WILLACY COUNTY CIVIL RULES

INDEX

PART ONE
CIVIL DISTRICT COURTS

1.1 FILING, ASSIGNMENT AND TRANSFER
1.2 TEMPORARY ORDERS
1.3 EX PARTE ORDERS
1.4 TEMPORARY AND PROTECTIVE ORDERS IN FAMILY LAW MATTERS
1.5 SEVERANCE
1.6 SETTING FOR TRIAL AND PRE-TRIAL
1.7 OTHER SETTINGS
1.8 SPECIAL SETTINGS
1.9 GENERAL PLEADINGS
1.11 INITIAL PRE-TRIALCONFERENCE
1.12 DILATORY PLEAS
1.13 APPEARANCE IN COURT FOR HEARINGS, ANNOUNCEMENTS AND/OR TRIAL
1.14 DISMISSAL FOR WANT OF PROSECUTION
1.15 WITHDRAWAL OF COUNSEL
1.16 FILING OF PAPERS AND/OR ELECTRONIC FILING WITH THE DISTRICT CLERK
1.17 WITHDRAWAL AND COPYING OF FILES
1.18 ORDERS AND JUDGMENTS

PART 2
COUNTY COURT

2.1 RULES APPLICABLE TO COUNTY COURT
PART 3
GENERAL AND MISCELLANEOUS

3.1 AUTHORITY FOR RULES
3.2 REPEAL OF FORMER RULES
3.3 TITLE AND CITATION
3.4 PARTIAL CIVIL INVALIDITY
3.5 "COUNSEL", "LAWYERS", "ATTORNEY OF RECORD"
3.6 CONDUCT OF THE GENERAL PUBLIC
3.7 CONDUCT OF COUNSEL
3.8 CONDUCT OF THE OFFICERS OF THE COURT, INCLUDING COUNSEL
3.9 ADOPTION AND EFFECTIVE DATE

WILLACY COUNTY CIVIL COURT RULES
PART ONE
PRACTICE IN CIVIL CASES – DISTRICT COURT

1.1 FILING, ASSIGNMENT AND TRANSFER

(a) All civil cases, except as otherwise provided herein or by court order, shall be filed in the District Courts (and any district court hereafter created) in random order.

(b) Every suit or proceeding, in the nature of a bill or review or otherwise, seeking to attack, avoid, or set aside any judgment, order, or decree of a District Court of Willacy County shall be assigned to the Court in which such judgment, order or decree was rendered.

(c) Every ancillary garnishment suit shall be assigned to the Court in which the suit to which the garnishment is ancillary is pending. Every garnishment after judgment shall be assigned to the Court which rendered the judgment upon which the garnishment is founded.

(d) Except as hereinafter provided, after assignment to a particular Court, every case shall remain pending in such Court until final disposition, unless transferred pursuant to these rules, state statute, or court order.

(e) Every motion for consolidation or joint hearing of two or more cases shall be filed in the earliest case filed.

(f) Transfer of cases:

(1) Pursuant to TV.T.C.A. Government Code, Court Adm. Act §74.092(1), the local administrative judge shall implement and execute the local rules of administration, including the assignment, docketing, transfer and hearing of cases.

(2) Whenever any pending case is related to another case previously filed in or disposed of by another District Court of Willacy County , any party with knowledge of that relationship must file a Motion to Transfer in the earlier case's Court seeking to have the second case transferred into the earlier case's Court. All such Motions shall be decided by the earlier case's Court. If a Motion to Transfer is improperly filed in the later case's Court, the Motion shall be stricken. The Judge of the Court in which a later case is or was pending shall, on notice and hearing, transfer the later case to the earlier case's Court, if the Court determines that the transfer of the later case to the earlier case's Court would

facilitate order and efficient disposition of the litigation. Whether a case is "earlier" or "later" as those terms are used in this rule will be determined by the date-stamp from the District Clerk's office on the face of the first pleading filed in the case, and if necessary, any time of filing endorsed on that stamp. Where no time of filing is endorsed on the stamp the time filed will be assumed to have been 4:59 p.m.

