

AMENDED RULES OF PRACTICE
FIRST JUDICIAL DISTRICT COURT OF TEXAS
(JASPER, NEWTON, SAN AUGUSTINE AND SABINE COUNTIES)

By authorization of the Texas Rules of Civil Procedure, the following amended rules governing the practice in the District Court of the First Judicial District of Texas are adopted. All other rules heretofore adopted by the Court are rescinded. Nothing contained in these rules shall be construed or interpreted as interfering with the right of the Judge to make such orders, settings or procedural directions (not inconsistent with the Texas Rules of Civil Procedure) as in the Judge's discretion may be necessary and proper for the expedient and orderly dispatch of the business of the court.

1. JURISDICTION OF COURTS

- A. By agreement, the jurisdiction of the District Courts of Jasper and Newton Counties extends to all cases, and either Judge may sit in either court.
- B. By agreement, the jurisdiction of the District Courts of Sabine and San Augustine Counties extends to all cases, and either Judge may sit in either court.

2. FILING OF CASES

A. CIVIL

A central docket will be utilized in each County of the District, and all civil cases shall be docketed numerically in order of filing, and not in rotation.

B. CRIMINAL

- 1. Criminal cases may be filed in and indictments may be returned to the First District Court or 1-A District Court in Jasper and Newton Counties.
- 2. Criminal cases may be filed in and indictments may be returned to the First District Court or the 273rd District Court in Sabine and San Augustine Counties.

C. JUVENILE

The primary jurisdiction and responsibility for juvenile matters in Jasper, Newton, San Augustine and Sabine Counties shall rest with the First Judicial District Court.

3. TERMS OF COURT

- A. The First District Court will hold at least two jury/non-jury terms in each County of the District beginning as follows:
1. JASPER - The second week of January and the second week in July, and at such other times as may be designated by the Court.
 2. NEWTON - LAST WEEK IN February and last week in August, and at such other times as may be designated by the Court.
 3. SAN AUGUSTINE - Last week in March and second week in October, and at such other times as may be designated by the Court.
 4. SABINE - First week in May and second week in November, and at such other times as may be designated by the Court.
- B. These designated periods are the minimum times and are provided, in part, for guidance. Additional time will be provided consistent with the moving of the docket and the disposition of cases.

4. FAMILY CODE MATTERS AND NONCONTESTED MATTERS

- A. The following half-day schedules will be followed for hearing Family Code and noncontested matters, except for the months of June and December, unless otherwise provided. Counsel should check with the District Clerks for the Court's schedule for these days in the months of June and December:
1. Jasper - Third Friday @ 9:00 AM
 2. Newton - Third Friday @ 9:00 AM
 3. Sabine - Fourth Friday @ 9:00 AM
 4. San Augustine - Fourth Friday @ 1:30 PM
- B. On each day designated above, the Court will hear all matters in open court unless special circumstances warrant otherwise and the law permits. The Court may hear, as time permits, pretrial matters in both civil and criminal cases, as well as pleas of guilty.
- C. In all contested cases involving temporary alimony and child support (both temporary and permanent) each lawyer shall prepare an exhibit with sufficient copies for the Court and each lawyer, setting forth income, debts, living expenses, any unusual medical expense, incurred or to be incurred, and any other material and relevant information relating to the issue of support. Further, in divorce cases, an exhibit shall be prepared setting forth the property (community/separate), with estimates of value, the amount of debts, liens and a proposed division. These exhibits may be handwritten.

D. The successful conclusion of family law matters can best be achieved through settlement of issues. Therefore, each party is expected to make a bona fide effort to dispose of, by agreement, as many issues as possible. Counsel shall so advise their clients.

5. DOCKET CALLS

A. The dockets of each County in the District will be called on a day certain prior to the opening day of court for the purpose of setting cases for trial during designated weeks. The docket settings may be made by the Court for various jury and non-jury weeks. Non-jury cases when set during a jury week are set subject to the jury docket for that week.

6. DISMISSAL DOCKETS

- A. There shall be a dismissal docket in April and October of each year, and, in addition thereto, as many such dockets as needed to deal with the lack of case prosecution.
- B. All civil cases, including family law cases, on file for over two years shall be precessed by the Court for dismissal for want of prosecution. Notice shall be given as provided by Rule 165(a), Texas Rules of Civil Procedure.

