LOCAL RULES OF THE HARRIS COUNTY CIVIL COURTS AT LAW

RULE 1. OBJECTIVE

Purpose of Rules. The objective of the rules of the County Civil Courts at Law of Harris County is to obtain a just, fair, equitable and impartial adjudication of the rights of litigants under established principles of substantive law and established rules of procedural law. To the end that this objective may be attained with greatest dispatch and, as may be practicable, with the least expense to litigants and the county, these rules shall be applied to ensure that, so far as reasonably possible, all matters are brought to trial or final disposition in conformity with this objective.

RULE 2. REPORTS

Reports to the Harris County Judge. The County Clerk shall supply to all Harris County Civil Court at Law Judges, on a monthly basis, information concerning the number of filings, dispositions, trials, and other judicial activities in each county civil court at law.

RULE 3. FLOW OF CASES

3.1 Filing and Assignment. Upon being filed, a case in the county civil courts at law shall be assigned randomly to the docket of one of the courts. Once assigned to a court, a case will remain on the docket of that court for all purposes unless transferred as provided in Rule 3.2.

3.2 Transfer

3.2.1 Prior Judgment. Any claim for relief based upon a prior judgment shall be assigned to the court of the original judgment.

3.2.2 Nonsuit. If a case is filed in which there is a substantial identity of parties and causes of action as in a nonsuited case, the latter case shall be assigned to the court where the prior case was pending.

3.2.3 Consolidation. A motion to consolidate cases shall be heard in the court where the lowest numbered case is pending. If the motion is granted, the consolidated case will be given the lowest number case and assigned to that court.

3.2.4 Severance. If a severance is granted, the new case will be assigned to the court where the original case pends, bearing the same file date and the same number as the original case with a numeric suffix designation; provided, however, that when a severed case has previously been consolidated from another court, the case shall upon severance be assigned to the court from which it was consolidated.

3.2.5 Agreement. Any case may be transferred from court to another court by written order of the Administrative Judge of the County Civil Courts at Law division or by written order of the judge of the court from which the case is transferred; provided, however, that in the

latter instance the transfer must be with the written consent of the court to which the case is transferred.

3.2.6 Presiding for Another. In cases where a court presides for another court, the case shall remain pending in the original court, except as follows: 1) in any hearing on a motion for contempt, the judge who issued the order which is claimed to have been disobeyed must preside over the motion for contempt, except as otherwise provided in Sec. 21.002, Tex.Gov.Code. and 2) in any hearing on a temporary restraining order, temporary injunction or writs of mandamus and certiorari, the judge who issues the order thereby consents pursuant to 3.2.5 for the case to be transferred from the original court.

3.2.7 Improper Court. If a case is on the docket of a county civil court at law by any manner other than as prescribed by these rules, the Administrative Judge of the County Civil Courts at Law or Administrative Judge of Harris County shall transfer the case to the proper court.

3.3 Motions

3.3.1 Form. Motions shall be in writing and shall be accompanied by a proposed order granting the relief sought. The proposed order shall be a separate instrument, unless the entire motion, order, signature lines and certificate of service are all on one page.

3.3.2 Submission. In the discretion of the court, motions shall state a date of submission which shall be at least 10 days from filing, except on leave of court. The motion will be submitted to the court for filing on that date or later.

3.3.3 Response. Responses shall be in writing, and shall be filed at least three (3) working days before the date of submission, except on leave of court. Failure to file a response may be considered a representation of no opposition.

3.3.4 Oral argument. If a party views it as necessary, a request for oral argument must accompany the motion or response. The court may grant that request or order oral argument on its own motion. A request for an oral argument is not a response under Rule 3.3.3.

3.4 Trials

3.4.1 Manner of Setting. Cases shall be set for by order of the court.

3.4.2 Date of Setting. Cases shall be set for trial for a date certain. If a case is not assigned to trial by the Friday after the date it was set, whether because of a continuance or because it was not reached, the court shall reset the case to a date certain. Unless all parties agree otherwise, the new setting must comply with all requisites of T.R.C.P. 245.

3.4.3 Preference for ADR. In the discretion of the court, preference in setting cases for trial shall be given to matters in which the parties have participated in alternate dispute resolution procedures.

