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LOCAL RULES OF THE DISTRICT COURTS OF WALKER COUNTY, TEXAS

The primary purpose of the Local Rules of the District Courts of Walker County is to ensure the fair, just, equitable, and impartial management of the courts' dockets. These rules are intended to aid in the timely and just disposition of cases, avoiding unnecessary delays.

These rules apply to all cases, including civil, criminal, and family in which the District Courts have exclusive jurisdiction and concurrent jurisdiction with the County Court at Law of Walker County. In civil cases, the District Courts share concurrent jurisdiction with the County Court at Law for cases involving amounts up to $325,000. Concurrent jurisdiction of the District Court with the County Court at Law is set forth in Sections 25.003 and 25.2381 of the Texas Government Code on cases arising under the Texas Family Code.

Nothing in these rules shall operate to expand the jurisdictional limitation of the courts as defined by statute nor shall they be construed to overrule or conflict with the State and Federal Constitution, Texas Government Code, Texas Rules of Civil Procedure, Texas Code of Criminal Procedure, Texas Penal Code, Texas Family Code, Texas Estates Code, Texas Rules of Evidence, Texas Rules of Appellate Procedure, Rules of Appellate Procedure promulgated by the Tenth Court of Appeals or the Rules of Administration for the Second Administrative Judicial Region.

RULE 1
LOCAL ADMINISTRATIVE DISTRICT JUDGE AND BOARD OF JUDGES

RULE 1.10 POWERS AND DUTIES OF LOCAL ADMINISTRATIVE DISTRICT JUDGE

1.10.1 **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 one-year term at the December meeting of each year to commence on January 1st of the following year.

1.10.2 **Duties.** The Local Administrative District Judge will have the duties and responsibilities provided in Rule 9 of the Rules of Judicial Administration, the Regional Administrative Rules and these rules.

RULE 1.20 BOARD OF JUDGES

The Board of Judges shall consist of the Judges of the District Courts and the Judge of the County Court at Law. The Board shall meet to address and resolve matters of shared concern among its members. Meetings may be called as needed by either the Local Administrative District Judge or any member of the Board. The Local Administrative District Judge shall preside over these meetings; in their absence, a temporary Chairperson may be elected by a majority of the quorum.

RULE 2
GENERAL RULES OF PRACTICE

RULE 2.10 TIME STANDARDS FOR CASE DISPOSITION

The courts adopt the time standards for disposition of cases as established by the Constitution, Statutes, Rules of the Supreme Court, Rules of Judicial Administration, Rules of the Court of Criminal Appeals and by Rules of the Second Administrative Judicial Region.

RULE 2.11 COURT SESSIONS

2.11.1 **Annual calendar.** Each court shall prepare and post on its website an annual calendar generally setting out the dockets of the court.

2.11.2 **Dockets.** Each court shall prepare and post a specific docket or dockets of the matters being considered by the court for that particular docket date.

2.11.3 **Holidays.** The courts will observe all holidays approved and established by the Commissioners' Court of Walker County.

RULE 2.12 COURTROOM DECORUM

Judges are responsible for maintaining order and appropriate decorum in the courtroom. The Board of Judges has adopted the Rules of Decorum, which are available on the District Court's website. These rules apply to all attorneys and individuals appearing in Walker County courtrooms and may be enforced through contempt proceedings, referral to the State Bar of Texas for disciplinary action, or both, at the judge's discretion.

2.12.1 **Attorney responsibility.** All attorneys shall be responsible for advising their clients, witnesses and staff of appropriate courtroom decorum as contained in this rule.

2.12.2 **Telephones.** Telephones shall be turned on silent while inside the courtroom and shall not be operated while inside the courtroom.

2.12.3 **Clothing.** Hats and other headgear, absent religious observance, slippers, shorts, bare midriffs, cut-off clothing, tank tops, muscle shirts, or clothing associated with gang affiliation or attire featuring offensive, obscene, or suggestive language, slogans, images, or symbols shall not be acceptable inside the courtroom.

2.12.4 **Food or drink.** Food and non-alcoholic beverages are permitted in the courtroom if consumed discreetly and without disruption, provided they are not messy,

noisy, or strongly scented; the presiding judge may restrict this allowance at any time to maintain order and decorum.

2.12.5 **Unsolicited communications.** There will be no outbursts, disturbances, threats, obscene language or gestures inside the courtroom. 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.

2.12.6 **Prohibited Language**. There will be no racist, sexist, obscene, or profane language is prohibited unless it is directly relevant to a case and presented as part of factual evidence.

2.12.7 **Communication with inmates prohibited.** No person shall be permitted any verbal or physical contact with an inmate without the prior approval of the bailiff.

2.12.8 **Children.** No children shall be permitted in the courtroom during any court proceeding without prior approval of the court.

2.12.9 **Promptness.** Attorneys, parties and witnesses shall be prompt for all proceedings. Properly subpoenaed witnesses shall be available when called.

2.12.10 **Seating.** The state, plaintiff or moving party shall be seated at counsel table nearest the jury box.

2.12.11 **Sanctions.** Violation of courtroom decorum may result in immediate removal of the person who is in violation, a finding of contempt, a fine or any other sanction allowed by law.

RULE 2.13 SELF-REPRESENTED LITIGANTS

2.13.1 **Requirement to understand rules and procedure.** All requirements of these rules that apply to attorneys equally apply to self-represented litigants. Any natural person proceeding on their own behalf without an attorney shall be expected to review and comply with these local rules, the Texas Rules of Civil Procedure, Rules of Evidence, the Code of Criminal Procedure and the Rules of Appellate Procedure as may be applicable in a particular case. Any reference to "counsel" or "attorney" in these rules also includes a party not represented by an attorney. Failure to comply may result in sanctions, fines or other penalties as provided by law.

2.13.2 **Notice.** Self-represented litigants are required to provide a valid mailing address, telephone number, and email address for communication with court personnel

and opposing counsel. Notices sent to the provided contact information, whether by mail or electronically, will be deemed constructively received, even if not retrieved or acknowledged. Proof of delivery may include a postal receipt for certified or registered mail, confirmation of electronic transmission, or other comparable evidence of delivery.

RULE 2.14 EX-PARTE COMMUNICATIONS

All ex-parte communications with the court by attorneys, self-represented parties and any other persons are prohibited, except in circumstances in which a party has a constitutional or statutory right to communicate with the court in an ex parte manner. This prohibition includes, but is not limited to, electronic communications. Any person seeking information from the court regarding any matter shall direct such inquiry to the court administrator or coordinator.

Unsolicited emails sent to the judge's email address may be deleted without being opened. Emails sent to the judge's email address in response to an inquiry by the judge shall be copied to all attorneys of record, as well as any self-represented parties, except in circumstances in which a party has a constitutional or statutory right to communicate with the court in an ex parte manner. Such emails shall include the sender's full name, mailing address, telephone number, fax number and State Bar of Texas number (if applicable). The judge may, at any time, require all communications to be by first class mail or certified mail.

RULE 2.15 FILING PAPERS

2.15.1 **Filing.** All pleadings, motions, notices and any other paper, document or thing intended to become part of the record in any case shall be filed with the appropriate clerk.

2.15.2 **Form of orders.** All filed motions seeking affirmative relief from the court shall be accompanied by an order in such form as to grant or deny the motion.

2.15.3 **Signing of pleadings.** Every pleading submitted by a party represented by an attorney shall be signed by at least one attorney of record and include the contact information required under TRCP 57 or, for criminal matters, Article 1.052 of the Code of Criminal Procedure. A party not represented by an attorney shall sign their own pleadings and include the contact information listed in TRCP 57 or Article 1.052.

RULE 2.16 ATTORNEY APPEARANCES AND AUTHORITY

2.16.1 **Attorney authority.** All hearings, scheduling conferences and pretrial conferences shall be attended by the attorney-in-charge or co-counsel who is familiar with the case and who is fully authorized to:

a. state the client's position on the law and the facts;
b. make agreements as to scheduling;
c. enter into stipulations;
d. stipulate to the admissibility and/or authenticity of exhibits; and
e. negotiate settlement.

2.16.2 **Unauthorized persons to represent attorney.** An attorney may not, under any circumstances, be represented at a hearing, scheduling conference, or pre-trial conference by a secretary, paralegal, or any other non-lawyer personnel.

2.16.3 **Attorney not present.** An attorney may not, under any circumstances, condition or limit their appearance on behalf of a client at a hearing, scheduling conference, or pretrial conference out of deference to an absent attorney-in-charge.

2.16.4 **Seating of non-lawyer personnel.** Under no circumstances shall a secretary, paralegal, or other non-lawyer personnel be in front of the bar during a hearing or trial.

RULE 2.17 WITHDRAWAL OR SUBSTITUTION OF COUNSEL

2.17.1 **Requirements of motion to withdraw.** An attorney who has entered a appearance in any case may withdraw only by filing a motion with the court. The motion must include the information required by TRCP 10. In criminal cases, appointed counsel must comply with Article 26.04 of the Code of Criminal Procedure to withdraw.

