LOCAL RULES OF PRACTICE
of the
DISTRICT COURTS, COUNTY COURTS AT LAW, COUNTY COURT, ASSOCIATE COURTS AND SPECIALTY COURTS
of
MIDLAND COUNTY, TEXAS

TITLE 1. GENERAL

RULE 1.01 TITLE AND CITATION

These Rules shall be known as the ***Local Rules of Practice of the District Courts, County Courts at Law, County Court. Associate Courts and Specialty Courts of Midland County, Texas*** or the ***Midland County Local Rules***.

RULE 1.02 AUTHORITY FOR RULES

These Rules are adopted pursuant to Section 74.093 of the Texas Government Code, as amended; Rule 3a of the Texas Rules of Civil Procedure, as amended; Rule 10 of the Texas Rules of Judicial Administration, as amended; and the constitutional, statutory, and inherent powers of the courts to regulate proceedings before them and to provide for the orderly and efficient resolution of litigation.

RULE 1.03 APPLICATION OF RULES

a. These Rules govern proceedings in the District Courts, County Courts at Law, County Court, Associate Courts and Specialty Courts of Midland County, Texas (the "*Courts*"), to secure uniformity and fairness in those proceedings and promote justice.

b. These Rules are standing orders of the Courts, now existing or as may be created hereafter.

RULE 1.04 CONSTRUCTION OF RULES

Unless otherwise expressly provided, the past, present, or future tense shall each include the others; the masculine, feminine, or neutral gender shall each include the others; and the singular and plural shall each include the other.

RULE 1.05 PARTIAL INVALIDITY

In the event any of these Rules or any part thereof is held to be invalid for any reason, such invalidity shall not affect the validity of the remaining Rules and parts of Rules.

RULE 1.06 LOCAL ADMINISTRATIVE JUDGE

By majority vote, the Judges of the District Courts and County Courts at Law of Midland County elect their Local Administrative Judge from the eligible district court judges, who serves for a two-year term. The Local Administrative Judge has the general administrative responsibility and authority necessary for the proper functioning of those courts, including the authority to supervise the expeditious movement of court caseloads, subject to local, regional, and state rules of administration.

RULE 1.07 APPLICATION OF RULES

These Rules supersede any prior local rules of practice. These Rules shall become effective in accordance with Rule 10 of the Texas Rules of Judicial Administration.

TITLE 2. RULES GOVERNING ALL PROCEEDINGS

RULE 2.01 PARTIES PROCEEDING WITHOUT ATTORNEYS

a. Any individual who is proceeding without an attorney (a "*self-represented litigant*") shall be expected to read and follow these Rules, the Texas Rules of Civil Procedure, the Texas Code of Criminal Procedure, the Texas Rules of Evidence, and the Texas Rules of Appellate Procedure, as may be applicable in the particular case. Failure to comply may be sanctioned, fined, or punished as in other cases.

b. All requirements of these Rules applicable to attorneys or counsel apply with equal force to self-represented litigants. As used in these Rules, the terms *counsel*, *attorney*, *lawyer*, and *attorney of record* apply to self-represented litigants.

c. Self-represented litigants are required to provide the court with an address, telephone, and email listings at which they can be reached by court personnel and opposing counsel. Failure to accept delivery of or to pick up mail addressed to the address provided by a self-represented litigant will be considered constructive receipt of the mailed or delivered document and may be established by a postal service receipt for certified or registered mail or comparable proof of delivery.

RULE 2.02 ATTORNEYS

a. Policy

Judges and attorneys have a duty to uphold the highest standards of conduct and to earn and promote public respect for the judiciary, the legal profession, and the American system of justice.

b. The Texas Lawyer's Creed and the Texas Disciplinary Rules of Professional Conduct

The standards of professional conduct in The Texas Lawyer's Creed, as promulgated by the Texas Supreme Court and Texas Court of Criminal Appeals, and the Texas Disciplinary Rules of Professional Conduct, as amended, are adopted and incorporated herein by reference as guidelines for participating in litigation in the Courts.

c. Conduct Required of Counsel

1. Counsel shall timely appear before the appropriate court at each setting and following each recess.

2. Counsel shall be attired appropriately for all court proceedings and shall exercise common sense, good taste, and discretion in selecting their attire.

Male attorneys shall be dressed neatly and wear a business suit, blazer, or sport coat, and a tie.

Female attorneys shall be dressed neatly in conservative dress or business attire.

Counsel shall remove hats before entering the courtroom.

Attire appropriateness is subject to the discretion of the Court.

3. Counsel shall rise and remain standing while addressing the court.

4. Counsel shall address all statements, requests, and objections to the court, and not to opposing counsel.

5. Counsel shall not argue objections in the presence of the jury without prior leave of the court.

6. Counsel shall not interrupt or talk over opposing counsel, except to state formal objections.

7. Counsel shall remain behind counsel table while examining witnesses. Counsel may approach witnesses only to work with documentary or other tangible evidence and only with the court's permission.