7. REQUEST FOR SETTINGS - NON-JURY MATTERS

The Court will be available for non-jury trials at times other than during jury weeks. Non-jury may be set for trial as follows:

- A. Upon the Court's own motion.
- B. Upon request of any party. The request shall suggest two or more dates and the approximate trial time. When possible, these matters should be discussed with opposing counsel. An order setting the hearing and a copy thereof shall accompany the request. A signed copy of the order will be returned by the Clerk to the requesting attorney, who shall then notify opposing counsel of the setting in a manner consistent with the Texas Rules of Civil Procedure. Reasonable notice of not less than ten (10) days is required unless a lesser time is authorized by the Texas Rules of Civil Procedure.
- C. Upon the oral or written request of all parties.

8. CONFLICT OF SETTINGS

The Rules of Procedure of the Second Administrative Judicial District concerning conflicts in trial settings shall apply.

9. VACATIONS OF ATTORNEYS

The Rules of Procedure for the Second Administrative Judicial District concerning vacation designations by attorneys shall apply.

10. RESETTING CASES

- A. After docket calls, in which cases have been set for trial, parties may, by agreement, reset cases for another week during the term. Also, cases set for particular weeks and which have not been reached, even though a jury may have been selected, may be reset for a later week in the same term at the request of either party.
- B. All resettings will be subject to Court approval. Cases, when reset, shall tail the docket.

11. CONTINUANCES

Agreements to continue a case will be respected by the Court when consistent with the orderly administration of the docket. If a continuance is sought by a motion, the motion must be filed of record and brought to the attention of the Court and opposing counsel with reasonable diligence.

12. SETTLEMENTS

- A. The possibility of compromise settlement and resolution of issues should be fully discussed and explored before announcing ready for trial.
- B. The Court is to be promptly advised of any settlement or agreement relating thereto which may affect the trial docket.

13. PRETRIAL MATTERS

- A. Pretrial hearings to consider such matters specified in Rule 166, Texas Rules of Civil Procedure, will be held, when appropriate, at the direction of the Court or upon request of counsel, subject to approval of the Court. Counsel are encouraged to call to the Court's attention cases in which Rule 166 can be effectively utilized.
- B. If the trial will involve the introduction of numerous exhibits, then the exhibits should be presented to the court reporter for marking prior to trial. Counsel are asked to use their judgment in this matter in working to achieve a more expeditious trial.

14. SPECIAL ISSUES

- A. Upon the trial of jury cases, all special issues and instructions which can be anticipated shall be submitted to the Court by each side prior to their presenting evidence. Proposed issues and instructions should

be in a form ready for submission. It is the goal of the Court to reduce the time between the conclusion of the evidence and the submission of the case to the jury. ,

- B. The requested issues and instructions need not be submitted to opposing counsel until directed by the Court.

15. JURY TRIALS

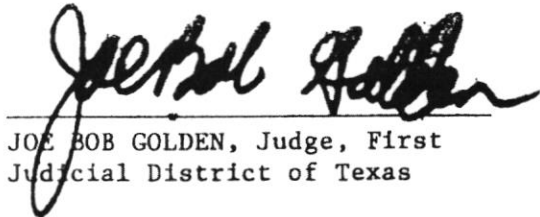
- A. One the first day of each jury week, all cases set for that week will be called for trial. Juries will be selected on that day for each case that has announced "ready" unless otherwise directed by the Court. As many cases will be tried during the week as time permits.
- B. Juries will be selected for one week only. Unless otherwise specified by the Judge in an individual case, sessions for cases on trial shall be from 9:00 AM until noon and from 1:00 PM until 5:00 PM.

16. RULES OF CONDUCT

Attorneys shall comply with the Texas Rules of Civil Procedure and the Code of Professional Responsibility concerning conduct and decorum in the courtroom.

IT IS ORDERED that the District Clerk of each County comprising the First Judicial District shall cause these amended rules to be entered upon the official Minuted of the Court.

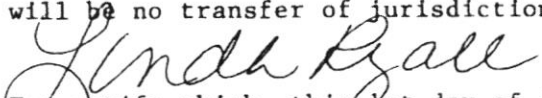
A copy of these amended rules having been furnished to the Supreme Court of Texas for approval before promulgation in accordance with Rule 3a, Texas Rules of Civil Procedure, same shall become effective on the 1st day of April, 1984.


JOE BOB GOLDEN, Judge, First
Judicial District of Texas

January 1, 1999

The foregoing amended Rules of Practice are still in effect for the present Judges, Hon. Monte D. Lawlis and Hon. Joe Bob Golden.

The Judges continue to have concurrent jurisdiction, there will be no transfer of jurisdiction.


To certify which, this 1st day of January, 1999
LINDA RYALL, Clerk, District Courts of Jasper County, Texas