2.17.2 **No delay of proceedings.** Newly retained counsel may not be permitted to substitute for counsel of record unless they certify that they are prepared to proceed without causing any delay of the proceedings.

2.17.3 **Notice of submission of order.** If the motion does not contain the signature of substitute counsel and/or the client, withdrawing counsel must attach a copy to the motion of the cover letter sent to the client, advising them of the motion's filing. The notice must inform the client that the court will be requested to grant the withdrawal on or after ten (10) days from the date of the notice, if no objection is filed. In criminal cases, appointed counsel must advise their client in accordance with Article 26.04 of the Code of Criminal Procedure before withdrawing as counsel.

RULE 2.18 ATTORNEY VACATIONS

Attorneys seeking to secure a vacation period shall comply with Rule 11 of the Second Administrative Judicial Region of Texas' Rules of Administration.

2.18.1 **Designation of vacation.** Subject to the other provisions of this Rule, an attorney may designate up to four (4) weeks of vacation per calendar year during which that attorney will not be scheduled for trial or required to participate in any pretrial proceedings. This rule applies only when lead counsel, as defined by TRCP 8, is impacted, unless the court expands coverage to additional counsel. Notice of the designated vacation weeks must be served on the court, opposing counsel, and the appropriate clerk.

2.18.2 **Summer vacations.** Written notice designating vacation weeks for June, July, or August must be filed by May 15. Timely designation of these vacation weeks will protect the attorney from trials during those summer weeks, even if an order setting the case for trial was signed before a timely vacation designation was filed.

2.18.3 **Non-summer vacations.** Written designations during months other than June, July, and August must be filed by February 1. Non-summer vacation weeks may not exceed two (2) consecutive weeks at a time. Designated non-summer vacation weeks will not protect an attorney from a trial by an order signed prior to the date the designation is filed.

RULE 2.19 JUDICIAL VACATION

If a judge will be absent from the district for a week or more due to vacation, seminar attendance, or illness, they must notify both the Local Administrative Judge and the Presiding Judge of the Second Administrative Region to ensure proper management of court business during their absence.

RULE 2.20 CONFLICTING SETTINGS

The Rules of Administration for the Second Administrative Judicial Region, specifically Rule 10, control conflicts in settings of all kinds.

2.20.1 **Attorney already in trial in another court.** When the court is notified that an attorney is currently in trial, the court will determine the location and date assigned. This information will be verified upon request of opposing counsel. The case will be placed on "hold" or reset, depending on anticipated release date of the attorney. If the attorney is not actually in trial as represented by the attorney, or their agent, the case will be tried without further notice.

2.20.2 **Priority to be given by judges.** Judges should attempt to agree on which case has priority, otherwise the priorities shall be governed by Government Code §§ 23.101 and 23.102 and Article 32A.01 of the Code of Criminal Procedure.

2.20.3 **Duty to notify court of conflicts.** It is the duty of the attorney to promptly inform the court of any dual settings as soon as they are known. If a scheduling conflict arises that may cause an attorney to be late to a court setting, hearing, or conference, they must notify both the court coordinator and opposing counsel immediately upon becoming aware of the conflict. Failure to provide timely notice may result in sanctions.

RULE 2.21 FAILURE TO APPEAR/UNPREPARED FOR HEARING

In non-criminal cases, if counsel for either party fails to appear or is unprepared for a hearing, scheduling conference, or pre-trial conference after receiving notice and without good cause, the court may (1) make all scheduling decisions and rule on motions, exceptions, or related matters; (2) declare any motions or exceptions that have been prepared as having been waived; (3) modify trial settings or other scheduling matters, decline to set the case for trial, cancel existing settings, or take any other action the court finds just and appropriate; and/or (4) continue and reschedule the proceeding, in which case the party represented may be entitled to recover reasonable attorney's fees and expenses.

RULE 2.22 EX PARTE AND EMERGENCY ORDERS

2.22.1 **Emergency filings.** No request for action or relief of any kind shall be submitted to the judge before the application or case has been filed with the appropriate clerk, unless filing in advance is impossible. If it is impossible to file an application or case before it is presented to a judge, then it shall be filed as soon thereafter as possible and the clerk notified of all actions taken by the judge.

2.22.2 **Notice.** All applications for ex parte relief shall contain a certificate signed by counsel in one of the forms set forth in the document entitled "certificate of conference and/or notice" on the court's website.

RULE 2.23 PREFERENTIAL SETTINGS

Motions for preferential setting shall be in writing, verified, and clearly state the specific grounds for the request. Upon counsel's request, such motions shall be granted in cases entitled to preferential setting by law or when the court determines that, due to the case's nature, circumstances, and litigation history, a priority trial setting is warranted.

RULE 2.24 FILING AND ASSIGNMENT OF CASES

2.25.1 **Family cases.** Cases arising under the Texas Family Code shall be assigned by the district clerk to the County Court at Law. All family law cases shall be filed in the County Court at Law unless a conflict involving the County Court at Law judge is identified. Family law cases filed in the County Court at Law shall be filed in the District Clerk's office and assigned a separate block of docket numbers.

2.25.2 **Juvenile cases.** The District Clerk will assign all juvenile cases to the County Court at Law.

2.25.3 **Civil cases.** The District Clerk shall distribute cases equally among the District Courts on a rotational basis, except where otherwise directed by these rules or by order of the Board of Judges.

2.25.4 **Criminal cases.** The District Clerk shall distribute cases equally among the District Courts on a rotational basis, except where otherwise directed by these rules or by order of the Board of Judges.

RULE 2.25 SUBMISSION DOCKET

Matters that do not require testimony will be allowed to be set by submission at any time, provided that opposing counsel receives at least ten (10) days written notice with the opportunity to object. A confirmation of hearing or setting request (as determined by specific court procedures) must be filed with the appropriate clerk, and a copy must be provided to the coordinator. If an objection is timely made, the matter must be set for oral hearing pursuant to Rule 3.12 and 4.15 of these local rules, as applicable.

Matters titled "Agreed" and signed by all counsel or self-represented parties will be signed upon presentment, without the need for a hearing.

RULE 3
CIVIL CASES

RULE 3.10 GENERAL

All civil cases over which the District Courts of Walker County have exclusive or concurrent jurisdiction with the County Court at Law, must be e-filed with the District Clerk's office. Cases assigned even numbers will be filed in the 12th District Court, while those assigned odd numbers will be filed in the 278th District Court.

3.10.1 **Transfers.** Once a case has been assigned to a specific court, it may be transferred to another court by order of the presiding judge, provided the receiving judge consents to the transfer.

3.10.2 **Exchange of Cases.** The courts may exchange cases and benches at any time, as

permitted by law, to manage their dockets efficiently or to expedite trial proceedings.

3.10.3 **Previous Judgment.** Any claim for relief based upon prior judgment shall be assigned to the court that issued the original judgment. If a newly filed case involves substantially the same parties and causes of action as a previously non-suited matter, it shall be assigned to the court in which the earlier case was pending.

3.10.4 **Consolidation.** A motion to consolidate cases must be presented in the court where the lowest-numbered case is pending. If granted, the consolidated matter will retain the lowest case number and remain assigned to that court.

3.10.5 **Severance.** If a severance is granted, the resulting case shall remain assigned to the same court as the original matter; however, it will receive a new file date and be issued a new cause number.

3.10.6 **Judges Presiding by Assignment.** In all instances where a judge sits by assignment for another court, the case shall continue to be pending in the original court of filing.

RULE 3.11 AD LITEM APPOINTMENTS

3.11.1 **Notification.** In any case involving the appointment of an attorney ad litem, all attorneys have an affirmative duty to provide written notice of the appointment and any scheduled settings to the ad litem without delay and no later than five (5) days from the date of appointment. Each party must also furnish the ad litem with copies of all pleadings, orders, and other filed documents.

3.11.2 **Ad litem appointment by agreement.** An agreement by the parties for appointment of an ad litem shall be submitted in writing in the form of a motion and order to the court, signed by all attorneys and will be considered by the court without a hearing.

3.11.3 **Payment of fees.** Payment of ad litem fees shall be shared equally by the parties, unless otherwise ordered by the court. If directed by the court, fees must be deposited into the court registry within ten (10) days of appointment, unless the court specifies otherwise.

RULE 3.12 REQUEST FOR SETTINGS

3.12.1 **Conference required.** All court appearances, hearings, and trials must be scheduled only after conferring with opposing counsel. Failure to make a good

faith effort to confer may be brought to the court's attention without the need for a motion for continuance and may result in the court resetting the proceeding.

3.12.2 **Trial settings.** To set a case for trial, counsel must contact the court coordinator to request available dates and should be prepared to specify the estimated number of trial days required. Any party objecting to the trial setting must notify the court in writing and request a hearing on the objection within seven (7) days of being served with the notice of trial.

3.12.3 **Settings other than trial.** To schedule a case for hearing, counsel must contact the court coordinator to obtain available dates and be prepared to specify the estimated duration needed for the setting.