8. Counsel shall neither make nor insinuate derogatory or insulting remarks about opposing counsel.

9. Counsel shall not use vulgar or indecent language, except when quoting another person.

10. Counsel shall address the court as "Your Honor" or "Judge" and except with leave of court, shall refer to all counsel, parties, and witnesses (except children) by their surnames, using such titles as Mr., Ms., Mrs., Dr., etc., as appropriate, and not by first names or nicknames, or any discriminatory or inappropriate classification, without leave of the Court.

11. Counsel shall neither enter nor exit the bar while court is in session without prior approval of the court or the bailiff.

12. Counsel shall request leave of court before approaching the bench.

13. Counsel shall not lean on the bench except as may be necessary to prevent jurors from overhearing bench conferences. Counsel shall not engage in personal discussions with the court, court personnel, or each other during trial while in the presence of jurors, parties, or witnesses.

14. Counsel shall strictly follow Rule 3.07 of the Texas Disciplinary Rules of Professional Conduct regarding extrajudicial statements.

15. Counsel shall advise counsel's clients, witnesses, and others subject to counsel's control of these Rules.

d. Enforcement

The bailiff shall enforce the rules of conduct and courtroom decorum.

RULE 2.03 DECORUM OF PARTIES AND OTHER PERSONS IN THE COURTROOM

a. Conduct Required of All Persons

All persons in the courtroom during trials and other proceedings shall be attentive to the proceedings and shall refrain from any action which may disrupt the proceedings. Counsel shall advise counsel's clients, witnesses, and others subject to counsel's control of these Rules. Paragraphs 5-7 do not apply to attorneys.

1. All persons entering the courtroom shall be dressed in clothing appropriate to the dignity and solemnity of court proceedings. Tank

tops, , shorts, sweat suits, leggings, yoga pants, spandex, , sports bras worn without a top over them, pajamas, , and clothing that is tattered, soiled, or revealing are among those items of clothing not considered appropriate courtroom attire, this list is non-exhaustive and is subject to the discretion of the Court. Hats, caps, and hoods shall not be worn in the courtroom. Dark glasses shall not be worn in the courtroom unless medically necessary.

2. No tobacco use in any form is permitted, including vaping or electronic cigarettes.

3. No beverages, beverage containers, food, or food containers are allowed in the courtroom, except as permitted by the court.

4. No gum chewing is permitted.

5. No person shall bring electronic devices into the courtroom unless the device is required for the court proceeding and prior approval has been given by the bailiff or the court.

6. No person shall bring a cellphone into the courtroom unless it has been turned off or silenced so as to prevent audible disturbances, as may be allowed by the court.

7. No reading or other use of cellphones, tablets, laptops, or e-readers is permitted unless allowed in the sole discretion of each court.

8. No person shall record or broadcast any proceeding without prior approval of the court. See Rule 2.12.

9. No propping of feet on tables, chairs, or benches is permitted.

10. No talking or unnecessary noise which interferes with the court proceeding is permitted.

11. No person may, by facial expression, shaking or nodding of the head, gesture, voice, sound, or any other conduct, express approval or disapproval of any person, testimony, statement, argument, ruling, conduct, or transaction in the courtroom.

12. All persons shall rise when the judge or jury enters and exits the courtroom, and at such other times as the bailiff instructs.

13. No person shall bring packages or containers into the courtroom without the prior approval of the bailiff.

14. Except for attorneys, no person shall be permitted any verbal or physical contact with a prisoner without the prior approval of the bailiff.

15. No overt advertising, campaign buttons, and campaign materials are permitted in the court.

16. No person shall be permitted to display or wear any clothing, item, or thing that may influence the jury in the performance of its duties.

17. No children will be permitted in the courtroom during any court proceeding without prior approval of the court. See Rule 5.05.

18. No person shall use vulgar or indecent language.

19. No other behavior that is disruptive to or disrespectful of the court proceedings is permitted.

20. When the court is called to order, complete order must be observed.

b. Conduct Required of Parties

In addition to the foregoing, parties must comply with the following Rules. To the extent these Rules conflict with the Rules governing self-represented litigants, the Rules governing self-represented litigants control. Attorneys must advise their clients of these Rules.

1. A party must not interrupt while another person is testifying or addressing the judge or jury.

2. Unless otherwise instructed by the court, parties must remain seated at the counsel tables at all times except when:

a. The judge or jury enters or exits the courtroom; and

b. Addressing the judge or jury.

3. Parties must not approach the bench without leave of court and must never lean on the bench.

c. Enforcement

The bailiff shall enforce the Rules of conduct and courtroom decorum.