(3) The following type of cases, though not comprehensive, are by definition cases which would require transfer into the earlier case's Court to "facilitate order and efficient disposition of the litigation":

(a) Any case arising out of the same transaction or occurrence as an earlier case, particularly if the earlier case was dismissed by plaintiff at any time before final judgment.

(b) Any case involving a plea that a judgment in the earlier case is conclusive of any of the issues of the later case by way of res judicata or estoppel by judgment, or any pleading that requires a construction of the earlier judgment or a determination of its effect.

(c) Any suit for declaratory relief concerning a liability insurer's duty to defend or indemnify a party to another pending suit;

(d) Any suit concerning a liability insurer's duty to defend or indemnity a party in a separate prior or pending suit.

(4) This rule does not apply to any case in which the presiding judge has determined that he or she must recuse him/herself. In such a case, the administrative judge for the Willacy County District Court may transfer the case without notice or hearing. If a motion to recuse has been filed by any party and the presiding judge has not determined that he or she must recuse him/herself, the motion to recuse must be resolved pursuant to the requirements of the Texas Rules of Civil Procedure before any action can be taken on the Motion to Transfer. An oral motion to recuse is not recognized by the Court and is automatically denied. A motion to recuse must be in writing in order to be considered by the Court.

(5) Whenever a case is transferred to Willacy County by a Court of another county, or is appealed, and the order of transfer or the appeal specifies the particular Court to which the case is transferred, such specification shall be disregarded and the case shall be assigned to a court in the manner provided in subdivision (a) of this rule, and such case shall thereafter be subject to the provisions of these rules, except for cases transferred to a specific court pursuant to State MDL Rules (Rule 13, Texas Rules of Judicial Administration).

1.2 TEMPORARY ORDERS

Except in emergencies when the District Clerk's office is not open for business, no application for immediate or temporary relief shall be presented to a Judge until it has been filed and assigned to a Court as provided in Rule 1.1. If the Judge of the Court to which such case is assigned is absent or is occupied with other matters, such application may be presented to any District Judge, who may sit for the Judge of the Court in which the case is pending and shall make all writs and process returnable to the Court to which the case is assigned by the clerk. Where a temporary order requires a subsequent hearing pursuant to the Texas Rules of Civil Procedure and/or substantive law, including all cases in which a temporary restraining order has been granted, a date and time for the required hearing must be obtained from the Court Coordinator of the Court in which the case has been assigned before the temporary order can be issued or considered enforceable. If a Judge does sign a Temporary Order for another Court while the Judge and staff of the other Court is on vacation, the court or its staff shall notify the other court of the date given the Temporary Order for hearing. The party obtaining the temporary order must serve notice of the date and time of the required hearing with the temporary order.

1.3 EX PARTE ORDERS

(a) All applications for ex parte orders shall be presented in accordance with Rule 1.2.

(b) The standards for presenting applications for *ex parte* orders in family law cases do not apply in other civil cases. Counsel presenting any application for an ex parte order shall at the time the application is presented certify in writing to the Court that:

(1) to the best of his knowledge the party against whom the relief is sought is not represented by counsel in the matter made the basis of the suit in which the relief is sought; or

(2) if such party is so represented by counsel, that (i) such counsel has been notified of the application and does not wish to be heard by the Court thereon; or (ii) that counsel presenting the application has diligently attempted to notify such counsel and has been unable to do so and the circumstances do not permit additional efforts to give notice.

(c) Counsel presenting any application for an ex parte order shall at the time the application is presented further certify in writing that to the best of his or her knowledge, the case is which the application is presented is not subject to transfer under

Rules 1.1 (f) . Or, if the case is subject to such a transfer, counsel shall fully advise the Court of the circumstances, particularly as to whether there has been any previous application for the same or similar relief or whether the relief sought will conflict with any previous order, and the Judge to whom the application is presented may decline to act and refer the application or the entire case pursuant to these rules to the Judge of the court to which the earlier related case is assigned.