3.12.4 **Required notice of hearing.** It is the responsibility of the party requesting a hearing—not the court coordinator—to promptly provide written notice to the opposing party of the scheduled setting, including the date, time, and subject matter, using the court's Confirmation of Hearing or Setting Request form. The original form must be filed with the appropriate clerk, and a copy must be provided to the court coordinator. Parties should consult the specific court's website for the most current forms and instructions for setting a case.

3.12.5 **Submission.** Parties may submit matters for ruling by the judge without a personal appearance or oral presentation. The court should be advised by a properly completed confirmation of hearing or setting request (as determined by specific court procedures) when such procedure is desired. Parties should consult the specific court's website for the most current forms and instructions for setting a case.

3.12.6 **Pretrial hearing.** A party seeking affirmative relief must announce "ready" or "not ready" at the pretrial hearing. A "not ready" announcement should not be made unless a motion for continuance has been filed.

3.12.7 **Failure to appear.** Failure of a party seeking affirmative relief to appear at any scheduled trial or hearing may result in a dismissal of the case or waiver of the matters presented in the motion scheduled for hearing.

RULE 3.13 DOCKET CONTROL ORDER

The court may, on its own motion, and shall, upon timely request by any party, issue a docket control order establishing appropriate deadlines and settings for the case. Docket control orders are not automatically entered in every case. If the parties require one, they may submit a proposed order to the court. The court does not maintain a standard docket control order for civil matters.

If all parties agree on all deadlines, the proposed order should be completed, signed by all parties, and efiled for the court's consideration.

RULE 3.14 ALTERNATE DISPUTE RESOLUTION AND MEDIATION

3.14.1 **Policy.** It is the policy of the court to promote the amicable resolution of disputes and the early settlement of litigation. To support this objective, any case set for final hearing with an expected duration of two (2) hours or more will be ordered to mediation and will not be heard by the court until mediation has been completed.

3.14.2 **Objection to automatic referral.** Any party receiving notice of a setting that automatically refers the case to mediation has seven (7) days from the receipt of said notice to file a motion objecting to the automatic referral. Failure to file such motion waives the objection to the referral. If any party files a motion objecting to the automatic referral to mediation and the court finds that there is a reasonable basis for the objection, the case may be excused from the automatic referral.

3.14.3 **Referral by agreement or by court's motion.** On written agreement of the parties, or on the court's own motion, the court may at any time refer a suit to mediation.

3.14.4 **Attendance at mediation.** All parties with the authority to settle the case shall be physically present.

3.14.5 **Irrevocable mediated settlement agreement.** A meditated settlement agreement shall be binding on the parties if the agreement states that it is not subject to revocation, it is signed by each party, and by each party's attorney who is present at the time the agreement is signed.

3.14.6 **Mediator qualifications.** The court may appoint a mediator who has completed a minimum of 40 hours of training or, in its discretion, is qualified to conduct mediation.

RULE 3.15 MOTIONS PRACTICE

3.15.1 **Resolution.** Parties are directed to use all reasonable means to resolve pretrial disputes to avoid the necessity of judicial intervention.

3.15.2 **Form.** Motions and responses shall be in writing and shall be accompanied by a proposed order granting or denying the relief sought. The proposed order shall be a separate document.

3.15.3 **Submission.** Motions set for submission shall state a date of submission which shall be at least ten (10) days from filing, except on leave of court.

3.15.4 **Response.** Responses, if any, shall be in writing. Responses shall be filed at least two (2) working days before the submission date. Failure to file a response may be considered a representation of no opposition.

3.15.5 **Unopposed motions.** If a motion is unopposed by all counsel of record, this should be clearly indicated on the face of the motion. In such cases, the clerk will submit the motion directly to the judge for consideration. The court will routinely grant unopposed motions without a hearing, unless the judge determines that granting the motion would not serve the interests of justice. A separate proposed order granting the requested relief must accompany the motion and be signed by all attorneys.

3.15.6 **Waiver of hearing.** Hearings on any motion may be waived with the agreement of all counsel of record, provided that notice is provided to the court. Likewise, oral argument on motions for summary judgment may be waived by mutual agreement of counsel by written notice to the court (see Rule 3.20).

3.15.7 **Conference requirement.** Prior to the filing of a motion, movant's counsel must personally attempt to confer with opposing counsel to resolve the disputed matter(s).

3.15.8 **Sanctions for failure to confer.** Counsel who fail or refuse to confer, or disregard attempts to confer as required by this rule, may be subject to sanctions by the court in an amount equivalent to no less than three hours of attorney time at the prevailing customary hourly rate in Walker County.

3.15.9 **Exceptions to conference requirement.** Rule 3.15.7 does not apply to dispositive motions, including motions for summary judgment, default judgment, voluntary dismissal or nonsuit, post-verdict motions, or motions related to service of citation.

3.15.10 **Motion in Limine.** The Standing Order in Limine, as published on the court's website, applies to all civil cases heard in the District Courts of Walker County. If counsel seeks to include additional matters, a motion must be filed with the court.

RULE 3.16 DEPOSITIONS

3.16.1 **Motion to quash.** Any party who files a motion to quash depositions must comply with the TRCP. Upon receipt of the motion, the respondent may ask for a hearing to be heard within 72 hours but not less than 24 hours, subject to the court's availability.

3.16.2 **Unreasonable time for notice of depositions.** Notice of less than ten (10) calendar days under TRCP Rules 21a and 199.2(a) shall be presumed to be unreasonable.

3.16.3 **Attempt to agree to schedule.** The party initiating a deposition shall attempt to confer with opposing counsel to reach an agreement on the date, time, location, and materials to be produced at the time of deposition.

3.16.4 **Written notice of deposition.** A written notice of deposition on a date, time or location that is not agreed shall state as follows:

"A conference was held (or attempted) with the counsel for opposing party to agree to a time, date, location, and materials to be produced. Agreement could not be reached (or counsel will not respond) and the deposition is therefore being taken pursuant to this notice."

3.16.5 **Failure to hold/attempt conference.** Failure to hold a conference as referred to in Rule 3.16.4 prior to issuing a deposition notice shall be grounds to quash the deposition.

RULE 3.17 DISCOVERY DISPUTES

3.17.1 **Discovery motions.** A discovery motion may be deemed premature unless the movant's counsel has: (1) made a good faith attempt to obtain the discovery or requested relief by agreement with opposing counsel; (2) complied with the Texas Rules of Civil Procedure and either was unsuccessful or demonstrates good cause for not doing so; and (3) included a proposed order and a Certificate of Conference in accordance with Rule 3.15.7.

3.17.2 **Effect of motion to quash deposition and/or for protection.** The filing of a motion to quash a deposition with the clerk and service on opposing counsel or parties shall be in accordance with Rule 2.14 and 2.15 and with TRCP; otherwise, the filing of a motion to quash does not stay a deposition. The parties may, by Rule 11 agreement, agree to proceed with a partial deposition while still reserving part or all of the objections made in the motion for protection.

3.17.3 **Objections to discovery.** Frivolous objections to discovery are subject to sanctions by the court including objections to identification of persons having knowledge of relevant facts and identification of testifying expert witnesses.

3.17.4 **Time period for discovery.** All parties shall complete discovery not less than thirty (30) days prior to the date the case is set for trial unless otherwise ordered by the court, agreed upon by parties, or required by statute or rule.

RULE 3.18 SUSPENSE DOCKET

3.18.1 **Notice of bankruptcy.** Whenever a party in this court files for protection under the bankruptcy laws of the United States, it shall be the responsibility of that party's counsel to, within three (3) days of any bankruptcy filing, provide written notice to the court and all counsel that a bankruptcy has occurred, stating the name and location of the bankruptcy court, the bankruptcy cause number and style, the date of filing and the name and address of counsel for the bankrupt party, as well as the name and address for the trustee. The court shall transfer the case to the suspense docket.

3.18.2 **Conclusion of bankruptcy.** Once a bankruptcy has been concluded, whether by discharge, denial of discharge or otherwise, counsel shall promptly notify the court so that the case may be restored to the active docket or be dismissed as may be appropriate.

3.18.3 **Suggestion of death/abatement.** Upon the filing of a suggestion of death or entry of an abatement order by the court, the case shall be transferred to the suspense docket, suspending further proceedings. The matter will be eligible for reassignment in accordance with these rules when appropriate.

RULE 3.19 DISMISSAL DOCKET

3.19.1 **Criteria for dismissal docket.** At least once a year, cases which have not been disposed of within the time standards set out in Rule 2.10 above may be dismissed for want of prosecution.

3.19.2 **Notice of intent to dismiss.** Notice of intent to dismiss shall be given in accordance with TRCP Rule 165a.

3.19.3 **Posting.** The dismissal docket shall be prominently posted in the clerk's office and published on the court's website.

3.19.4 **Notice of dismissal.** Unless good cause is shown, such cases shall be dismissed on the date stated within the notice. Notification of the dismissal order shall be as provided in TRCP Rule 306a.