3.4.4 Assignment to Trial. A case is assigned to trial when counsel are called to the court to commence the jury or non-jury on the merits. For purposes of engaged counsel, no court may have more than one case assigned to trial at any one time.

3.4.5 Dead Weeks. Except with the consent of all parties, no cases will be assigned to trial on the merits during:

i. The week of the Second Administrative Judicial Conference (February or March);
ii. The week of the State Bar Convention (June);
iii. The week of the Conference of the Judicial Section (September); and
iv. The last week of December.

3.6 Dismissal Dockets. The following cases are eligible for dismissal for want of prosecution pursuant to T.R.C.P. 165a:

i. Cases on file for more than 180 days in which no answer has been filed or is required by law;
ii. Cases which have been on file for more than eighteen months and are not set for trial;
iii. Cases in which a party or his attorney has failed to take any action specified by the court.

3.7 Administrative Judge of the County Civil Courts at Law.

3.7.1 The Administrative Judge of the County Civil Courts at Law shall be elected for a term on one calendar year by the judges of the county civil courts at law in the regular December meeting of the judges of the county civil courts at law.

3.7.2 The Administrative Judge of the County Civil Courts at Law may by written order designate any other judge of the division to act in his/her place if he/she is absent or unable to act. The judge so designated shall have all the duties and authority granted by these Rules to the Administrative Judge of the County Civil Courts at Law during the period of the designation.

RULE 4. CONFLICTING ENGAGEMENTS

4.1 Inter-County. The rules of the Second Administrative Judicial Region control conflicts in settings of all cases between a Harris County court and a court not in Harris County.

4.2 Intra-County. Among the trial courts sitting in Harris County:

i. Trial/Trial. A trial setting that is assigned takes precedence over a conflicting trial setting not yet assigned.
ii. Trial/Non-Trial. Trial settings take precedence over conflicting non-trial settings except as provided herein;
iii. Non-Trial/Pre-Trial. The matter which was first filed, regardless of cause number, shall take precedence over non-trial settings, non-court ordered alternate dispute resolution and non-court ordered depositions.

4.3 Waiver. The court with precedence may yield.

4.4 Lead Counsel. This rule operates only where lead counsel, as defined by T.R.C.P. 8, is affected unless the court expands coverage to other counsel.

4.5 Reporting of Conflicting Engagements. It is the duty of counsel to report promptly to a court immediately upon learning of a conflicting engagement that might preclude that counsel's availability for trial.

RULE 5. VACATIONS OF COUNSEL

5.1 The County Civil Courts will honor the written designations for Summer vacation weeks and/or non-Summer vacation weeks filed with the County Clerk or District Clerk pursuant to the Local Rules of the Civil Trial Division of the Judicial District Courts of Harris County, except for cases preferentially set for trial prior to the vacation designation. An attorney may designate not more than four weeks of vacation during a calendar year as vacation, during which that attorney will not be assigned to trial or required to engage in any pretrial proceedings. This rule operates only where lead counsel, as defined by T.R.C.P. 8, is affected, unless the trial court expands coverage to other counsel.

> ***5.1.1 Summer vacations***. Summer vacation weeks so designated will protect the attorney from trials during those summer weeks, even if an order setting the case for trial was signed before the vacation designation was filed, except in cases preferentially set for trial prior to the vacation designation.
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> ***5.1.2 Non-summer vacations***. Non-summer vacation weeks may not run consecutively for more than two weeks at a time. Non-summer vacation weeks so designated will not protect an attorney from a trial by an order signed before the date the designation is filed.

RULE 6. MEETINGS

The judges of the County Civil Courts at Law shall meet regularly each month at such times and places as the Administrative Judge of the County Civil Courts at Law may direct by a written notice distributed at least 72 hours in advance of the meeting, except in the case of an emergency.

RULE 7. EFFECTIVE DATE AND AMENDMENTS

7.1 Effective Date. These amended rules shall become effective on December 29, 2022.

7.2 Cross-Reference. Any reference in these rules to a statute or a court rule shall also apply to any successor statute or court rule, whether by recodification, revision, or amendment.

7.3 Applicability. The foregoing rules are applicable to both jury and non-jury cases.