1.4 TEMPORARY AND PROTECTIVE ORDERS IN FAMILY LAW MATTERS

(a) Requests for *ex parte* Temporary Restraining Orders in family law matters shall not include any request that the Court exclude a party from a joint residence or that party's own residence. Any and all requests that one party be awarded exclusive possession of a residence shall be made only after notice and hearing except as otherwise specifically provided by the Texas Family Code.

(b) Requests for Protective Orders or for a Writ of Habeas Corpus for obtaining possession of a child in a family law matter shall not be submitted without an affidavit as specified in the Texas Family Code.

(c) Counsel seeking Protective Orders in family law matters must have a bona fide belief that any alleged family violence has in fact occurred and must not use a request for a Protective Order as means to obtain possession of a residence or of children absent that bona fide belief. An affidavit stating the bona fide belief is mandatory.

1.5 SEVERANCE

Motions to sever are not favored and will be granted only on a showing that a severance is necessary to protect substantial rights or to facilitate disposition of the litigation.

1.6 SETTING FOR TRIAL AND PRE-TRIAL

(a) At any time after the filing of an answer and on the request or motion of any party or on the Judge's own motion, the Court Coordinator, acting on direction of the Judge, may set a docket control conference with all counsel in order to set the case for trial on the merits.

(b) A party shall request a pre-trial hearing where there are substantial pre-trial motions which are likely to take up the time of the Court on the date the case is otherwise set for trial. The Court, in its discretion, will then determine if a pre-trial hearing is needed to resolve those pretrial motions and shall issue notice of the date and time of the

pre-trial hearing. The Court may always on its own Motion set a pre-trial hearing by issuing notice of the date and time of same to all parties.

(c) Counsel attending a pre-trial hearing shall be either the counsel who expects to be lead attorney at trial or an attorney who has full authority to state the client's position of the law and facts on pending matters, to make stipulations, and to enter into settlement negotiations.

1.7 OTHER SETTINGS

(a) Counsel who request a hearing, pre-trial and/or trial date and who receives notice of same from the Court and/or the Court Coordinator shall have the duty to give all other parties in the case written notice immediately of such setting and to furnish a copy of such notice to the clerk of the Court in which the case is pending. If a party receives his copy of notice by written order mailed to parties from the clerk's office, the party is excused from providing duplicative notice to all parties.

(b) No hearing shall be set on less than three (3) days' notice, and no party shall request a hearing on less than three (3) days' notice unless that party has filed a motion for emergency hearing, and has provided specific reasons for same. If filing a motion requesting an emergency hearing, counsel must provide a copy of the motion and written notice of the requested and/or any awarded hearing date by hand-delivery, telefax, electronic transmission, or other similar means most likely to insure that opposing counsel receives that notice. Counsel seeking the emergency hearing must also make a good faith effort to contact all opposing counsel's offices to confirm that the opposing counsel has received the notice.

(c) No setting is required for a hearing on a default requiring no record or proof; however, if there are any other parties to the case, notice to all such parties must be given before any attempt is made to approach the Court to obtain a default. If other parties indicate a desire to be present, they must be given the opportunity to or be present, or a setting with at least three (3) days' notice must be obtained.

(d) Testimony for defaults requiring proof shall be scheduled with the Court Coordinator of the Court in which the case is pending, and notice given to all parties.

1.8 SPECIAL SETTINGS

Special preferential settings may be made by the Judge when, because of unusual circumstances, more than ordinary difficulty would be encountered in having all counsel and witnesses available when the case is reached in regular order. Cases specially set shall take precedence over all other matters, except matters entitled to preference by law and matters commenced but not completed in the preceding week. Other engagements of

counsel shall not be grounds for postponement of a case specially set, unless good cause is shown on motion and notice filed more than ten days before the date set for trial. No more than one case shall be specially set in any court in any particular week.