3.19.5 **Motion to retain.** A written motion to retain shall be filed by any party desiring to retain a case at least ten (10) days prior to the date specified in the notice described in rule 3.19.2 above. The motion must be accompanied by a written memorandum outlining the factual and legal grounds for avoiding dismissal for want of

prosecution, along with a proposed pretrial order that complies with Texas Rule of Civil Procedure 165a(1).

3.19.6 **Objection to motion to retain.** A party objecting to a motion to retain shall file a written memorandum setting forth factual and legal basis for any objection to the motion to retain within three (3) days of service of the motion to retain.

3.19.7 **Ruling on motion to retain and objections.** The court shall notify all parties of the ruling on the motion to retain and any objections filed.

3.19.8 **Retained cases trial settings.** If the court retains a case, the court shall set the case for trial and notify the parties of the setting. At that setting, the case shall be tried or dismissed. No continuance or delay will be considered, except under TRCP 165a.

3.19.9 **Delay because of agreement/payments/bankruptcy.** If a case is placed on the dismissal docket due to a delay resulting from a parties' agreement, installment payment of a debt, or a party's bankruptcy, written notice of such circumstances must be provided to the court.

3.19.10 **Motion to reinstate.** A motion to reinstate a case following dismissal must comply with the procedures set forth in Rule 165a of the Texas Rules of Civil Procedure.

RULE 3.20 SUMMARY JUDGMENTS

All motions for summary judgment will be controlled by the provisions of Rule 166a of the TRCP. Counsel of record may agree to submit the motion for summary judgment without oral argument by jointly filing a written waiver five (5) days prior to the setting.

3.20.1 **Motion.** The motion must set forth each ground in numbered sequence, stating the specific facts relied upon for each. It should identify the source of each fact and indicate where those facts appear in the summary judgment evidence. Each ground must be accompanied by a clear and concise argument, including appropriate citations to legal authority and specific references to the supporting evidence.

3.20.2 **Response.** The response must address each ground in the same numbered sequence used in the motion for summary judgment. It should clearly state the specific facts relied upon, identify the source of each fact, and indicate where those facts are located within the summary judgment evidence. Each point must include a concise and well-supported argument, with citations to relevant authorities and direct references to the supporting evidence.

RULE 3.21 PRETRIAL CONFERENCE

3.21.1 **Pretrial conference required.** If a pretrial conference is not scheduled by the court the plaintiff/petitioner shall be responsible for requesting a pretrial conference.

3.21.2 **Exchange of documents and things.** Unless otherwise specifically ordered, at least ten (10) days prior to the pretrial conference, the parties shall serve or exchange the following: (1) exhibit lists (parties are required to make their exhibits available for inspection on the date of the pretrial conference or on a date prior with reasonable notice and request); (2) witness lists; (3) deposition excerpts by page and line; (4) motions in limine; and (5) proposed jury charge.

3.21.3 **Objections to documents and things.** Any objections to the items in 3.21.2 and/or cross-line page and line designations shall be filed five (5) days before the pretrial conference. Any objections that have been timely filed and served in compliance with these rules will be addressed at the pretrial conference.

3.21.4 **Attendance mandatory.** Trial counsel is ordered to attend the pretrial conference and shall be prepared to make an announcement of "ready" or "not ready". Announcements of "not ready" shall be accompanied by a motion for continuance.

3.21.5 **Failure to comply.** Failure to comply with this rule may result in sanctions pursuant to the TRCP, and without limitations, may include exclusion of exhibits, witnesses or waiver of objections.

RULE 3.22 JURY CHARGE

Each party must prepare and submit to the court, prior to trial or jury selection, all proposed jury charge definitions, instructions, and questions that are anticipated based on the pleadings and evidence and for which the party bears an affirmative burden. These submissions must be provided in both written form and electronically—via email, flash drive, or another format as specified by the court.

RULE 3.23 VOIR DIRE

3.23.1 **Jury Panel Organization and Voir Dire Procedures**. The district clerk shall organize the juror information cards and seat the panel in numerical order. The judge will qualify the panel and rule on any excusal requests. After the final panel is selected, counsel must determine whether to request a jury shuffle. The court will recess the panel to allow the clerk to duplicate the juror cards and generate a revised list, either shuffled or in original sequence. The panel will be reseated based on the updated list and voir dire will proceed. Copies of the jury list and corresponding juror cards will be provided to the judge and counsel.

3.23.2 **Challenges for Cause.** Challenges for cause will be addressed after all parties have completed voir dire. Counsel will be called to the bench and asked, in turn, to identify the juror numbers of those they wish to challenge. If the court determines that a sufficient basis exists, a ruling will be made summarily. If further clarification is needed, the juror may be brought to the bench for limited questioning by counsel. The juror will then return to their seat and the court will rule outside the juror's presence.

3.23.3 **Sensitive Responses During Voir Dire.** If a prospective juror gives a response indicating strong bias that may warrant a challenge for cause and risks influencing other panel members, counsel should tactfully discontinue that line of questioning. If opposing counsel believes the juror can be rehabilitated, further inquiry may be conducted individually after general voir dire.

3.23.4 **Counsel Statements and Panel Inquiries.** Counsel may outline their contentions during voir dire to provide context, but detailed factual narratives should be reserved for opening statements. If panel members pose questions regarding the existence of insurance or other specific factual issues, counsel must refer such inquiries to the court.

RULE 3.24 DISPOSITION OF MONEY IN COURT REGISTRY

In cases where funds are deposited into the registry of the court, it is the responsibility of all counsel and attorneys ad litem to ensure that the order or judgment clearly directs the clerk regarding the disposition of the funds. Failure to comply will result in the clerk depositing the funds in non-interest-bearing accounts.

RULE 3.25 SUBMISSION OF ORDERS AND JUDGMENTS

3.25.1 **Reduce to writing.** Within twenty (20) days [ten (10) days for any type of temporary orders] after rendition, announcement of court's ruling or announcement of settlement by counsel, plaintiff/petitioner's counsel shall cause, unless ordered otherwise, all orders, decrees and judgments of any kind to be reduced to writing, approved as to form by opposing counsel and to be delivered to the court for signature.

3.25.2 **Objections to proposed orders.** Opposing counsel shall file any objections to a proposed judgment and/or order within five (5) working days of receipt of the proposed judgment.

3.25.3 **Procedure for entry of order.** If counsel is unable to secure the approval as to form from opposing counsel, counsel may:

a. file a motion for entry of the proposed order, decree or judgment; secure a hearing on same no sooner than ten (10) days from the date of filing of the motion and provide notice to all opposing counsel. At a hearing on a motion for entry the court may assess costs and attorney fees within the court's discretion; or

b. present the court with the proposed order, decree or judgment together with a letter requesting the court to sign same if the court has not received any written objection from opposing counsel within ten (10) days from the date of the letter. Notice shall be provided to all opposing counsel by providing them with the proposed judgment and a copy of the letter. If the court receives a written objection from opposing counsel within the stated time, the court shall schedule a hearing for entry of the same pursuant to subsection a. of this rule;

c. a party responding to a motion filed under subsection a. of this rule shall, at least three (3) days prior to the hearing, present to opposing counsel a written list of objections to the order (or an alternative proposed order).

3.25.4 **Continuance or dismissal if order not furnished.** Failure to furnish the court with a temporary order, final judgment or decree, within the applicable time period, may result in the court continuing the case or placing the case on the court's dismissal docket.

3.25.5 **Order by court.** Nothing herein prevents the court from making and signing its own order at any time after a hearing in accordance with the TRCP.

3.25.6 **Hearing set by court.** The case may be set for entry of judgment thirty (30) days following the date of hearing, unless appropriate orders are submitted prior to that date.

3.25.7 **Removal of trial setting due to settlement.** To remove a trial setting from the court's docket based on settlement, one of the following must be filed:

a. a non-suit or agreed dismissal signed by all parties with pending claims;
b. an agreed judgment signed by all parties; or
c. a notice of settlement signed by all parties, accompanied by a waiver of jury trial if a jury demand has been made.

RULE 3.26 CONTINUANCES

3.26.1 **Consent or notice required.** Depending on the circumstances presented in the motion for continuance, the court may rule on the request without providing an opportunity for response. Agreement by all parties does not mean automatic approval by the court. Any motion to continue the trial must be filed at least seven

(7) days before the scheduled trial date, except in cases of extraordinary circumstances arising within that seven-day period.

3.26.2 **Contents of motion.** Unless counsel for all parties consent in writing to the request for a continuance and the same is approved by the court, a motion must be filed pursuant to Rule 251, et seq. of the TRCP, as amended. The motion must be accompanied by an order. Any motion that does not meet these requirements will be denied without prejudice to the right to refile.

RULE 4
FAMILY LAW CASES

RULE 4.10 GENERAL

All family law cases shall be filed in the County Court at Law unless a conflict involving the County Court at Law judge is identified. Family law cases filed in the County Court at Law shall be filed in the District Clerk's office and assigned a separate block of docket numbers.