RULE 2.04 REQUESTS FOR CONTINUANCE OR POSTPONEMENT

a. Consent or Notice Required

No request for a continuance or to pass, postpone, or reset any trial, pretrial, or other hearing shall be granted unless all attorneys and self-represented litigants consent, or unless all parties not joining in such request have been notified and have had an opportunity to object.

b. Contents of Motion

Unless all attorneys and self-represented litigants consent in writing to the request for a continuance or to pass, postpone, or reset any trial, pretrial conference, or hearing and the request is approved by the court, a motion must be filed pursuant to Rule 251, *et seq.*, of the Texas Rules of Civil Procedure, as amended, or Article 29.01, *et seq.*, of the Texas Code of Criminal Procedure, as amended, as applicable. The motion must include a Certificate of Conference that complies with Rule 4.05 and be accompanied by a proposed order setting the motion for hearing. Any motion that does not meet these requirements will be denied without prejudice to the right to refile.

RULE 2.05 CONFLICT IN TRIAL SETTINGS

a. Attorney in Trial in Another Court

An attorney who is in trial in one court may not be ordered to appear for trial in another court. When informed that an attorney is presently in trial in another court, the court may, in its discretion, verify the information and take whatever action the court deems necessary.

b. Attorney Assigned to Two or More Courts for the Same Date

1. Attorneys shall advise the affected judges of all dual settings as soon as the attorney becomes aware of them.

2. Attorneys shall advise the affected courts that they are assigned to two or more courts for the same date and/or time. Judges who are confronted with conflicting settings, and which cannot be resolved by the parties, should confer and attempt when practicable to agree on which case has priority. Judges should observe the following priorities when attempting to prioritize cases involving an attorney with conflicting trial assignments:

a. Criminal cases (pursuant to Article 32A.01 of the Texas Code of Criminal Procedure, criminal cases have priority over civil case settings).

b. Circumstances to consider in resolving conflicts between criminal case settings include the factors outlines in Article 32A.01, whether the defendant is confined pending trial (including other detainers such as a "blue warrant"), the age of the case, the number of resets, the defendant's right to a speedy trial and related circumstances, the availability of subsequent trial dates, witness availability, and any other legal requirement necessary for the prompt trial of either case.

c. Cases given preference by statute (*see* Section 23.101 of the Texas Government Code), and *de novo* proceedings under Chapter 201 of the Texas Family Code.

d. Preferentially set cases.

e. Case(s) with the earliest setting date(s).

f. Cases(s) with the earliest filing date(s).

g. Courts in larger counties should yield to courts in smaller or rural counties in all other instances of conflicting trial assignments.

h. Age of the case, whether a jury has been requested, and whether the case is pending in a multi-judge or single-judge county should be considered.

3. If the affected judges cannot resolve a conflict in settings or agree on which case should have priority, the Local Administrative Judge (if the cases are pending in the same county) or the Regional Presiding Judge will decide how to proceed. If two or more administrative judicial regions are involved and the Regional Presiding Judges cannot resolve the conflict, the Regional Presiding Judges shall request the Chief Justice of the Texas Supreme Court or his/her designee to resolve the conflict.

RULE 2.06 WITHDRAWAL AND SUBSTITUTION OF COUNSEL

a. Withdrawal

Withdrawal and substitution of counsel shall be governed by Rule 10 of the Texas Rules of Civil Procedure, as amended, and this Rule. A request for

withdrawal or substitution of counsel that does not comply with Rule 10 and this Rule is subject to being denied without hearing.

b. Content of Motion

Each motion for withdrawal must contain the attorney's certification that there are no rulings of the court that have yet to be reduced to writing and signed by the court. Additionally, any current settings shall be included in the motion.

c. Notice to Client

If another attorney is not to be substituted as attorney for the party or if the party does not consent to the motion to withdraw or for substitution, the withdrawing attorney shall notify the client in writing that the court will be requested to sign an order granting the withdrawal on or after ten (10) days following the date of such notice. Notice shall be sent to the client by certified mail, return receipt requested. An email address for the client shall be included in the motion , notice shall also be sent to the client by email.

d. No Delay of Trial

Unless allowed in the discretion of the court, no motion to withdraw or for substitution shall be granted that is presented within thirty (30) days of the trial date or at such time as to require a delay of trial.

RULE 2.07 VACATIONS OF ATTORNEYS

a. Each attorney may designate days for continuing legal education and for vacations by e-filing a letter with the District Clerk in the attorney vacation file maintained by the District Clerk. A copy of the letter shall also be emailed to the Court Coordinator in each court in which the attorney has cases pending.

b. Notification as provided in paragraph a. will not cancel or otherwise affect trials, hearings, depositions, property inspections (TEX. R. CIV. P. 196.7), and ADR proceedings previously scheduled, but will preclude the subsequent scheduling of trials, hearings, depositions, property inspections (TEX. R. CIV. P. 196.7), and ADR proceedings during the designated time periods.

RULE 2.08 CHALLENGE TO THE CONSTITUTIONALITY OF A TEXAS STATUTE

When an attorney or self-represented litigant files a pleading or other document that challenges the constitutionality of a Texas statute, the attorney or self-represented

litigant must simultaneously file with the Clerk a completed copy of the form promulgated for that purpose by the Attorney General of Texas and promptly hand deliver or email a copy of that form to the Court Administrator.

