

LOCAL RULES FOR THE STATUTORY PROBATE COURTS OF BEXAR COUNTY



Chapter 1 General Rules

Rule 1.1 Scope, Authority and Application of Local Rules

- a) These rules are the Local Rules for the Statutory Probate Courts of Bexar County, Texas. The term "Court" used in the Local Rules means Probate Court No. 1 of Bexar County, Probate Court No. 2 of Bexar County, Probate Court No. 3 of Bexar County and any statutory probate court with jurisdiction in Bexar County, Texas, created after the adoption of these rules, collectively. They shall govern proceedings in the Statutory Probate Courts of Bexar County for the purpose of securing uniformity, fairness and justice in proceedings in the courts.
- b) These rules are adopted by the Judges of the Statutory Probate Courts of Bexar County pursuant to the provisions of the Texas Rules of Judicial Administration, as amended; the provisions of Texas Rules of Civil Procedure Rule 3a and the inherent powers of the courts to conduct trials and guide the disposition of matters within their jurisdictional powers.
- c) These rules are standing orders of the Statutory Probate Courts of Bexar County. Knowing or intentional violation of these rules may be punished by contempt or other sanction authorized by law or by rules of procedure as the trial judge may deem appropriate.
- d) Except as expressly provided otherwise in the Texas Estates Code, the Texas Rules of Civil Procedure and the Texas Rules of Evidence, as amended from time to time, these rules apply in all proceedings in the Statutory Probate Courts of Bexar County. If any provision of these rules is found to conflict with any statute or other statewide rule, the statute or statewide rule will prevail.
- e) Supplemental information, including Court procedures, policies, forms and other information is available on each Probate Court's website.

Rule 1.2 Courtroom Decorum

- a) **Professionalism:** All attorneys and any self-represented person in the Bexar County Probate Courts shall, by entering an appearance acknowledge that he or she has read and is familiar with these Local Rules, the *Texas Lawyer's Creed — A Mandate for Professionalism*, and administrative orders entered by the Bexar County Probate Courts.

- b) **Professional Attire:** All attorneys, parties, and witnesses must dress in a manner that shows respect for the Court. Professional business attire is required. Distracting or overly casual clothing (e.g., shorts, tank tops, or hats) is prohibited in the courtroom and during remote video proceedings.
- c) **Conduct Toward Staff:** Attorneys and litigants shall treat all Court staff with courtesy and respect. Under no circumstances should counsel attempt to engage in *ex parte* communication with the Judge through court staff.
- d) **Punctuality:** Counsel shall be present and ready to proceed at the time the case is called. If an attorney is delayed in another court, Counsel must notify the Bailiff or Coordinator immediately.
- e) **Electronic Devices**
 - 1) **Silence Required:** All cellular phones, pagers, and electronic devices must be turned off or set to silent mode before entering the courtroom.
 - 2) **Recording Prohibited:** No person—other than the official Court Reporter—may record, photograph, or broadcast any court proceeding without the express written permission of the Presiding Judge.

Rule 1.3 Court Administration

- a) All cases are assigned and docketed in accordance with Texas Government Code §25.0173.
- b) The judges of the statutory probate courts of Bexar County may sit and act for each other in any matter or proceeding pending in any of the statutory probate courts. No formal appointment order is necessary.
- c) The judges of the statutory probate courts shall select from amongst themselves a Local Administrative Judge to handle administrative matters for the Bexar County Probate Courts. The new term for the Local Administrative Probate Judge shall begin January 1st of each year.
- d) The judges of the statutory probate courts of Bexar County may transfer cases to each other's court for judicial economy, docket equalization or any other reason.

Rule 1.4 Electronic Filing

Pursuant to Texas Supreme Court mandates, all filings must be submitted through the electronic filing system unless an exception applies under the Texas Rules of Civil Procedure.

Rule 1.5 Standard Procedures outside of Legislative Requirements

- a) **Small Estate Affidavits:** Must strictly adhere to the Bexar County standard form required by Administrative Order No. 2019-02.

b) **Applications to Probate Will as a Muniment of Title:** Each application to probate a will as a Muniment of Title must state that the Decedent did not apply for and receive Medicaid benefits on or after March 1, 2005. If the Decedent did apply for and receive Medicaid benefits, the application should explain whether any claim of the Texas Medicaid Estate Recovery Program (MERP), or its successor entity, has been waived or otherwise satisfied. Confirm with the individual court whether a MERP certification must be attached to the application.

