute Resolution is encouraged, especially mediation. Upon application of any party, the Court will give consideration to ordering mediation and the use of the Dispute Resolution Center of Jefferson County is encouraged in appropriate cases.

B. STATUS CONFERENCES: Upon application by any party, or sua sponte, the Court may hold a status conference to obtain information about progress of the preparation of the case or to address any difficulties or obstacles that may seem to be present in the matter.

RULE 4: PRE-TRIAL REQUIREMENTS FOR JURY TRIALS

The following requirements apply to cases set for jury trial and attorneys are required to comply herewith prior to attending any pre-trial conference. A pre-trial conference will be scheduled by the Court Coordinator before the beginning of the trial docket period (typically the week before the docket period). Counsel will be notified of the specific date and time. The items below will be addressed at the conference:

A. MOTIONS IN LIMINE: If a Motion in Limine is to be filed or if counsel desires to limine possible matters, a Motion in Limine shall be prepared and served on all counsel of record before the pre-trial conference. It is the responsibility of counsel to have such motions heard at or before the pre-trial conference. Counsel should assume that failure to do so will result in waiver or denial of later in-limine requests.

B. EXHIBITS: No exhibit list is necessary. Attorneys should mark and number their exhibits and exchange prior to the pre-trial conference or at a mutually agreed date and time no later than 10 days prior to the beginning of the trial docket period, so that objections can be made and ruled upon at the pre-trial conference. It is the objective of this provision that exhibits be pre-admitted, to avoid any delay at trial, involving the marking, offering, objecting to, or ruling upon exhibits. Objections must be set for hearing no later than 3 days prior to trial. Failure to have objections to exhibits heard prior to trial will result in waiver of objection.

C. COURT'S CHARGE: The attorneys are required to furnish a proposed charge at the beginning of jury selection, but should also be prepared to discuss any unusual issues or instructions at the pre-trial conference.

D. NON-VIDEO DEPOSITIONS: Page and line designations shall be exchanged between the parties pursuant to guidelines outlined in item "B" above and furnished at the time of trial to opposing counsel, the court reporter, and to the court. Additionally, the court shall be furnished a copy of any deposition to be read, for the purpose of ruling on objections. At trial, it is not necessary to state line and page designations in reading a deposition, as long as the designations have previously been furnished as provided above.

E. VIDEO DEPOSITIONS: Video depositions shall be edited to remove superfluous and extraneous material, abandoned objections and colloquy, and undue delays; in addition, video depositions shall be edited for brevity, cogency and clarity.

The edited version shall be furnished to opposing counsel pursuant to the guidelines outlined in B., above. Failure to furnish the edited version to opposing counsel may result in exclusion, and failure to make objections and set for hearing at least 3 days prior to trial will be waiver of objections; the objective being to avoid interruptions or delay in the presentation of video depositions.

F. SPECIAL EQUIPMENT, MODELS AND DISPLAYS: The proponent should have all displays, models and equipment set up before court convenes or reconvenes from recesses, so that there will be no delay during trial. It is suggested that counsel check with the bailiff before bringing any models or equipment into the courtroom.

NOTICE TO ALL: Failure to attend a scheduled pre-trial conference may result in objections waived, your opponents exhibits admitted, opponents motion in limine granted and opponents' proposed deposition excerpts granted, possible dismissal, denial of relief sought and/or striking of pleadings.

RULE 5: TRIAL MATTERS

A. PUNCTUALITY: Punctuality is expected of attorneys, at trial and in other matters.

B. COURTROOM DECORUM: (1) There will be no gum chewing, eating, drinking, or use of tobacco products, in the courtroom: This prohibition includes snuff and chewing tobacco. Beverages, food items and newspapers may not be brought into the courtroom.

(2) Attorneys, parties, witnesses, and others, will be neat, clean, and conservatively dressed. There will be no thong-type shoes, no tank top shirts, or other such informalities. Male attorneys shall wear coat and necktie.