RULE 2.9 EXHIBITS

a. Pre-Marking of Exhibits

Exhibits that an attorney or self-represented litigant can reasonably anticipate using at a trial, pretrial conference, or hearing shall be pre-marked, utilizing party designation, sequential numbers, and the date of the proceeding.

b. Exhibit List

An attorney or self-represented litigant shall provide a list of the attorney's or self-represented litigant's exhibits to the court and to each attorney and self-represented litigant prior to the proceeding.

c. Copies of Exhibits

Counsel shall provide a copy of the exhibits to the Court and to opposing counsel prior to the proceeding.

d. Audio Exhibits

Audio exhibits must be in .mp3 format.

e. Video Exhibits

Video exhibits must be in .mp4 format.

RULE 2.10 COURTROOM ELECTRONICS

Counsel shall anticipate any need to use courtroom electronics, and shall make advance arrangements with the court reporter. Counsel shall ensure that they are able to operate the courtroom electronics in advance of the proceeding at which they will be used.

RULE 2.11 RECORDING AND BROADCASTING OF COURT PROCEEDINGS

a. Written Order Permitting Coverage Required

Media coverage is permitted only on written order of the court. A person wishing to broadcast, televise, record, or photograph a court proceeding must file a request to cover the proceeding. The request must state:

1. The case style and number;

2. The date and time when the proceeding is to begin;

3. The name of the requesting person or organization;

4. The type of coverage requested (*e.g.*, televising, recording, or photographing); and

5. The type and extent of equipment to be used.

The request shall be filed with the Clerk, with a copy delivered to the Court Administrator, all attorneys of record, and all self-represented litigants.

b. Coverage of Jurors Prohibited

Audio and visual coverage of potential jurors and jurors in the courthouse is prohibited.

c. Equipment and Personnel

All equipment and personnel shall be in place in advance of the proceeding.

d. Media Product Is Not an Official Record

Any product of media coverage of a proceeding pursuant to this Rule shall not be considered a part of the official court record.

e. Digital Recording of Court Proceedings

No audio or visual recordings inside the courtroom are allowed, except for the those made by the official court reporter. This includes audio or visual recording by any digital device including by not limited to phones, laptops, ipads and smart glasses.

RULE 2.12 USE OF THE INTERNET AND GENERATIVE ARTIFICIAL INTELLIGENCE (AI) TECHNOLOGY

All Counsel remain responsible for the accuracy and quality of legal documents prepared with the assistance of the internet and generative AI technology. All Counsel are cautioned that certain generative AI technologies may produce factually or legally inaccurate content. If Counsel chooses to use generative AI technology they continue to be bound by the Texas Rules of Civil Procedure 13 and must review and verify any computer generated content to ensure that it complies

with all the Rules requirements. Likewise, Counsel is cautioned that they must verify the accuracy of any material they locate on the internet.

TITLE 3. RULES GOVERNING CRIMINAL PROCEEDINGS

RULE 3.01 MIDLAND COUNTY INDIGENT DEFENSE PLAN

The terms, provisions and conditions set forth in the Midland County Indigent Defense Plan, as amended from time to time, shall apply to all criminal proceedings in which counsel has been appointed.

RULE 3.02 WITHDRAWAL OF RETAINED COUNSEL

a. Withdrawal and substitution of counsel in criminal proceedings shall be governed by Rule 10 of the Texas Rules of Civil Procedure and Rule 2.06.

RULE 3.03 SCHEDULING ORDERS

Each court may issue scheduling orders for the orderly disposition of criminal cases. Attorneys must familiarize themselves with the particular requirements of each court's order, communicate those requirements to their clients, and comply accordingly.

RULE 3.04 INTERPRETER REQUESTS

a. Requests for an interpreter for any trial shall be made to the Court no later than trial docket call or no less than ten (10) days prior to trial.

b. Requests for an interpreter for any other non-trial setting shall be made to the Court no later than three (3) days prior to the setting.

TITLE 4. RULES GOVERNING CIVIL PROCEEDINGS

RULE 4.01 APPLICATION FOR *EX PARTE* ORDERS

Counsel presenting an application for an *ex parte* order shall, at the time the application is presented to the court, certify in writing that:

a. To the best of counsel's knowledge, the party against whom the relief is sought is not represented by counsel; or

b. If the party against whom the relief is sought is represented by counsel:

1. Such counsel has been notified of the application and does not wish to be heard by the court thereon; or

2. Counsel presenting the application has diligently attempted to notify opposing counsel, has been unable to do so, and the circumstances do not permit additional efforts to give such notice.