Chapter 2 Form of Pleadings and Documents

Rule 2.1 Captions

All pleadings must include a caption that clearly identifies the case number, the court (Probate Court No. ____), and a descriptive title of the document (e.g., *"Application to Probate Copy of Will More than Four Years After Death"*).

Rule 2.2 Filing and Service

All pleadings, pleas, motions or applications must comply with Rule 21 of the Texas Rules of Civil Procedure.

Rule 2.3 Redaction of Sensitive Data

In compliance with Rule 21c of the TRCP, parties must omit or redact sensitive data (such as full Social Security numbers, bank account numbers, or birth dates) unless such data is specifically required by the Texas Estates Code for the underlying application.

Rule 2.4 Proposed Orders

All applications and motions must be accompanied by a **Proposed Order** as a separate lead document in the electronic filing system. Proposed orders must include a signature line for the Judge and a clear "Date Signed" line.

Chapter 3 Representation of Parties, including Parties Proceeding without an Attorney

Rule 3.1 Counsel

In these rules, "counsel" includes both attorneys and parties representing themselves without an attorney ("pro se").

Rule 3.2 Requirement for Representation by a Licensed Attorney

a) Consistent with applicable law, including statutes prohibiting the unauthorized practice of law, the Courts restrict self-represented litigants from representing themselves or others in certain instances. An individual shall be represented by an attorney if the individual is:

- 1) applying to serve as an executor (if there is more than one beneficiary or there are creditors) or administrator of an estate;
 - 2) applying for a guardianship of another; or
 - 3) representing a third party, such as a beneficiary, heir, creditor or estate representative who seeks relief from the Court.
- b) An individual subject to subsection (a) above may present a document to the Clerk for filing, but the Court will take no action on the document until there is an attorney of record in the case.
- c) All requirements of these rules applicable to attorneys apply with equal force to self-represented litigants. Any person proceeding on his or her own behalf without an attorney is expected to read and follow these Local Rules and the Texas Rules of Civil Procedure, the Texas Rules of Evidence, the Texas Estates Code, the Rule of Appellate Procedure and all other statutes and rules as may be appropriate in the particular case. Failure to comply with these rules may result in sanctions. Pro Se parties must provide the Clerk with current addresses, telephone numbers and email addresses for purposes of receiving pleadings and other notices.

Rule 3.3 Limited Exceptions for Pro Se Litigants

- a) An individual may appear *pro se* (without an attorney) only in proceedings where he/she is representing his/her own personal interests exclusively. These circumstances are limited to:
- 1) **Small Estate Affidavits:** Provided the estate qualifies under Chapter 205 of the Texas Estates Code and all statutory requirements are met.
 - 2) **Muniment of Title:** Only if the applicant is the **sole** beneficiary under the Will and there are no debts against the estate (excluding those secured by liens on real property).
 - 3) **Probate of Will with Issuance of Letters Testamentary:** Only if the applicant is the sole beneficiary and there are no debts against the estate (excluding those secured by liens on real property).
 - 4) **Assertion of Individual Claims:** Filing a claim as a creditor or contesting a matter in their individual capacity as an heir or beneficiary.
 - 5) **Guardianship of the Person (Limited):** To the extent permitted by Texas Estates Code § 1163 for the filing of annual reports by a Guardian of the Person.

Chapter 4 Requesting a Setting

Rule 4.1 Coordination with the Court

- a) **Primary Contact:** Review each court's web page for its procedures for setting uncontested matters. All contested matters are set with the Court Coordinator of each court.
- b) **Prerequisite for Setting:** No hearing will be scheduled until the underlying motion or application has been electronically filed and a cause number has been assigned.
- c) **Estimated Time:** When requesting a setting, counsel must provide a good-faith estimate of the total time required for the hearing, including cross-examination and rebuttal.