1.9 GENERAL PLEADINGS

(a) An order sustaining a special exception or requiring a party to amend that party's pleading shall be deemed to require the amended pleading to be filed within 20 days after the order is signed or seven (7) days before trial commences, whichever date comes first. Such orders may specify a different time limit. If special exceptions are granted or other orders of the Court entered which would require amendment of pleadings within seven (7) days, the Court shall specify at the time it makes its ruling the date on which the amended pleading necessitated by that ruling shall be due.

(b) Any order permitting a party to amend that party's pleading during trial shall be deemed to require the amended pleading to be filed no later than commencement of the charge conference. Such orders may specify a different time limit.

(c) All cases in which a court order is entered specifying pre-trial deadlines are Level 3 cases even if the words "Level 3" are not used in the Order. Whenever a court's docket control order provides that expert designation obligations shall be handled pursuant to or by "the Rules," the dates in this subsection shall govern. If the docket control order does not specify dates on which each party's experts are to be designated, nor dates for disclosure information under Tex.R.Civ.P. 194 to be provided, the dates for such disclosures shall be as follows:

For Plaintiffs'/Third Party Plaintiffs' experts – 90 days prior to trial
For Defendants'/Third Party Defendants' experts – 60 days prior to trial

If a party is both a Defendant and a Third Party Plaintiff, Cross-Plaintiff and/or Counter-Plaintiff, then as to all issues on which it is seeking affirmative relief from another party, the expert designation date is the date for Plaintiffs'/Third Party Plaintiffs' experts.

1.10 INITIAL PRETRIAL CONFERENCE

(a) No later than the 90th day after suit is filed, Plaintiff shall request and any other party may request an initial pre-trial conference.

(b) Counsel for each party who has answered or otherwise entered an appearance with authority to speak for that party shall attend the initial pre-trial conference. The Court may permit appearance by phone.

(c) At the initial pre-trial conference, the Court and parties may address the following:

(1) whether all parties have been served
(2) any need to join additional parties
(3) pending related cases, if any, filed in Willacy County
(4) special exceptions
(5) all pending motions or dilatory pleas, or scheduling hearing on said motions
(6) a discovery schedule, including setting the discovery level, the scope and pace of discovery, setting deadlines for designating experts, and deadlines to complete discovery
(7) alternative dispute resolution
(8) agreements to serve documents electronically
(9) the entry of a docket control order and setting a trial date
(10) any other matter that may aid in the efficient disposition of the case

(d) Unless otherwise agreed by the parties, requesting or appearing at an initial pretrial conference is not deemed to waive a special appearance or motion to transfer venue. Unless otherwise agreed by the parties, approval of a docket control or discovery order shall not be deemed to waive or compromise the deadlines for reports required by Texas Civil Practices and Remedies Code, chapter 74 and 90, as amended.

1.11 DILATORY PLEAS

(a) Rule 1.10 does not apply to special appearances, motions to transfer venue, pleas to the jurisdiction, motion to dismiss based on sovereign, governmental, or official immunity, motions to compel arbitration, or motions concerning class certification. The parties are encourages to set such pleas and motions so that they may be resolved as early as practicable before trial.

(b) If pleadings have been on file thirty (30) days before trial is scheduled to commence, any dilatory pleas and special exceptions to those pleadings are deemed waived unless timely filed and presented to the Court for ruling ten (10) days before the date the case is scheduled to commence trial.

(c) If pleadings have been on file more than seven (7) days but less than thirty (30) days before trial is scheduled to commence, any dilatory pleas and special exceptions to those pleadings are deemed waived unless timely filed and presented to the Court at any scheduled pre-trial conference; if there is no scheduled final pre-trial conference, or it is not held, such pleas and exceptions shall be presented to the Court before trial commences.