RULE 4.11 JUVENILE CASES

The Juvenile Board of Walker County has designated the County Court at Law as the juvenile court for the county. Procedures governing the disposition of juvenile cases shall be adopted by the juvenile court in accordance with Rule 1 of the Second Administrative Judicial Region of Texas Regional Rules of Administration and Title 3 of the Texas Family Code. Such cases must be filed with the District Clerk's Office in accordance with rules established by the juvenile judge and the District Clerk. Copies of these rules are available from the juvenile judge.

RULE 4.12 DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES CASES

The disposition of cases involving the Texas Department of Family and Protective Services (CPS) shall conform to the provisions outlined in Title 5 of the Texas Family Code. These matters must be filed in the Walker County Court at Law and will be heard by the 2nd Region Child Protection Court, unless specifically referred back to the Walker County Court at Law.

RULE 4.13 ATTORNEY GENERAL CASES

Attorney General cases shall be disposed of in accordance with the Texas Family Code and will be heard by the Associate Judge assigned by the Presiding Judge of the Second Judicial Region.

RULE 4.14 AD LITEM APPOINTMENTS

4.14.1 **Notification.** In any case involving the appointment of an attorney ad litem, all attorneys have an affirmative duty to provide written notice of the appointment and any scheduled settings to the ad litem without delay and no later than five (5)

days from the date of appointment. Each party must also furnish the ad litem with copies of all pleadings, orders, and other filed documents.

4.14.2 **Ad litem appointment by agreement.** An agreement by the parties for appointment of an ad litem shall be submitted in writing in the form of a motion and order to the court, signed by all attorneys and will be considered by the court without a hearing.

4.14.3 **Payment of fees.** Payment of ad litem fees shall be shared equally by the parties, unless otherwise ordered by the court. If directed by the court, fees must be deposited into the court registry within ten (10) days of appointment, unless the court specifies otherwise.

RULE 4.15 REQUEST FOR SETTINGS

4.15.1 **Conference required.** All court appearances, hearings, and trials must be scheduled only after conferring with opposing counsel. Failure to make a good faith effort to confer may be brought to the court's attention without the need for a motion for continuance and may result in the court resetting the proceeding.

4.15.2 **Trial settings.** To set a case for trial, counsel must contact the court coordinator to request available dates and should be prepared to specify the estimated number of trial days required. Any party objecting to the trial setting must notify the court in writing and request a hearing on the objection within seven (7) days of being served with the notice of trial.

4.15.3 **Duration.** Unless prior consent is obtained from the coordinator, temporary order hearings are not to be scheduled for more than two hours; that is one hour per side.

4.15.4 **Settings other than trial.** To schedule a case for hearing, counsel must contact the court coordinator to obtain available dates and be prepared to specify the estimated duration needed for the setting.

4.15.5 **Required notice of hearing.** It is the responsibility of the party requesting a hearing—not the court coordinator—to promptly provide written notice to the opposing party of the scheduled setting, including the date, time, and subject matter, using the court's Confirmation of Hearing or Setting Request form. The original form must be filed with the appropriate clerk, and a copy must be provided to the court coordinator. Parties should consult the specific court's website for the most current forms and instructions for setting a case.

4.15.6 **Submission.** Parties may submit matters for ruling by the judge without a personal appearance or oral presentation. The court should be advised by a properly completed confirmation of hearing or setting request (as determined by specific court procedures) when such procedure is desired. Parties should consult the specific court's website for the most current forms and instructions for setting a case.

4.15.7 **Failure to appear.** Failure of a party seeking affirmative relief to appear at any scheduled trial or hearing shall result in a dismissal of the case or waiver of the matters presented in the motion scheduled for hearing.

RULE 4.16 DOCKET CONTROL ORDER

The court may, on its own motion, and shall, upon timely request by any party, issue a docket control order establishing appropriate deadlines and settings for the case. Docket control orders are not automatically entered in every case. If the parties require one, they may submit a proposed order to the court. The court does not maintain a standard docket control order for civil matters. If all parties agree on all deadlines, the proposed order should be completed, signed by all parties, and efiled for the court's consideration.

RULE 4.17 MEDIATION

4.17.1 **Policy.** It is the policy of the court to promote the amicable resolution of disputes and the early settlement of litigation. To support this objective, any case set for final hearing with an expected duration of two (2) hours or more will be ordered to mediation and will not be heard by the court until mediation has been completed.

4.17.2 **Objection to automatic referral.** Any party receiving notice of a setting that automatically refers the case to mediation has seven (7) days from the receipt of said notice to file a motion objecting to the automatic referral. Failure to file such motion waives the objection to the referral. If any party files a motion objecting to the automatic referral to mediation and the court finds that there is a reasonable basis for the objection, the case may be excused from the automatic referral.

4.17.3 **Referral by agreement or by court's motion.** On written agreement of the parties or on the court's own motion, the court may at any time refer a suit to mediation.

4.17.4 **Attendance at mediation.** All parties with the authority to settle the case shall be present.

4.17.5 **Irrevocable mediated settlement agreement.** A meditated settlement agreement shall be binding on the parties if the agreement states that it is not subject to

revocation, it is signed by each party, and by each party's attorney who is present at the time the agreement is signed.

4.17.6 **Mediator qualifications.** The court may appoint a mediator who has completed a minimum of 40 hours of training or, in its discretion, is qualified to conduct mediation.

RULE 4.18 MOTIONS PRACTICE

4.18.1 **Resolution.** Parties are directed to use all reasonable means to resolve pretrial disputes to avoid the necessity of judicial intervention.

4.18.2 **Form.** Motions and responses shall be in writing and shall be accompanied by a proposed order granting or denying the relief sought. The proposed order shall be a separate document.

4.18.3 **Submission.** Motions set for submission shall state a date of submission which shall be at least ten (10) days from filing, except on leave of court.

4.18.4 **Response.** Responses, if any, shall be in writing. Responses shall be filed at least two (2) working days before the submission date. Failure to file a response may be considered a representation of no opposition.

4.18.5 **Unopposed motions.** If a motion is unopposed by all counsel of record, this should be clearly indicated on the face of the motion. In such cases, the clerk will submit the motion directly to the judge for consideration. The court will routinely grant unopposed motions without a hearing, unless the judge determines that granting the motion would not serve the interests of justice. A separate proposed order granting the requested relief must accompany the motion and be signed by all attorneys.

4.18.6 **Waiver of hearing.** Hearings on any motion may be waived with the agreement of all counsel of record, provided that notice is provided to the court.

4.18.7 **Conference requirement.** No party may file a motion without attaching a "certificate of conference" signed by movant's counsel. Prior to the filing of a motion, movant's counsel must personally attempt to confer with opposing counsel to resolve the disputed matter(s). The Certificate of Conference must conform verbatim to one of the forms provided in the document titled 'Certificate of Conference and/or Notice' available on the court's website.

4.18.8 **Sanctions for failure to confer.** Counsel who fail or refuse to confer, or disregard attempts to confer as required by this rule, may be subject to sanctions by the court

in an amount equivalent to no less than three hours of attorney time at the prevailing customary hourly rate in Walker County.

4.18.9 **Exceptions to conference requirement. Exceptions to conference requirement.** Rule 4.18.7 does not apply to dispositive motions, including motions for summary judgment, default judgment, voluntary dismissal or nonsuit, post-verdict motions, or motions related to service of citation

RULE 4.19 DISCOVERY DISPUTES

4.19.1 **Discovery motions.** A discovery motion may be deemed premature unless the movant's counsel has: (1) made a good faith attempt to obtain the discovery or relief by agreement with opposing counsel; (2) complied with the Texas Rules of Civil Procedure and either was unsuccessful or demonstrates good cause for not doing so; and (3) included a proposed order and a Certificate of Conference in accordance with Rule 4.18.7.

4.19.2 **Objections to discovery.** Frivolous objections to discovery are subject to sanctions by the court including objections to identification of persons having knowledge of relevant facts and identification of testifying expert witnesses.

4.19.3 **Time period for discovery.** All parties shall complete discovery not less than thirty (30) days prior to the date the case is set for trial unless otherwise ordered by the court, agreed upon by parties, or required by statute or rule.

RULE 4.20 DISMISSAL DOCKET

4.20.1 **Criteria for dismissal docket.** At least once a year, cases which have not been disposed of within the time standards set out in Rule 2.10 above may be dismissed for want of prosecution.

4.20.2 **Notice of intent to dismiss.** Notice of intent to dismiss shall be given in accordance with TRCP Rule 165a.

4.20.3 **Posting.** The dismissal docket shall be prominently posted in the clerk's office and published on the court's website.

4.20.4 **Notice of dismissal.** Unless good cause is shown, such cases shall be dismissed on the date stated within the notice. Notification of the dismissal order shall be as provided in TRCP Rule 306a.