Rule 4.2 Notice of Hearing

- a) **Lead Time:** Unless otherwise governed by a specific statute (e.g., Temporary Guardianships or Mental Health warrants), a Fiat must be filed and served on all interested parties in accordance with the notice requirements of the Texas Rules of Civil Procedure.
- b) **Content of Fiat:** The Fiat must clearly state:
 - 1) The specific motion(s), application, petition to be considered.
 - 2) The date and time of the hearing;
 - 3) The time announcement;
 - 4) Whether an interpreter is required and the language needed;
 - 5) The physical location or the specific digital platform link (e.g., Zoom) if the hearing is remote;
 - 6) The participants for the hearing, including but not limited to counsel, parties and witnesses;
 - 7) A certificate of conference;
 - 8) A certificate of service;
 - 9) A statement that all participants have agreed to appear;
 - 10) The signature and contact information of the requesting attorney, as required by Texas Rule of Civil Procedure 57; and,
 - 11) Date and signature line for the Judge.

Rule 4.3 Cancellations and Continuances

- a) **Notice to Court:** If a matter is settled or if a party intends to non-suit, the Court Coordinator must be notified immediately so the time slot can be released to other litigants.
- b) **Motions for Continuance:** Any request to move a scheduled hearing must be made by written motion and include a Certificate of Conference. Except in cases of sudden emergency, motions for continuance filed less than 48 hours before a hearing are disfavored.

Chapter 5 Remote Hearings and Appearances

All hearings and trials are to be conducted in person unless the Court allows remote access.

Rule 5.1 Preferred Platform and Access

- a) **Standard Platform:** Unless otherwise ordered, all remote hearings will be conducted via the Zoom video conferencing platform. In Probate Court No. 1, the movant's counsel shall

arrange and host the Zoom hearings. If a Probate Court No. 1 scheduled hearing will be conducted on Zoom, a fiat submitted to the Court must include a Zoom link.

b) **Public Access:** In accordance with the constitutional requirement for open courts, the Courts will provide a link upon request to any hearing that is fully conducted by remote streaming.

Rule 5.2 Appearance Requirements

a) **Video Mandatory:** All counsel and parties must appear via video and audio unless specifically permitted by the Court to appear by audio only.

b) **Identification:** Participants must set their Zoom "Display Name" to their full legal name and role (e.g., *"Attorney John Doe"* or *"Witness Jane Smith"*).

c) **Decorum and Attire:** Participants must dress in appropriate courtroom attire. The background should be professional and free of distractions. Participants must remain stationary and may not appear while driving a vehicle or in a public space with significant background noise.

Rule 5.3 Technical Responsibilities

a) **Connectivity:** Counsel are responsible for ensuring they and their clients/witnesses have a stable internet connection and functioning hardware.

b) **Early Check-In:** Participants should join the Zoom waiting room at least 5 minutes prior to the scheduled start time.

c) **Muting:** All participants must remain muted until their case is called or they are addressing the Court.

Rule 5.4 Witness Testimony

a) **Communication Prohibited:** While testifying, a witness may not communicate with any person via text, email, or other messaging platforms, nor may they refer to any documents other than the pre-filed exhibits. Probate Court No. 1 has an administrative order in place that does not allow the dropping of settings within 5 days of the setting without consent of the Court.

Rule 5.5 Recording Prohibited

a) **Official Record:** The Court's court reporter (or the court's digital recording system) is the only official record of the proceedings.

b) **No Private Recording:** Any other recording, screen-capturing, or broadcasting of the proceedings by counsel, parties, or the public is strictly prohibited and may be punished by contempt of court.

Rule 5.6 Interpreters and Language Access

- a) **Duty to Notify:** It is the responsibility of the party or attorney representing a person who does not understand or speak the English language to notify the Court Coordinator as soon as the need for an interpreter is identified, but no later than five (5) business days before a scheduled hearing.
- b) **Court Provided Interpreters:** If an interpreter is needed for a hearing or trial, the Court will provide a licensed court interpreter.
- c) **Qualifications:** Unlicensed individuals, family members, or friends of a party may not serve as interpreters in any evidentiary hearing or for the purpose of taking testimony, unless specifically permitted by the Court on the record for good cause shown.