RULE 4.02 OBTAINING SETTINGS

a. At any time after the filing of an answer or entry of an appearance by the opposing party, a party may request a setting for a trial on the merits or a pretrial conference by filing with the court a motion requesting the setting, accompanied by a Certificate of Conference as required by Rule 4.05 and a Certificate of Service on opposing counsel.

b. A party may request other hearings by (i)submitting a proposed Order Setting Hearing to the Court Administrator. or (ii) requesting a hearing from the Court Administrator and promptly submitting a proposed Order Setting Hearing to the Court Administrator. A Notice of Hearing is not accepted by the Courts.

c. All requests for the setting of a trial, pretrial conference, or hearing shall include an estimate of the amount of court time required for the trial, pretrial conference, or hearing.

d. Prior to requesting a setting, counsel shall attempt to coordinate a setting with opposing counsel.

e. In all cases in which a party is incarcerated, the party wishing to set a hearing or trial must communicate with the Court Administrator well in advance of the proposed date for the hearing, pretrial conference, or trial. On receiving a request, the Court Administrator will confer with the parties and the facility to determine the date and time for a setting. The party requesting the setting must give notice to all other parties. If the setting has been requested by the incarcerated party, the Court Administrator will announce ready on his or her behalf. The Court Administrator will arrange for the incarcerated party's transportation if the court has issued a bench warrant or will arrange for the incarcerated party to participate by telephone or other electronic means. Other parties wishing to participate must appear in person, unless otherwise authorized by the court. If the incarcerated party will appear by telephone or other electronic means, the Court Administrator will advise the court, which will initiate the call or other electronic communication to the incarcerated party.

RULE 4.03 ALTERNATIVE DISPUTE RESOLUTION

a. Policy

It is the policy of the Courts to encourage the peaceable resolution of disputes and early settlement of pending litigation, by referral to alternative dispute resolution (ADR) pursuant to Chapter 154 of the Texas Civil Practice and Remedies Code, as applicable.

b. ADR Mandatory

No trial on the merits shall be conducted until all contested issues have been submitted to an ADR procedure, which was unsuccessful, or the court has determined that ADR is not appropriate for the case. The Court, in its discretion can refer a case to the ADR procedure as deemed appropriate.

c. Manner of Referral

It is anticipated that the parties will cooperate in referring such issues to an ADR procedure under terms and conditions as are mutually agreeable, without the need for court intervention. If the parties are unable to cooperate or agree to a referral of such issues to an ADR procedure, then on written notification to the court by one (1) of the parties that efforts to coordinate such a referral have been unsuccessful, the court, without a hearing, shall enter an order of referral to an ADR procedure, and under such terms and conditions selected by the court.

d. Objection to Referral

If the court enters an order of referral to an ADR procedure, any party may object to that referral pursuant to Chapter 154 of the Texas Civil Practice and Remedies Code. On the filing of an objection, the court shall schedule a hearing. If the court finds that there is a reasonable basis for the objection, the court may, in its discretion, make such orders as it deems just, including, but not limited to, ordering that the case not be referred to an ADR procedure and ordering the case set for trial on the merits.

e. Discovery Not Abated

Neither referral of a case to an ADR procedure nor the scheduling of that procedure shall abate or otherwise affect discovery, except by written agreement of the parties filed with the Clerk or court order.

RULE 4.04 DISMISSAL FOR WANT OF PROSECUTION

On its own motion, a court may dismiss a case for want of prosecution. The procedure provided in Rule 165a of the Texas Rules of Civil Procedure, as amended, shall apply. A Court has the inherent power to dismiss when a party seeking affirmative relief does not prosecute its case with diligence.

RULE 4.05 MOTION PRACTICE

a. Conference Requirement

1. Conferences Are Required

a. Prior to filing any motion, plea, application, request, objection, or special exception (hereafter, "*Pleading*"), counsel for the filing party shall schedule a conference to resolve the disputed matters.

b. Both counsel shall attempt in good faith to resolve any and all issues in the Pleading.

c. Counsel shall respond promptly to communications from other counsel.

2. Certificates of Conference

Each Pleading shall include a Certificate of Conference signed by counsel as follows:

a. The Certificate of Conference shall state the following:

1. the date of the conference;

2. the names of the attorneys who conferred;

3. that the conference included all issues raised in the Pleading/Motion;

4. that agreement could not be reached and why; and

5. that the Pleading is therefore presented to the court for determination.

b. If counsel did not confer regarding the merits of the Pleading/Motion, the Certificate of Conference shall include the following:

1. the date and time of each attempt to confer;

2. the name of the attorney with whom counsel attempted to confer;

3. that the attempts to confer were unsuccessful; and

4. that the Pleading is therefore presented to the court for determination.

3. Exigent Circumstances

In the rare exigent circumstances in which the conference requirement is not practicable, counsel filing the Pleading shall (i) explain the exigency in the Certificate of Conference, (ii) confer as required by this Rule promptly after filing the Pleading, and (iii) file an amended Certificate of Conference accordingly.

4. Exceptions to Conference Requirement

a. Requests for *Ex Parte* Relief

The conference requirement does not apply to requests for *ex parte* relief, which are governed by Rule 4.01.