(3) Attorneys shall be civil, dignified, and courteous in dealing with the Court, court personnel, witnesses, and (particularly) with each other. The provisions of TRCP 269, particularly sections (e), (f), (g), and (h), will be zealously observed. Attorneys shall be careful to permit others to finish speaking before they begin, remembering that interrupting is not only discourteous, but abuses the court reporter, as well.

(4) Attorneys shall address and refer to veniremen, jurors, counsel, court personnel, and witnesses (except their own clients and children under 12 years of age), by proper title and last name (e.g. Mr. Baize, Dr. Jones, Rev. Patterson, Lieutenant Gordon, Miss. Hopkins, etc.)., and never by first name or nickname, or by last name alone.

(5) No TV or video cameras, or sound or image reproducing equipment of any kind, will be permitted in the courtroom during any court proceeding, and no court proceeding may be filmed or recorded in any manner.

RULE 6: GENERAL

A. COLLEGIALITY AND DISCOVERY: The resolution of discovery dispute(s) will be expedited, to a substantial extent, by a good-faith attempt to resolve the problem before Court intervention. Attorneys shall certify each such attempt in accordance with Rule 2(E) hereof.

B. KEEPING THE COURT INFORMED: Settlements, cancellations, and all other matters affecting the Court or the Court's schedule shall be promptly reported to the Court Coordinator. The Court shall be kept fully and accurately apprised of conflicting settings and calls to trial, and when another conflicting matter settles, or the conflict is resolved in any fashion, the attorney shall notify this Court as soon as possible.

C. AD LITEMS: The Court maintains a list of approved ad litems from which appointments may be made. Appointment of ad litems must be requested sufficiently in advance of proceedings that the ad litem will have time to investigate and prepare therefore.

D. ATTORNEYS AD LITEM, GUARDIANS AD LITEM, MEDIATORS AND GUARDIANS: This section applies to approval of fees involving attorneys ad litem, guardians ad litem, case specific mediators appointed by specific court order and guardians. It does not apply to mediators conducting a mediation consistent with Chapter 152, Texas Civil Practice & Remedies Code, and not seeking court approval of a fee nor to any other of the exemptions listed in Section 37.002 of the Texas Government Code. Any person who seeks approval of fees for serving as Attorneys Ad Litem, Guardians Ad Litem, court appointed Mediators and Guardians shall provide the following information to the court upon seeking approval of any fee:

1). Name of person appointed
2). Attorney's State Bar Card No. (if applicable)
3). Title of position to with appointed
4). Relationship to the ward or deceased
5). Source of fees
6). Fee type
7) Upon approval, amount of fee approved

Additionally, any proposed Order seeing approval of any such fees shall contain the above information.

E. WITHDRAWAL OF COUNSEL: Motions to Withdraw by counsel shall state whether or not the client has agreed to the withdrawal, and, if so, the motion shall be signed by the client evidencing such agreement. The withdrawing attorney must provide evidence that the client has received a copy of the motion and notice of a hearing thereon at least 7 days in advance thereof. Counsel must also provide, in the motion, the client's full address and telephone number, and certify that the same are, as of the time of filing of the motion, current and valid for the client. All motions should comply with Rule 10, TRCP. The Order of withdrawal shall contain language ordering the client (whose lawyer is withdrawing) to maintain a current and valid mailing address with the Court and all other parties until the end of the litigation or until such party obtains new counsel who makes a proper appearance.

E. PRO SE PARTIES: The Court will attempt to accommodate pro se parties, consistent with the rights of other parties. Accordingly, every effort should be made to ensure that pro se parties, are fully notified and informed of all proceedings, so as to avoid expensive and time consuming rescheduling. The Court's indulgence of pro se parties' lack of sophistication will generally require a high degree of caution by attorneys to see that their own positions are procedurally defensible.

Provisions should be made for a record in all proceedings involving a pro se, and adequate time scheduled therefore.

These rules are effective August 15, 2015.