4.20.5 **Motion to retain.** A written motion to retain shall be filed by any party desiring to retain a case at least ten (10) days prior to the date specified in the notice described

in Rule 2.18.2 above. Said motion shall include a written memorandum setting forth the factual and legal basis why the case should not be dismissed for want of prosecution, together with a proposed pretrial order complying with TRCP Rule 165a(1).

4.20.6 **Objection to motion to retain.** A party objecting to a motion to retain shall file a written memorandum setting forth factual and legal basis for any objection to the motion to retain within three (3) days of service of the motion to retain.

4.20.7 **Ruling on motion to retain and objections.** The court shall notify all parties of the ruling on the motion to retain and any objections filed.

4.20.8 **Retained cases trial settings.** If the court retains a case, the court shall set the case for trial and notify the parties of the setting. At that setting, the case shall be tried or dismissed. No continuance or delay will be considered, except under TRCP 165a.

4.20.9 **Delay because of agreement/payments/bankruptcy.** If a case is put on the dismissal docket because of a delay caused by an agreement of the parties or because a debt is being paid in installments or by the bankruptcy of a party, a party shall inform the court of that fact in writing.

4.20.10 **Motion to reinstate.** A motion to reinstate a case following dismissal must comply with the procedures set forth in Rule 165a of the Texas Rules of Civil Procedure.

RULE 4.21 SUBMISSION OF ORDERS AND JUDGMENTS

4.21.1 **Reduce to writing.** Within twenty (20) days [ten (10) days for any type of temporary orders] after rendition, announcement of court's ruling or announcement of settlement by counsel, plaintiff/petitioner's counsel shall cause, unless ordered otherwise, all orders, decrees and judgments of any kind to be reduced to writing, approved as to form by opposing counsel and to be delivered to the court for signature.

4.21.2 **Objections to proposed orders.** Opposing counsel shall file any objections to a proposed judgment and/or order within five (5) working days of receipt of the proposed judgment.

4.21.3 **Procedure for entry of order.** If counsel is unable to secure the approval as to form from opposing counsel, counsel may:

a. file a motion for entry of the proposed order, decree or judgment; secure a hearing on same no sooner than ten (10) days from the date of filing of the motion

and provide notice to all opposing counsel. At a hearing on a motion for entry the court may assess costs and attorney fees within the court's discretion; or

b. present the court with the proposed order, decree or judgment together with a letter requesting the court to sign same if the court has not received any written objection from opposing counsel within ten (10) days from the date of the letter. Notice shall be provided to all opposing counsel by providing them with the proposed judgment and a copy of the letter. If the court receives a written objection from opposing counsel within the stated time, the court shall schedule a hearing for entry of the same pursuant to subsection a. of this rule;

c. a party responding to a motion filed under subsection a. of this rule shall at least three (3) days prior to the hearing present to opposing counsel a written list of objections to the order (or an alternative proposed order).

4.21.4 **Continuance or dismissal if order not furnished.** Failure to furnish the court with a temporary order, final judgment or decree within the applicable time period, may result in the court continuing the case or placing the case on the court's dismissal docket.

4.21.5 **Order by court.** Nothing herein prevents the court from making and signing its own order at any time after a hearing in accordance with the TRCP.

4.21.6 **Hearing set by court.** The case may be set for entry of judgment thirty (30) days following the date of hearing unless appropriate orders are submitted prior to that date.

RULE 4.22 CONTINUANCES

4.22.1 **Consent or notice required.** Depending on the circumstances presented in the motion for continuance, the court may rule on the request without providing an opportunity for response. Agreement by all parties does not mean automatic approval by the court. Any motion to continue the trial must be filed at least seven (7) days before the scheduled trial date, except in cases of extraordinary circumstances arising within that seven-day period.

4.22.2 **Contents of motion.** Unless counsel for all parties consent in writing to the request for a continuance and the same is approved by the court, a motion must be filed pursuant to Rule 251, et seq. of the TRCP, as amended. The motion must be accompanied by an order. Any motion that does not meet these requirements will be denied without prejudice to the right to refile.

RULE 4.23 RESTRAINING ORDERS

4.23.1 **Standing restraining order.** The Walker County Standing Restraining Order, available on the court's website, must be attached to each initial pleading filed in applicable family law matters in the Walker County District Courts. The order shall remain in effect until a temporary hearing is held, or if no such hearing is requested, until the final hearing. If a temporary hearing is requested, the court will determine whether the Standing Restraining Order shall remain in effect through the final hearing; absent a contrary ruling, it will continue in force until the final hearing.

4.23.2 **Further requests for restraining order.** Any further requests for a restraining order shall NOT include restraints already included in the Walker County Standing Restraining Order. Failure to comply with this rule may result in the court denying the requested relief.

RULE 4.24 FINANCIAL INFORMATION AND DISCLOSURE

4.24.1 **Financial information required.** In all cases in which support of a child and/or spouse is in issue, whether temporary or final, each party shall be required to furnish the court and opposing party true and correct copies of the following, at or before the time of the hearing, if available:

a. a sworn statement of the household usual and ordinary monthly income and expenses;

b. all payroll statements, pay stubs; and if self-employed, profit and loss statements, balance sheets, income statements, or any other document evidencing any and all of that party's earnings from January 1 of the current year through the date of the hearing;

c. federal tax returns, including attachments and schedules, for the two (2) years immediately prior to the hearing, or if returns have not been prepared, all W-2s, 1099s, K-1s or other evidence of income for said year; and

d. copies of any financial statements prepared for any financial institution for the year prior to the first hearing and from January 1 of the current year through the date of the hearing.

4.24.2 **Failure to comply.** This rule providing for the exchange of information shall constitute a discovery request under the TRCP, and failure to comply with this rule may be grounds for sanctions, as provided by Rule 215 of the TRCP. Sanctions shall not issue if the judge determines after a show cause hearing that the failure to comply was not willful. In addition, failure to file the information required by

this rule will result in the court adopting, as stipulated, the information filed by the complying party. The noncomplying party will be prohibited from contesting the accuracy of the information presented by the complying party.

RULE 4.25 INVENTORY AND APPRAISEMENT

4.25.1 **Inventory and appraisement required.** In a case where the division of the marital estate is in dispute, each party shall exchange and file with the court a sworn inventory and appraisement no later than thirty (30) days before any contested hearing date. The inventory and appraisement shall be in a form substantially similar to Form 7-1 of the Texas Family Law Practice Manual published by the State Bar of Texas and shall list the value of each item of property and shall list each liability, the number of periodic payments in arrears, if any, the property securing its payments and the name of the creditor. Any property or liability claimed to be separate shall be so characterized. All benefits arising from a party's employment (such as pensions, profit sharing plans, savings for thrift plans, whether vested or not) shall be identified. All property and liabilities shall be listed in a columnar form with each column totaled. The inventory shall show the net worth of the community estate and the net worth on any claimed separate estate. The parties may agree or request the court for an earlier date to exchange inventories.

4.25.2 **Sanctions for failure to file.** If a party or the parties fail to prepare and/or file the inventory and appraisement or composite inventory as required, the court may conduct a pre-trial hearing and make such orders with regard to the failure as are just, including but not limited to, sanctions, pursuant to Rule 215 of the TRCP. In addition, failure to file the information required by this rule will result in the court adopting, as stipulated, the information filed by the complying party. The noncomplying party will be prohibited from contesting the accuracy of the information presented by the complying party. If both parties fail to comply the court may strike the case from the docket.

4.25.3 **Items to be exchanged.** In all cases where the division of the marital estate is in dispute the following items shall be exchanged without objection upon written request of counsel:

a. copies of all insurance policies, including home, auto, life and medical;
b. copies of all promissory notes, deeds of trust and deeds evidencing ownership of real property, including contracts for deeds and time sharing contracts;
c. copies of all stocks, mutual fund participation and investment portfolios and account statements relating thereto, held by the parties, in the name of the parties or for the benefit of the parties;

d. copies of all documents concerning employee benefits, retirement and pension funds; and
e. preceding six (6) months statements for all credit card accounts in the name of the parties or either party.

4.25.4 **Sealing of inventory.** Any party may request that the sworn inventory or any composite inventory be sealed.

RULE 4.26 PARENT EDUCATION AND COUNSELING

In suits affecting the parent-child relationship, the court may refer parents to an educational program for divorcing parents. At the court's discretion, such referrals may also be made in connection with modification or enforcement proceedings. Additionally, counseling may be ordered when appropriate, including referral to a family violence program pursuant to a protective order under Chapter 71 of the Texas Family Code, as authorized by law.

RULE 5
CRIMINAL CASES

RULE 5.10 GRAND JURIES

5.10.1 **Grand Juries.** The 278th Judicial District Court shall select and impanel the grand jury for the January term, while the 12th Judicial District Court shall do so for the July term. All grand jury proceedings shall be conducted at the Walker County Courthouse, in a room designated by the judge responsible for impaneling. The selection and impaneling of the grand jury shall be carried out in accordance with Article 19A of the Texas Code of Criminal Procedure.