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b. Dispositive Motions

The conference requirement does not apply to a party's motion to dismiss, nonsuit, dispostive motions or a party abandoning one or more of that party's claims voluntarily.

b. Use of Discovery

Only the pages from discovery requests, discovery responses, and deposition transcripts relevant to the motion, response, reply, brief, opposition, or memorandum shall be attached to the motion, response, reply, brief, opposition, or memorandum.

c. Proposed Judgments, and Orders

Counsel shall file proposed judgments, and orders with the associated motion or other request for relief, or provide their proposed judgments, and orders to the court and counsel at the commencement of the hearing.

d. Telephonic or Electronic Hearings

Whether to allow Counsel or parties
to appear telephonically or electronically for a hearing is within the discretion of the court. Counsel who wish to appear telephonically shall contact the Court Administrator to inquire whether the court will permit a telephonic appearance under the circumstances.

e. Page Limits

Unless, with leave of court, discovery and case management motions or responses are limited to ten (10) pages and other motions (dispositive) or responses are limited to twenty-five (25) pages. Replies are limited to ten (10) pages. The page limits are exclusive of the caption, the signature block, any certificate, and any accompanying documents.

f. Motions for Summary Judgment

Unless, with leave of Court, or permitted by law, a party may file no more than one motion for summary judgment in a single case.

g. Notice of Settlement

The parties must notify the Court immediately of settlement that obviates court settings or pending motions.

RULE 4.07 NOTIFICATION OF BANKRUPTCY

a. Notice of Filing of Bankruptcy Proceeding

When a party files for protection under the bankruptcy laws of the United States, that party's attorney shall:

1. Immediately notify the Court Administrator by telephone; and

2. Within three (3) business days of the date of the filing, provide written notice to the court and all attorneys of the filing, including the name of the party filing for bankruptcy protection, the date of the filing, the name and address of the court in which the filing was

made, the case number and style in the bankruptcy court, and the name, address, telephone number, and email address of the attorney for the debtor.

b. Notice of Conclusion of Bankruptcy Proceeding

Within seven (7) days of the conclusion of the bankruptcy proceeding, the attorney for the debtor shall notify the court in writing that the bankruptcy proceeding has concluded and file a copy of the order or judgment concluding the bankruptcy proceeding so that the court can determine whether to reinstate its case on its active docket, dismiss that case, or seek additional information.

c. Other Parties

Nothing in this Rule precludes other parties from informing the court of the commencement or conclusion of bankruptcy proceedings.

RULE 4.08 SUGGESTION OF DEATH

Within seven (7) days of learning of the death of a party, the party's attorney shall file a suggestion of death. Nothing in this Rule precludes other parties from informing the court of the death of a party.

RULE 4.09 JUDGMENTS AND ORDERS

a. Reduction to Writing Within Thirty (30) Days

Within thirty (30) days after rendition, announcement of the court's ruling, or announcement of settlement by counsel, counsel shall cause all judgments or orders of any kind to be reduced to writing, forwarded to opposing counsel for approval as to form, and delivered to the court for signing.

b. Hearing if Written Order Not Furnished

On failure to furnish the court with a judgment or order disposing of the case within the thirty (30) day period, the court shall set the lawsuit for a hearing for entry of judgment.

c. Dismissal if Written Order Not Furnished

On failure to appear for the hearing for entry of judgment or furnish the court with a judgment or order disposing of the case at the hearing for entry of judgment, the court shall place the case on the next regularly scheduled

dismissal docket, whereupon the case may be dismissed and costs may be taxed at the court's discretion.

d. Procedure for Entry of Judgment or Order

If counsel is unable to secure the approval as to form of all opposing counsel and self-represented litigants, counsel may:

1. File a motion for entry of the proposed judgment or order and secure a hearing for the same, with notice to all Counsel pursuant to Rule 21a, Texas Rules of Civil Procedure, as amended. At a hearing, the court may assess costs and attorney's fees within the court's discretion; or

2. Present the court with the proposed judgment or order, together with a letter requesting the court to sign the same if the court has not received a written objection from opposing counsel within ten (10) days from the date of the letter. Each party who submits a proposed judgment, decree, or order for signature shall serve the proposed judgment, decree, or order and a copy of the letter on all other parties who have appeared and remain in the case, in accordance with Rule 21a, Texas Rules of Civil Procedure, as amended. If the court receives a written objection from opposing counsel within the stated time, the proponent of the judgment, decree, or order shall schedule a hearing for entry of the same.

RULE 4.10 NOTICE TO TRIAL JUDGE OF POST-TRIAL PLEADINGS

A party filing one or more of the following post-trial pleadings shall give notice to the trial judge by hand-delivering or emailing a copy of the filing to the Court Administrator promptly after it is filed:

a. Request for Findings of Fact and Conclusions of Law (TEX. R. CIV. P. 296);

b. Notice of Past Due Findings of Fact and Conclusions of Law (TEX. R. CIV. P. 297);

c. Request for Additional or Amended Findings of Fact and Conclusions of Law (TEX. R. CIV. P. 298);

d. Request for Preparation of the Court Reporter's Record (TEX. R. APP. P. 34.6); or

e. An affidavit of indigency filed in connection with an appeal (TEX. R. APP. P. 20.1).

f. Motion for New Trial (TEX. R. Civ. P. 320).