Rule 5.7 Accommodations for Deaf or Hard of Hearing Individuals

- a) **Right to Accommodation:** Pursuant to the Americans with Disabilities Act (ADA) and Texas Civil Practice and Remedies Code Chapter 21, the Court shall provide a qualified interpreter or appropriate auxiliary aid to any party, witness, or juror who is deaf or hard of hearing at no cost to the individual.
- b) **Request for Services:**
 - 1. **Timelines:** To ensure the availability of a qualified intermediary or interpreter, the attorney or self-represented party must notify the Court Coordinator as soon as the need is identified, preferably at least five (5) business days prior to the scheduled hearing.
 - 2. **Specification of Need:** The request should specify the preferred mode of communication (e.g., American Sign Language (ASL), Signed English, Oral Interpretation, or Communication Access Real-time Translation (CART) services).
- c) **Qualifications of Interpreter:** All sign language interpreters appearing in this Court must be certified by the Texas Board for Evaluation of Interpreters (BEI) or the Registry of Interpreters for the Deaf (RID) and must hold a certificate appropriate for court proceedings.
- d) **Confidentiality:** The presence of an interpreter does not waive the attorney-client privilege. The Court will allow for "breakout rooms" in remote proceedings or private spaces in-person to facilitate privileged communication between counsel and the client through the interpreter.
- e) **Assistive Listening Systems:** For in-person proceedings, the Court provides assistive listening devices upon request. Parties are encouraged to test these devices with the Court bailiff at least 15 minutes prior to the start of the docket.

Chapter 6. Contested Matters and Jury Trials

Rule 6.1 Contested Docket

- a) **Automatic Set-Aside:** Upon the filing of a contest or a written opposition to any application, the matter shall be deemed "contested." The Court may, on its own motion or the motion of any party, set a Scheduling Conference to establish deadlines for discovery, joinder of parties, and trial.
- b) **Pre-Trial Orders:** In complex contested matters, the Court may require a comprehensive Pre-Trial Order in accordance with Rule 166 of the Texas Rules of Civil Procedure.

Rule 6.2 Alternative Dispute Resolution (ADR)

- a) **Policy:** It is the policy of the Probate Courts to encourage the peaceable resolution of disputes.
- b) **Mandatory Mediation:** Except for good cause shown, the Court will generally require the parties to participate in mediation before a contested matter is set for a final bench or jury trial.
- c) **Selection of Mediator:** The parties may agree upon a mediator. If the parties cannot agree, the Court will appoint a mediator from its approved list.
- d) **Cost of Mediation:** Unless otherwise ordered or agreed, the costs of mediation shall be borne equally by the parties. The mediator's fee may be taxed as a cost of court.
- e) All parties and their lead counsel are required to attend mediation and must participate in good faith. "Good faith" requires the presence of a person with full settlement authority.
- f) All ADR proceedings are confidential pursuant to Chapter 154 of the Texas Civil Practice and Remedies Code. No statement made, or document prepared for the purpose of mediation, shall be admissible as evidence in any subsequent proceeding.
- g) **Effect of Settlement:** If mediation results in a settlement, counsel must notify the Court pursuant to Section 4.3(a) of these rules.

Rule 6.3 Jury Trials

- a) **Jury Demand:** A party requesting a jury trial must file a written demand and pay the required jury fee at least 30 days before the date set for trial on the non-jury docket, in compliance with Rule 216, TRCP.
- b) **Jury Greet and Voir Dire:** Counsel must submit proposed jury questions, instructions, and definitions to the Court and opposing counsel at least 7 days prior to the trial date.
- c) **Exhibit Lists:** All exhibits intended for use at a jury trial must be exchanged and a unified "Exhibit List" provided to the Court Reporter prior to the commencement of *voir dire*.

Rule 6.4 Preferential Settings

The Court will grant preferential settings for contested matters as required by law, including certain guardianship proceedings and cases involving elderly or terminally ill parties under the Texas Government Code.

Chapter 7 Proceedings Before Associate Judge

Rule 7.1 Authorization and Scope

Pursuant to Chapter 54A of the Texas Government Code, the Associate Judge serving said Court shall comply with this section and with any other applicable statute.

Rule 7.2 Referral of Cases

- a) **General Referral:** Unless a party objects or the Presiding Judge directs otherwise, uncontested probate matters, initial guardianship hearings, and routine discovery motions may be referred to the Associate Judge.
- b) **Special Referral:** The Presiding Judge may, by omnibus order, written order or on the record, refer specific contested matters to the Associate Judge for a full evidentiary hearing or for a limited purpose (such as a "Special Master" for discovery).

Rule 7.3 Effect of Associate Judge's Report/Order

- a) **Pending Appeal:** A recommended order or report of the Associate Judge is in full force and effect and is enforceable as an order of the Court, pending any appeal or de novo hearing request.
- b) **Finality:** If no party files a timely request for a de novo hearing, the recommended order or report of the Associate Judge shall become the final order of the Court.