(d) If pleadings have been on file seven (7) or fewer days before trial is scheduled to commence, any dilatory pleas and special exceptions to those pleadings shall be presented to the Court before trial commences.

1.12 DISCOVERY

(a) Any motion for discovery or for protection under the Texas Rules of Civil Procedure must contain a certificate of conference completed by the party filing same which certifies that said party has made a good faith effort as required under Tex.R.Civ.P. 191.2 to resolve the discovery issues without court intervention. If an objection has been made under Tex.R.Civ.P. 193.2(a), the parties will follow the procedure outlined in Tex.R.Civ.P. 193.4.

(b) If a discovery dispute regarding claims of privilege has arisen, under 193.3(a) and the party asserting privilege has been properly asked to provide privilege log information under Tex.R.Civ.P. 193 and has done so, the claims of privilege hearing will follow Tex.R.Civ.P. 193.4. Where the party disputing claims of privilege has not requested a privilege log under Tex.R.Civ.P. 193(b) and /or has not specified which items on the privilege log are still in dispute, that failure permits the Court to deny the Motion to Compel without prejudice to re-filing after such steps are taken.

1.13 APPEARANCE IN COURT FOR HEARINGS, ANNOUNCEMENTS AND/OR TRIAL

(a) All professionals know what is generally expected in the way of courtroom decorum. The Court shall in its discretion enforce specific standards of decorum in the courtrooms.

(b) Each court shall set a time for announcements of readiness for trial and shall notify all parties of the announcement date and time when providing notice of the trial setting.

(1) When no announcement is made on behalf of Plaintiff at the time scheduled, the case may be dismissed for want of prosecution.

(2) When no announcement is made on behalf of a Defendant at the time scheduled, the Court will be entitled to assume that Defendant to be ready.

(c) At the time of announcements, counsel shall submit to the Court proposed questions and instructions for the jury charge. They will also advise the judge of anticipated conflicting engagements during the week of trial that may affect counsel's ability to attend trial. They will also advise the Court whether settlement discussions are exhausted and of discussions on stipulations.

1.14 DISMISSAL FOR WANT OF PROSECUTION

A case may be dismissed for want of prosecution for any of the following reasons:

(a) Failure of Plaintiff to request a setting or take other appropriate action within thirty (30) days of notice from the Court that the case is subject to being dismissed for want of prosecution.

(b) Failure of Plaintiff's counsel to appear for pre-trial, or failure to appear for Final Hearing, Trial or any other hearing where there has been a previous failure to appear and/or no indication has been given to the Court for the reason counsel has not yet appeared, or failure to timely file pleadings to meet the exceptions previously sustained.

Subject to other provision of these rules the clerk shall mail a written notice of such dismissal to all parties or their counsel of record.

1.15 WITHDRAWAL OF COUNSEL

No attorney of record shall be permitted to withdraw from any case without presenting a Motion pursuant to Tex.R.Civ.P. 10, including all requirements of same, obtaining a ruling and a signed Order granting withdrawal, and complying with the notice requirements for the former client under said Rule.

1.16 FILING OF PAPERS AND/OR ELECTRONIC FILING WITH THE DISTRICT CLERK

(a) All pleadings, Motions, Orders, and other papers, including exhibits attached thereto, when offered for filing or entry, shall be descriptively titled and pre-punched at the top of the page to accommodate the Clerk's 2 ¾" center to center flat-filing system. Each page of each instrument shall, in the lower margin thereof, be numbered and tilted, e.g., Plaintiff's Original Petition – page 2. Orders and Judgments shall be completely separated from all other papers.

(b) Notices of Discovery shall not be filed.

(c) To the extent telefax and electronic filing is permitted and additional Local Rules for telefax and electronic filing have been adopted, they are incorporated by reference as if set forth herein, and they are to be followed.

1.17 WITHDRAWAL AND COPYING OF FILES

(a) No file, pleadings or paper belonging to the files of the Court shall be taken from the office or custody or the Clerk except on order of the Judge of that Court. No order for such withdrawal shall be granted except for good cause shown. The order shall state the time within which the same shall be returned to the Clerk.