TITLE 5. RULES GOVERNING FAMILY LAW PROCEEDINGS

In addition to the **Rules in Title 4**, these Rules govern family law proceedings.

RULE 5.01 TEMPORARY HEARINGS

a. Scheduling

All temporary hearings shall be set on a date and at a time scheduled by the court.

b. Notice Required When Responding Party Seeking Affirmative Relief

An application to the court for a temporary order and notice of any hearing for temporary orders in which that party is seeking affirmative relief shall be served on the adverse party in accordance with Rules 5 and 21a of the Texas Rules of Civil Procedure, as amended.

c. Announcements

At the time set for the temporary hearing, counsel shall make an announcement of the estimate of the time required to present the case.

d. Time Limits

1. In all matters in which managing conservatorship is in issue, the parties shall be granted no more than one (1) hour to present the case, which time shall be equally divided.

2. In all other temporary matters, including a modification of a temporary order, the parties shall be granted not more than forty (40) minutes to present the case, which time shall be equally divided.

3. The court may, depending on the temporary hearing docket, modify the foregoing time limits.

4. Counsel shall request a special setting at the time the application for temporary relief is presented to the court for scheduling when, because of unusual circumstances, the time limits are unworkable or inappropriate. The court shall determine the amount of time allotted for the hearing.

e. Order of Cases

All cases in which counsel announce a settlement shall be heard first. All other cases shall be docketed according to counsel's announcement, with those matters requiring the least amount of time to be heard first. The court may, in its discretion, hear cases in a different order.

f. Documents Required at all Hearings and Mediation

1. In all cases, each party shall file and provide to opposing counsel a summary of the relief requested no later than the day of the hearing.

2. In contested cases in which temporary support of a spouse, a child, or both is in issue, each party shall file and provide to opposing counsel the following no later than the day of the hearing:

a. A statement of monthly income and expenses in a form substantially similar to that attached to these Rules as Appendix 1.

b. Copies of that party's federal income tax returns for the two (2) calendar years prior to the temporary hearing. A party who has copies of the other party's federal income tax returns for the two (2) calendar years prior to the temporary hearing shall also file copies of those returns.

c. All payroll statements, pay stubs, W-2 forms, and 1099 forms which evidence that party's earnings for the calendar year prior to the temporary order hearing and from January 1 of the current year through the date of the temporary hearing. If self-employed all profit and loss statements, balance sheets, income statements, personal and business bank account statements and all other evidence of earnings for the previous twelve (12) months. **d.** If the case involves a child, a Proposed Child Support Calculation. If the parties are in agreement, they may instead file an Agreed Child Support Calculation.

e. If a party is requesting spousal maintenance, a Proposed Spousal Maintenance Calculation. If the parties are in agreement, they may instead file an Agreed Spousal Maintenance Decision Calculation.

g. Duration of Temporary Orders

No temporary order shall exceed one hundred eighty (180) days in duration from the date the order is signed, except by agreement of the parties or order of the court.

RULE 5.02 FINAL HEARINGS

a. In all cases in which the character, value, or division of property or debts is in issue, the petitioner and the respondent shall file at least thirty (30) days prior to the final hearing a Sworn Inventory and Appraisement of all separate and community property owned or claimed by the parties and all debts and liabilities owed by the parties signed by the party under oath in a form substantially similar to that attached as Appendix 2 or Appendix 3. The petitioner shall also file a Composite Inventory and Appraisement at least fourteen (14) days prior to the final hearing. If the parties are in agreement, they may instead file an Agreed Composite Inventory and Appraisement signed by the parties under oath.

b. In contested property cases, each party shall file (and provide a copy to opposing counsel prior to the final hearing) a Proposed Property Division signed by the party. If the parties are in agreement, they may instead file an Agreed Property Division signed by both parties.

c. In contested child custody cases, each party shall file (and deliver to opposing counsel prior to the final hearing) a Proposed Parenting Plan.

RULE 5.03 PARENT EDUCATION AND FAMILY STABILIZATION COURSE

a. Course Mandatory

All parties in any suit affecting the parent-child relationship shall attend and complete a parent education and family stabilization course approved by the court. Except as provided herein, the provisions governing a parent education and family stabilization course in Section 105.009 of the Texas Family Code, as amended, shall apply.

b. Waiver of Course

The court may waive the requirement of a course after notice and a hearing, for good cause shown. If a party claims an inability to afford to take a course, and the court finds the claim is meritorious, the court may order that party to attend and complete a course that is offered on a sliding-scale fee or without charge, if such a course is available.

c. Deadline for Completion

Each party shall complete the course prior to a final hearing on the merits of the case.

d. Verification of Attendance

Each party completing the course shall file a certificate of completion with the court within thirty (30) days of completion of the course, or at the time of that party's next court appearance, whichever is sooner.