Rule 7.4 De Novo Appeal to Presiding Judge

- a) **Request for Hearing:** Any party may request a de novo hearing before the Presiding Judge by filing a written request with the Clerk of the Court within three (3) working days after the date the party receives notice of the substance of the Associate Judge's report or order.
- b) **Contents of Request:** The request for a de novo hearing must specify the standard of review sought and identify the specific findings or conclusions of the Associate Judge to which the party objects.
- c) **Timeline for Hearing:** The Presiding Judge shall hold the de novo hearing within thirty (30) days of the date the request was filed, unless otherwise agreed by the parties or extended by the Court for good cause.

d) **Evidence:** At the de novo hearing, the parties may present witnesses on the issues specified in the request for hearing. The Court may also consider the record from the hearing before the Associate Judge.

Rule 7.5 Waiver of Right to Appeal

Parties may waive the right to a de novo hearing before the Presiding Judge by filing a written waiver or by stating the waiver on the record during the proceedings before the Associate Judge.

Chapter 8 Dismissal Dockets (Want of Prosecution)

To ensure the timely disposition of cases and the efficient management of the Court's caseload, the Court will periodically conduct a Dismissal Docket for cases that have been inactive for an unreasonable period of time.

Rule 8.1 Identification of Inactive Cases

The Court may, on its own motion, set a case for a dismissal hearing if:

- a) **Service of Process:** No service of process has been obtained within six (6) months of the initial filing.
- b) **Lack of Activity:** The case has been pending for more than one (1) year without a trial setting, a final hearing, or a signed interlocutory order.
- c) **Failure to Comply:** A party or counsel has failed to comply with a specific Court order, scheduling deadline, or failed to appear for a scheduled status conference.
- d) **Probate/Guardianship Delinquency:** In administration or guardianship matters, the required Inventory, Annual Account, or Annual Report has not been filed for more than sixty (60) days past the statutory or court-ordered deadline.

Rule 8.2 Requirements to Retain Case

- a) **Verified Motion to Retain:** Any party seeking to keep a case on the active docket must file a verified Motion to Retain at least seven (7) days prior to the dismissal hearing unless otherwise allowed by the Court.
- b) **Contents:** The motion must demonstrate "good cause" for the delay and include a proposed Scheduling Order that outlines a specific timeline for the final disposition of the case.
- c) **Attendance:** Unless the Court signs an order retaining the case prior to the hearing date, counsel and/or the parties are required to appear at the dismissal hearing. Failure to appear will result in an immediate order of dismissal.

Chapter 9 Temporary Restraining Orders (TROs) and Other Emergency

Relief – TROs and other Emergency Relief must strictly follow Texas Rule of Civil Procedure 680.

Chapter 10. Appointee Fees

- a) **Appointee:** An appointee may be a guardian ad litem, attorney ad litem, guardian, administrator, trustee, receiver or as otherwise appointed by the Court.
- b) **Fees:** All appointee fees must be reported to the Office of Court Administration (OCA). When filing applications for appointee fees, the application must be titled as an “Application for Appointee Fee.” A separate “Proposed Order” must be provided and include an “Order Authorizing Payment of Appointee Fee” also known as the “Pink Sheet,” which is available on the Bexar County Probate Courts’ webpages. If requesting the Court’s agreed upon standard Ad Litem fee, only a Pink Sheet is required.

Chapter 11. Ruling by Submission

Rule 11.1 Matters Eligible for Submission

- a) **General Rule:** Any motion that does not require the taking of live testimony or the introduction of physical evidence may be heard by the Court via written submission.
- b) **Common Examples:** Unopposed Motions for Leave to File and Motions to Withdraw as Counsel. Check with the individual Court for other matters that may be heard by submission.
- c) **Exclusions:** Initial applications for Guardianship, Contested Probate of a Will, and any matter where the Texas Estates Code specifically requires a personal appearance or oral testimony cannot be decided by submission.

Rule 11.2 Response and Reply

- a) **Response:** Any party opposing the motion must file a written response within 5 days of the filing date. Failure to file a timely response may be construed as non-opposition to the motion.
- b) **Reply:** The moving party may file a written reply to the response within 3 days of its filing date.