(b) A receipt specifying the pleadings or papers withdrawn shall be given to the Clerk by the party withdrawing them. Statement of facts desired shall be obtained in the usual way from the Court Reporter. Except as elsewhere required, the Court Reporter shall not be required to undertake the making of a typed transcript without the deposit of an adequate indemnity nor to furnish such statement of facts prior to the payment therefor.

1.18 ORDERS AND JUDGMENTS

Unless the Court directs otherwise, counsel shall submit proposed orders, decisions, and judgments to the Court for approval and signature within thirty (30) days after rendition or announcements of settlement. Counsel shall serve copies on all counsel. Failure to submit timely a proposed judgment or order disposing of the entire case may be considered as grounds to dismiss for want of prosecution under Rule 1.14.

PART TWO
COUNTY COURT

2.1 RULES APPLICABLE TO COUNTY COURT

(a) These rules are applicable to the County Court of this County in all cases on the Civil and Probate Dockets of said Court.

(b) The rules governing the practice in civil cases in the District Court of Willacy County, as contained in part one of these rules, shall apply to the County Court. In such cases, references to the District Clerk shall apply to the County Clerk.

PART THREE
GENERAL AND MISCELLANEOUS

3.1 AUTHORITY FOR RULES

These rules are adopted under and by virtue of Texas Rule of Civil Procedure 3a, and the constitutional, statutory, and inherent powers of the Courts to regulate proceedings before them and to provide for the orderly and efficient dispatch of litigation.

3.2 REPEAL OF FORMER RULES

All previous local rules governing practice in the Civil District Courts and County Court of Willacy County are hereby repealed, other than any Local Rules for telefax and electronic filing referenced in Local Rule 1.15(c).

3.3 TITLE AND CITATION

These rules shall be known as the "Willacy Civil District Court and County Court Rules," and particular rules may be cited thus: "Willacy Civil Court Rule 3.3."

3.4 PARTIAL CIVIL INVALIDITY

In the event any of the foregoing 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, all of which have been separately considered and adopted.

3.5 "COUNSEL", "LAWYERS", "ATTORNEY OF RECORD"

The terms, "Counsel", "Lawyer", and "Attorney of Record" as used in theses rules shall, in the event a party appears pro se, i.e. without counsel, apply to individual litigants in the same fashion as if they were members of the Bar of the State of Texas.

3.6 CONDUCT OF THE GENERAL PUBLIC

The general public, witnesses, jurors, and parties attending court shall not:

a. bring food or beverages into the courtroom.
b. smoke in the courthouse.
c. prop feet on the furniture.
d. walk through the courtroom while the court is in open session.

e. by facial gesture or other nonverbal conduct exhibit approval or disapproval of witness, testimony, counsel's argument, the judge's ruling, or other events of proceedings.

f. have in their possession cell phones, pagers, PDA's, or personal music devices able or emit audible sounds in the courthouse.

3.7 CONDUCT OF COUNSEL

Counsel shall:

a. address their statements to the Court and not each other during court proceedings, except by leave of Court.

b. be prompt in attending Court.

c. dress appropriately in the decorum of the Court.

d. prevent their cell phones, pagers, PDA's or personal music devices to ring or emit audible sounds in the courtroom.

e. not address each other or the judge by their first name or nicknames.

f. stand while addressing the judge, preferable from counsel table. Counsel and their staff shall remain at counsel table while examining witnesses, except when necessary to handle or display evidence.

g. refrain from inviting clients or witnesses to the judge's chambers, except by the judge's permission.

h. observe the disciplinary rules and ethical canons concerning *ex parte* contact with the Court and its staff concerning pending cases, discussions with the media concerning pending cases, and civility to opposing counsel.

i. avoid leaning on the bench during court proceedings and conferences.

j. advise clients and witnesses of proper court decorum.