5.10.2 **Grand Jury Minute Book.** The procedures governing the presentment of indictments by a grand jury to the District Court are outlined in Articles 20.21 and 20.22 of the Texas Code of Criminal Procedure. Under Article 20.21, the grand jury foreperson must deliver the indictments to the judge or District Clerk, with no fewer than nine grand jurors present during the delivery. Article 20.22 requires that the act of presentment be recorded in the court's minutes, which are maintained in the Grand Jury Minute Book. This book is to remain in the custody of the District Clerk at all times, except when the grand jury is in session, and is not considered a confidential or restricted document.

5.10.3 **Grand Jury session documentation and indictment procedures.** When the grand jury begins a session, the District Clerk shall have all members present sign the Grand Jury Minute Book as proof of their presence at the session and to make a record of the fact that a quorum was present at the session. The District Clerk shall then deliver the book to the secretary of the grand jury. When a true bill of

indictment is voted in the affirmative by at least nine members of the grand jury, the following information shall be entered by the secretary of the grand jury in the Grand Jury Minute Book, and nothing else, to wit:

a. the date of the session;
b. name of the person indicted;
c. offense; and
d. names of the witnesses upon which the indictment is founded.

If the defendant is not in custody or under bond at the time the indictment is presented, the District Attorney may request a delay in recording the defendant's name in the Grand Jury Minute Book. Once the capias is executed and the defendant is placed in custody or under bond, the District Clerk shall enter the name. The District Clerk is responsible for confirming that each indictment received matches the information recorded in the Grand Jury Minute Book. Any discrepancies must be promptly reported to the Secretary, Foreperson, and District Attorney.

5.10.4 **Certificate of No-Bill procedures.** When a defendant is "no-billed," meaning that a case was presented to the grand jury regarding an individual and less than nine affirmative votes were given for a true bill of indictment, a **Certificate of No-Bill** shall be signed by the foreperson certifying that the case was presented to the grand jury and that a no-bill was returned. The District Clerk shall handle the certificates as follows:

a. Defendant Under Arrest: If the defendant is under arrest, a copy of the certificate shall be delivered to the Sheriff and the defendant immediately.

b. Defendant Under Bond: A copy of the certificate shall be delivered to the surety (bondsman) and the defendant immediately.

c. All other certificates shall be held by the clerk under seal, unless ordered released by the district court.

5.10.5 **Information to the District Clerk.** The District Attorney shall note on a non-substantive part of the indictment the following information:

a. Whether there are other pending indicted cases on the defendant;

b. Whether the indictment is a re-indictment and;

c. The names of any co-defendants not named in the indictment.

d. The District Attorney shall also furnish the clerk information in writing as to whether or not a non-standard bond will be sought by the state and the factors supporting same.

RULE 5.11 ASSIGNMENT OF CASES

5.11.1 Assignment of cases after indictment. Unless otherwise specified in this Rule, the clerk shall assign all criminal cases filed by indictment equally between the two district courts: even-numbered cases to the 12th District Court and odd-numbered cases to the 278th District Court. Capital cases shall be distributed independently on a rotational basis between the district courts.

5.11.2 New indictments after assignment. Once a case has been assigned, any subsequent indictment against the same defendant shall be assigned to the same court.

5.11.3 Re-indictments. Any re-indictment of the same defendant shall be assigned to the same court as the original indictment.

5.11.4 Co-defendant indictment. Following the random assignment of an indictment to a court, the clerk shall assign any subsequently indicted co-defendant to the same court as the originally assigned co-defendant.

5.11.5 Post-conviction proceedings. Any motion to revoke or adjudicate probation, as well as any post-conviction application for writ of habeas corpus, shall be filed in the court that originally granted the probation or entered the judgment.

RULE 5.12 FILING OF DOCUMENTS

5.12.1 Pre-indictment original documents. The district clerk shall retain custody of all original documents pertaining to a felony arrest or charge until an information or indictment is filed, referencing the unique file number assigned to the accused.

5.12.2 Bonds. The jail administrator shall make all original bonds available by electronic means each day to the criminal court coordinator and the district clerk.

5.12.3 Magistrate's warning. The jail administrator shall collect the original complaints and the Magistrate's Warnings from the magistrate daily and retain them in the jailing records.

5.12.4 Applications for court appointed attorneys, affidavits of indigency and orders relating to appointment of counsel entered prior to filing case with district clerk. All original applications for court appointed counsel; affidavits of indigency and

any orders entered prior to the filing of a case relating to appointment of counsel or determination of indigency shall be delivered to the criminal court coordinator who will then file them with the district clerk.

5.12.5 **Other.** Miscellaneous documents relating to the accused's case (e.g. letters from attorneys, etc.), after review by the criminal court coordinator, will be filed with the district clerk and emailed to the defense attorney of record (if applicable).

5.12.6 **Filing of an information or indictment.** Upon the filing of an information or indictment, all of the documents pre-filed with the district clerk will be transferred to the unique cause number in the official clerk's file. The information or indictment will be filed in the defendant's unique cause number, along with the pre-filed documents.

5.12.7 **Original bond paperwork.** The district clerk shall maintain the original bonds received from criminal court coordinator. If a bond forfeiture proceeding is filed, then the original bond will be filed in the bond forfeiture case file. The district clerk's office shall file a copy of the bond in the criminal case file when the information or indictment is filed.

RULE 5.13 ATTORNEY APPOINTMENT

Appointment of counsel to represent indigent defendants is governed by Chapter 26 the Code of Criminal Procedure and the Walker County Court Plan which can be located online at the Walker County website, the Texas Indigent Defense Commission's website or accessed by a link on the court's website. The judge will administer the plan. Counsel appointed to represent indigent defendants will adhere to the rules of the plan. Failure of counsel to adhere to the requirements of the plan may result in counsel's removal from the list as provided for in the plan.

RULE 5.14 APPEARANCE OF COUNSEL

Immediately upon employment, the defense attorney shall give written notice of said employment to the district attorney, the district clerk and the court coordinator stating the name of the defendant, the date of and the offense(s) charged and cause number, if known.

RULE 5.15 COURT SETTINGS-12TH JUDICIAL DISTRICT COURT

5.15.1 **Arraignment setting.** The defendant will be notified of the arraignment date following the filing of the indictment. The original notice will be prepared by the criminal court coordinator and filed with the district clerk. This filing will include notice to the defendant's attorney, the District Attorney's Office, and any surety or bail bond agent. Attendance at the arraignment is mandatory unless the court grants an excuse or defense counsel submits a written waiver prior to the

scheduled date. At the arraignment, the court will issue a scheduling order or reset form to inform the defendant of future court appearances.

5.15.2 **Pretrial setting.** At arraignment, a case may be reset by the court for a pretrial docket.

5.15.3 **Motions setting.** The defendant is entitled to one additional setting after pretrial docket, either a second pretrial or a motions ancillary. If a formal motion has been filed with the clerk and served upon the district attorney in compliance with these rules, a date certain shall be set by the court at the motions ancillary for a hearing on said motion. All matters preliminary to actual trial on the merits must be brought to the attention of the court at this hearing.

5.15.4 **Docket call setting.** If the case is not resolved by the second pretrial setting or hearing docket, the case will be set for docket call. The defendant and his counsel shall be present and announce ready or not ready.

5.15.5 **Jury trial.** All attorneys and defendants must appear at the court's designated start time to hear any pleas and emergency motions, ensuring that trial proceedings begin timely.

5.15.6 **Motions to revoke and motions to adjudicate.** If the case is not resolved at the arraignment docket, the case shall be reset for a motion hearing docket.

5.15.7 **Presence required.** The presence of all defendants and attorneys is required at all hearings unless excused by the court. The bondsman and defense attorney shall notify the defendant that their presence is required in the courtroom. Failure of the defendant to appear will result in a bond forfeiture hearing.

5.15.8 **Waiver of arraignment.** Arraignment may be waived in writing if signed by both the attorney and the defendant and filed with the clerk before noon on the day prior to the scheduled arraignment.

5.15.9 **Appearance without counsel.** Defendants who appear without counsel at arraignment shall receive a reset, not to exceed thirty (30) days, for the purpose of retaining counsel, if the defendant so requests.

5.15.10 **Resets.** If counsel and the defendant appear for a docket setting and the case is not resolved, the court will issue a new setting either by verbal notice on the record or by a signed scheduling order or reset form.

RULE 5.16 COURT SETTINGS-278TH JUDICIAL DISTRICT COURT

5.16.1 **Arraignment setting.** The defendant shall receive notice of the arraignment date upon the filing of the indictment. The original order to appear will be prepared by the criminal court coordinator, signed by the judge and e-filed with the district clerk, to include notice to the defendant's attorney, the District Attorney's office, and surety or bail bond person. Attendance at arraignment is mandatory.

5.16.2 **Pretrial setting.** At arraignment, a case may be reset by the defendant for a pretrial docket.