Rule 11.3 Requests for Oral Hearing

- a) **Discretion of the Court:** After reviewing the motion and the response, the Court may, in its sole discretion, determine that an oral hearing is necessary and will notify the parties to set the matter for hearing.

b) **Party Request:** A party may request an oral hearing by filing a "Request for Oral Hearing" alongside their motion or response. This request must state why a written submission is insufficient. The mere filing of a request does not guarantee an oral hearing will be granted.

Rule 11.4 Proposed Orders

a) **Submission of Order:** The moving party must provide the Court with a "Proposed Order" via the electronic filing system's "Proposed Orders" queue at the time the Notice of Submission is filed.

Chapter 12. Notice of Bankruptcy Filing

Rule 12.1 Duty of Notification

a) **Mandatory Notice:** If any party to a pending proceeding in this Court files a petition for relief under the United States Bankruptcy Code, or if a proceeding is involuntarily commenced against a party, that party (or their counsel) must file a **Notice of Bankruptcy** with this Court within **3 business days** of the filing.

b) **Contents of Notice:** The notice must include:

- 1) The name of the debtor;
- 2) The bankruptcy case number;
- 3) The date the bankruptcy petition was filed; and
- 4) The specific chapter (e.g., 7, 11, or 13) under which the petition was filed.

Rule 12.2 Effect on Proceedings (Automatic Stay)

a) **Suspension of Deadlines:** Upon the filing of a Notice of Bankruptcy, all proceedings involving the debtor or the debtor's property shall be stayed in accordance with 11 U.S.C. § 362, unless the Bankruptcy Court grants "relief from stay" or the matter falls under a specific statutory exception.

b) **Submission of Orders:** No orders involving a party in bankruptcy shall be submitted to the Court for signature unless accompanied by:

1. A certified copy of an order from the Bankruptcy Court lifting or modifying the stay; or
2. A written certification by counsel explaining why the requested order does not violate the automatic stay.

Chapter 13. Vacation Letters

Rule 13.1 Designation of Vacation

- a) An attorney or self-represented litigant may file, in each case where the litigant or attorney is appearing, a vacation letter serving a reasonable number of days, not to exceed four weeks within a calendar year, during which no hearings, depositions or trials are requested to be set. A vacation letter does not vitiate any existing setting. If a matter is set in conflict with a previously filed vacation letter, the affected person should bring the issue to the Court's attention.
- b) **Alternate Counsel:** Counsel is encouraged to designate an "Alternate Counsel" in the vacation notice who can be contacted by the Court or opposing parties in the event of such an emergency.

Rule 13.2: Effect on Existing Settings

- a) **No Automatic Reset:** A vacation letter does **not** automatically drop, postpone, or reschedule hearings or trials that were already set before the letter was filed.
- b) **Procedure for Scheduled Matters:** If a vacation is desired for a date where a hearing is already scheduled, counsel must:
- Reset the matter by written agreement of all parties (subject to Court approval); or
 - File a formal **Motion for Continuance** and obtain a specific ruling from the Judge.

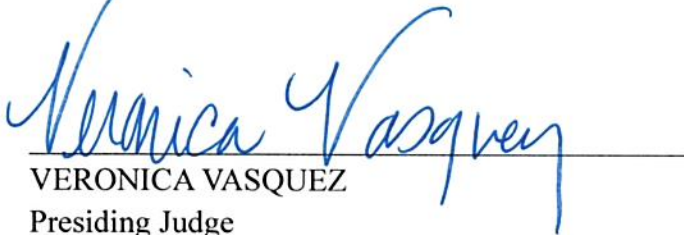
Chapter 14. Artificial Intelligence

Use of Artificial Intelligence is not prohibited, but the filing attorney or party is independently responsible for the accuracy of all filings and must comply with all legal and ethical duties, including TRCP 13 and Texas Civil Practice and Remedies Code, Chapters 9 – 10.

APPROVED this 25th day of September, 2026.

A handwritten signature in blue ink, appearing to read 'Oscar Kazen', written over a horizontal line.

OSCAR KAZEN
Presiding Judge
Probate Court No. 1
Bexar County, Texas

A handwritten signature in blue ink, appearing to read 'Veronica Vasquez', written over a horizontal line.

VERONICA VASQUEZ
Presiding Judge
Probate Court No. 2
Bexar County, Texas

A handwritten signature in blue ink, appearing to read 'Barbie Scharf-Zeldes', written over a horizontal line.

BARBIE SCHARF-ZELDES
Presiding Judge
Probate Court No. 3
Bexar County, Texas