k. not interrupt the judge or opposing counsel, except when necessary to make a proper objection or otherwise protect a party's rights.

l. avoid "speaking objections" or legal arguments on objections before the jury, except by leave of Court.

m. not address a juror directly or individually after voir dire until after the jurors are released from service, except by the Court's permission.

n. because they are potentially disruptive of court proceedings and pose possible security risks, telephones, beepers, cameras, recording devices or other electronic devices shall not be brought into the courtroom without the expressed permission of the Court. Anyone that brings these items into the courtroom without the expressed permission of the Court is in violation of this order and subject to direct contempt of the Court and possible forfeiture of said item.

3.8 CONDUCT OF OFFICERS OF THE COURT, INCLUDING COUNSEL

a. All counsel are admonished to respect the letter and spirit of all canons of ethics, including particularly those dealing with testimony by counsel participating in the trial, discussion of cases with representatives of the press, T.V. or radio and discussion of the facts or law of the case with the Court outside of the Courtroom and not in the presence of opposing counsel. The Court may enforce the same by appropriate action.

b. The lawyers, the Judge, and all officers of the Court shall be prompt at all sessions and in dispatch of all Court business.

c. All lawyers and Court officials shall dress in keeping with proper Courtroom decorum and all male lawyers and Court officials shall wear coats and ties while in attendance of the Court; provided, however, that Judicial Discretion be exercised otherwise in special situations. No attorneys may wear jeans while in attendance of the Court.

d. While the Court is in session, all remarks of counsel shall be addressed to the Court, and not to opposing counsel or to the Judge as an individual.

e. In addressing the Judge, lawyers shall at all times rise and remain standing to address the Judge from the position at the counsel table. They shall remain standing to address the Judge from their position at the counsel table. They shall remain at counsel table while interrogating witnesses, except as may be necessary in handling or displaying of exhibits or demonstrating evidence.

f. The Judge shall be respectfully and properly addressed at all times; all objections and legal arguments by counsel shall be directed to the Judge and not to opposing counsel, and counsel shall be impersonal in addressing the Judge.

g. All counsel are requested to use the conference room for consultation with clients and witnesses and are further requested to refrain from inviting clients and witnesses into the Court Clerk's office and the Chambers except upon the discretion of the Judge. The telephone in the lawyers' lounge is provided for the attorneys to use on Court business only.

h. When the Judge addresses counsel it shall be impersonally, as by "Counsel" or by the last name, rather than by first name.

i. Lawyers shall never lean on the bench or engage the Judge in a confidential manner.

j. Lawyers shall advise their clients and witnesses of the proper courtroom decorum and attire, and seek their full cooperation therewith. This will prevent possible embarrassment to the Judges as well as to the lawyers and laymen.

k. After jury voir dire, no attorney shall ever address the jury or a juror individually or by name without having first obtained leave of Court.

During trial, attorneys should not exhibit familiarity with witnesses, jurors or opposing counsel, and to this end, the use of first names should be avoided. During jury argument, no attorney should ever address a juror individually or by name.

l. The trial attorney should refrain from interrupting the Court or opposing counsel until the statement being made is fully completed, except when necessary to protect his client's rights on the record, and should respectfully await the completion of the Court's statement or opinion before undertaking to point out objectionable matter.

m. There will be no arguments on objections in the presence of the Jury. If counsel desire to argue his or her point after making objection, or being overruled on an objection, he or she shall ask the Court to exclude the jury before proceeding with such argument. However, argument will be permitted on objections at the discretion of the Court.

3.9 ADOPTION AND EFFECTIVE DATE

These rules shall be effective in all Courts to the extent applicable on and after September 28, 2011.

SIGNED

Migdalia Lopez
Presiding Judge, 197th Judicial District Court
(Cameron & Willacy Counties)

John F. Gonzales, Jr.
County Judge

FILED AND RECORDED

SUPREME COURT APPROVAL