RULE 5.04 CHILD SUPPORT SERVICES

a. Place of Payment

All child support required by a court order must be paid directly to the Texas Child Support State Disbursement Unit, P.O. Box 659791, San Antonio, Texas 78265-9791.

All spousal maintenance required by a court order must be paid through the Midland County District Clerk, 500 North Loraine, 3rd Floor, Midland, Texas 79701.

b. District Clerk as Registry

The Midland County District Clerk is hereby designated as the Registry of the Court for the purpose of receiving all spousal maintenance payments.

RULE 5.05 CONFERENCES WITH CHILDREN

a. Parties who wish the court to confer with a child in chambers shall file a motion to that effect. The court shall then determine whether to confer with the child. If the court decides to confer with the child, a time for the conference shall be scheduled.

b. Subject to the requirements of Chapter 263, Texas Family Code, as amended, or other applicable law, parties are discouraged from bringing children to the courthouse, thereby removing them from their daily routines, before the court decides whether and when to confer with the children.

RULE 5.06 ADOPTIONS AND TERMINATIONS

a. In a suit seeking adoption of a child placed for adoption by the Texas Department of Family and Protective Services (the "*Department*"), the pre-adoptive home screening and post-placement adoptive report shall be made by the Department.

b. In a suit brought by a child-placing agency (other than the Department) that seeks to terminate the parent-child relationship, and in each suit that seeks adoption of a child placed by a child-placing agency, the child-placing agency shall prepare the pre-adoptive home screening and post-placement adoptive report.

c. In every other suit seeking termination of the parent-child relationship or adoption of a child, an individual or entity appointed by the court shall prepare the pre-adoptive home screening and post-placement adoptive report. The fees for preparation of a pre-adoptive home screening and post-placement adoptive report shall be paid at the time of the filing of the suit.

d. Unless waived by the court for good cause shown, the court shall appoint an amicus attorney for the child. The fees for the amicus attorney shall be paid at the time of the filing of the suit.

RULE 5.07 Summary Judgment

All Summary Judgments must be filed at least 90 days before the date of the next trial setting absent leave of court. If a trial is reset, the Summary Judgment must be set at least 90 days before any subsequent trial setting. All untimely Summary Judgments will be automatically denied unless movant obtains leave of court to file within 90 days of the next trial setting. Parties cannot agree to amend this time requirement without leave of court.

RULE 5.08 Stipulations

It is the responsibility of each attorney to stipulate to all accurate facts not in dispute, and to waive formal proof as to any documents to be introduced about which there is no reasonable dispute as to authenticity.

TITLE 6. RULES OF ADMINISTATION

RULE 6.01 FILING AND ASSIGNMENT OF CASES

The District Courts of Midland County are all General Jurisdiction Courts, but all family law cases shall be filed by the District Clerk in the 318th District Court.

The District Clerk shall rotate filing of civil cases (other than family law cases) equally among the 142nd, 238th, 385th and 441st District Courts. The District Clerk shall file the indictments in criminal cases into the District Courts according to the grand jury returning the indictment.

For concurrent jurisdiction cases from $500 to $325,000 the District Clerk shall distribute equally cases between the two County Courts at law. For concurrent jurisdiction cases $325,001 and above, the District Clerk shall distribute equally among the 142nd, 238th, 385th and 441st District Courts.

The County Clerk shall distribute equally the filing of civil cases between the two County Courts at law. The County Clerk shall file criminal cases into the County Courts at Law according to the following schedule:

a. Cases with defendants with odd cause numbers shall be filed into the County Court at Law;
b. Cases with defendants with even cause numbers shall be filed into the County Court at Law No. 2.

RULE 6.02 EXCHANGE OF CASES AND DOCKETS

The District Judges of Midland County may exchange benches or hear cases for one another without the necessity of an order. The Judges of the County Courts at Law of Midland County may exchange benches or hear cases for one another without the necessity of an order.

RULE 6.03 ABSENCE OF JUDGE

Judges may be absent as necessary due to illness, vacation, attendance at educational programs, attendance at public outreach events, and similar matters. The other sitting judges may exchange benches as necessary to conduct business for an absent judge or in an emergency or special matter.

RULE 6.04 HOURS AND PLACE FOR HOLDING COURT

Court shall be held at such times as may be determined expedient by the judge of each court. Court shall be held at the Midland County Courthouse in Midland County, Texas and at such other places in Midland County as ordered by the District Judges and Commissioner's Court.

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APPROVED the 13th day of October, 2026.

David G. Rogers, Judge Presiding
142nd Judicial District Court

Elizabeth Byer Leonard, Judge Presiding
238th Judicial District Court

Brent Morgan, Judge Presiding
318th Family District Court

Leah G. Robertson, Judge Presiding
385th Judicial District Court

Jeffrey Todd Robnett, Judge Presiding
441st Judicial District Court

Mark Henry Dettman, Judge Presiding
County Court at Law

Marvin L. Moore, Judge Presiding
County Court at Law No. 2

Jay Marquez, Judge Presiding
County Court