5.16.3 **Motions setting.** The defendant is entitled to one additional setting after pretrial docket, either a second pretrial or a motions ancillary. If a formal motion has been filed with the clerk and served upon the district attorney in compliance with these rules, a date certain shall be set by the court at the motions ancillary for a hearing on said motion. All matters preliminary to actual trial on the merits must be brought to the attention of the court at this hearing.

5.16.4 **Docket call setting.** If the case is not resolved by the second pretrial setting or hearing docket, the case will be set for docket call. Counsel shall announce ready or not ready for trial. An announcement of "not ready" must be accompanied by a motion for continuance.

5.16.5 **Jury trial.** All attorneys and defendants must appear at the court's designated start time to hear any pleas and emergency motions, ensuring that trial proceedings begin timely.

5.16.6 **Motions to revoke and motions to adjudicate.** If the case is not resolved at the arraignment docket, the case shall be reset for a pretrial setting, a motions ancillary docket and then a motions hearing docket.

5.16.7 **Presence required.** The presence of all defendants and attorneys is required at all settings. The bondsman and defense attorney shall notify the defendant that their presence is required in the courtroom. Failure of the defendant to appear will result in a bond forfeiture hearing.

5.16.8 **Waiver of arraignment.** Arraignment may be waived in writing if signed by both the attorney and the defendant and filed with the clerk before noon on the day prior to the scheduled arraignment. A timely filed waiver of arraignment does not excuse the presence of the defendant and/or counsel at arraignment.

5.16.9 **Appearance without counsel.** Defendants who appear without counsel at arraignment shall receive a reset, not to exceed thirty (30) days, for the purpose of retaining counsel, if the defendant so requests.

5.16.10 **Resets.** When counsel and the defendant appear for a docket and the case is not disposed, the case shall be reset by submitting a properly completed reset form. A signed reset should move the case forward from the existing setting. See below for directions on next settings:

Current Setting	Reset Setting
arraignment	1st pretrial
1st pretrial	2nd pretrial OR motions
2nd pretrial	docket call
motions	motions hearing
motions hearing	docket call
docket call	trial

Resetting court dates under this Rule does not excuse an attorney from arranging to pick up discovery in a timely manner and shall not be used as a reason for extra reset dates.

RULE 5.17 DISCOVERY

The State of Texas is ordered to provide discovery to the defendant in accordance with Article 39.14 of the Texas Code of Criminal Procedure. Such discovery shall be furnished no later than seven (7) days before the scheduled pretrial hearing. Defense counsel shall register with the Walker County District Attorney's e-discovery portal and accept discovery materials through that platform. Resetting court dates does not excuse an attorney from arranging to pick up discovery in a timely manner and shall not be used as a reason for extra reset dates. The Standing Discovery Order, available on the Court's website, shall govern all criminal matters pending before this Court pursuant to its inherent authority, unless otherwise specifically ordered.

RULE 5.18 MOTIONS

All pretrial motions, including pleadings of the defendant, special pleas, exceptions to the form or substance of the information or indictment, motions to suppress, motions for change of venue, discovery motions, and entrapment motions, must be filed at least seven (7) days prior to the motions or 2nd pretrial setting. If any such preliminary matter is not raised or filed seven days before the motions or 2nd pretrial setting it will not thereafter be allowed to be raised or filed, except by permission of the court for good cause shown. In order to set a pre-trial motion for hearing, the motion must:

1. succinctly state the relief sought;
2. state the facts pertinent to the motion;
3. state supporting argument with authorities;
4. be signed by counsel and, where required, by the defendant;
5. be sworn to when required;

6. contain a certificate of service; and
7. contain a proposed order granting or denying the motion in full or in part.

RULE 5.19 ATTORNEY BONDS

Any attorney who executes a bail bond or an appeal bond as a surety will be deemed to be the attorney of record for the person for whom the bond was made. People released from jail under such a bond will not ordinarily be assigned court appointed attorneys. If a court appointed attorney has previously been assigned to the person for whom an attorney bond is posted, the court appointed attorney will ordinarily be allowed to withdraw from the case. A letter of representation shall still be required under Rule 5.15.

RULE 5.20 BOND AND BOND FORFEITURES

5.20.1 **Governing law.** Matters concerning bond forfeitures shall be governed by Chapter 22 of the Code of Criminal Procedure.

5.20.2 **Current address.** As a condition of pre-trial release, every defendant who does not have a bondsman or an attorney is responsible for keeping the district clerk and court coordinator apprised of the defendant's correct physical, mailing address and email at all times during the pendency of criminal proceedings.

5.20.3 **Amount and type of bond.** Bond in all criminal cases shall be set in accordance with Chapter 17 of the Texas Code of Criminal Procedure. In appropriate cases, the court may waive the surety requirement and permit release on the defendant's personal recognizance, with or without conditions.

5.20.4 **Affidavit to release surety.** Sureties requesting a release on their liability on a bail bond must complete an Affidavit to Release Surety (a sample of which may be found on the court's website), comply with the requirements of Chapter 17 of the Code of Criminal Procedure, and present the completed affidavit to the clerk for filing and presentation to the judge. Failure to provide service to the parties required to be served will be grounds for denial of the request for surrender. Sureties are encouraged to obtain competent legal advice and neither the court nor the court coordinator will give legal advice.

RULE 5.21 CONTINUANCES

5.21.1 **Approval of judge.** No trial setting shall be passed by agreement of counsel without prior approval by the judge.

5.21.2 **Motions and timing.** Motions for continuance, whether by the state or the defendant, must comply with the provisions of Chapter 29 of the Code of Criminal

Procedure. Motions to continue a trial must be filed on or before the docket call, unless good cause is shown.

5.21.3 **Emergency motions.** Only matters arising subsequent to the time period specified in Rule 5.21.2 will be considered as grounds for filing a motion for continuance for trial after docket call.

5.21.4 **Motions on trial date.** Except for good cause shown, the court shall not consider any motion for continuance on the scheduled trial date.

RULE 5.22 STANDING ORDER IN LIMINE

The Standing Order in Limine, as published on the Court's website, shall govern all felony jury trials conducted in the District Courts of Walker County.

RULE 5.23 VOIR DIRE

5.23.1 **Jury Panel Organization and Voir Dire Procedures.** The district clerk shall organize the juror information cards and seat the panel in numerical order. The judge will qualify the panel and rule on any excusal requests. After the final panel is selected, counsel must determine whether to request a jury shuffle. The court will recess the panel to allow the clerk to duplicate the juror cards and generate a revised list, either shuffled or in original sequence. The panel will be reseated based on the updated list and voir dire will proceed. Copies of the jury list and corresponding juror cards will be provided to the judge and counsel.

5.23.2 **Challenges for Cause.** Challenges for cause will be addressed after all parties have completed voir dire. Counsel will be called to the bench and asked, in turn, to identify the juror numbers of those they wish to challenge. If the court determines that a sufficient basis exists, a ruling will be made summarily. If further clarification is needed, the juror may be brought to the bench for limited questioning by counsel. The juror will then return to their seat and the court will rule outside the juror's presence.

5.23.3 **Sensitive Responses During Voir Dire.** If a prospective juror gives a response indicating strong bias that may warrant a challenge for cause and risks influencing other panel members, counsel should tactfully discontinue that line of questioning. If opposing counsel believes the juror can be rehabilitated, further inquiry may be conducted individually after general voir dire.

5.23.4 **Counsel Statements and Panel Inquiries.** Counsel may outline their contentions during voir dire to provide context, but detailed factual narratives should be reserved for opening statements. If panel members pose questions regarding the

existence of insurance or other specific factual issues, counsel must refer such inquiries to the court.

RULE 6
ADOPTION, AMENDMENT, NOTICE

RULE 6.10 ADOPTION

These local rules of practice before the court are adopted by the District Judges for all purposes and by the County Court al Law Judge for those provisions that affect the concurrent jurisdiction of the county courts, pursuant to TRCP Rule 3a for all purposes. All previous local rules of the District Court of Walker County are hereby repealed.

RULE 6.11 APPROVAL

Upon approval by the District Judges, the Local Rules of the District Courts of Walker County shall become effective immediately after posting in conformity with TRCP Rule 3a, and so long thereafter until amended, repealed or modified. Each numbered or lettered paragraph shall be considered to be separate and distinct from all other portions hereof, and if any portion should be declared by a higher court to be improper, such declaration will not affect any other portion not so declared to be improper.

RULE 6.12 NOTICE AND PUBLICATION OF RULES

After the rules have been approved, a copy of these rules will be filed with the Walker County Clerk, Walker County District Clerk and posted on the Walker County website. A copy of these rules may be requested from the court.

RULE 6.13 APPLICATION OF LOCAL RULES

These rules are standing orders of the 12th and 278th Judicial District Courts of Walker County. Knowing and intentional violation of these rules may be punished by contempt or other sanction authorized by law or by rules of procedure as the judge may deem appropriate.

Approved on this the 15th day of December, 2025.

David W. Moorman

David W. Moorman
District Judge
12th Judicial District

Tracy Sorensen

Tracy Sorensen
District Judge
278th Judicial District