

IN THE SUPREME COURT OF TEXAS

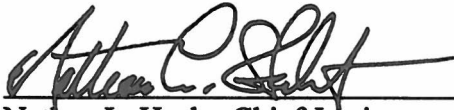
Misc. Docket No. 14-**9023**

**APPROVAL OF AMENDED LOCAL RULES FOR
THE CIVIL COURTS OF DALLAS COUNTY**

ORDERED that:

Pursuant to Texas Rule of Civil Procedure 3a, the Supreme Court approves the following amended local rules for the Civil Courts of Dallas County.

Dated: January 15, 2014



Nathan L. Hecht, Chief Justice



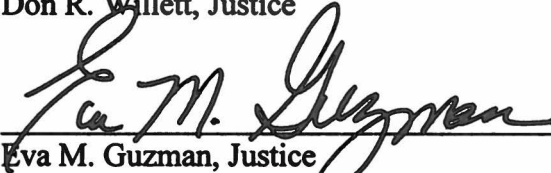
Paul W. Green, Justice



Phil Johnson, Justice



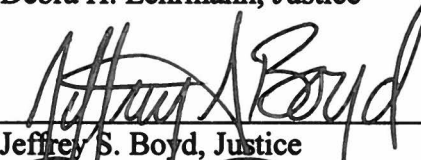
Don R. Willett, Justice



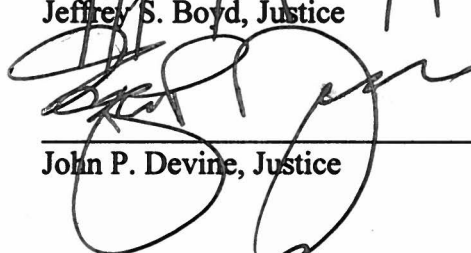
Eva M. Guzman, Justice



Debra H. Lehrmann, Justice



Jeffrey S. Boyd, Justice



John P. Devine, Justice



Jeffrey V. Brown, Justice

**LOCAL RULES of THE CIVIL COURTS OF DALLAS COUNTY, TEXAS--
including revisions approved by the Texas Supreme Court**

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DALLAS CIVIL COURT RULES

PART I- FILING, ASSIGNMENT AND TRANSFER

1.01. RANDOM ASSIGNMENT

All civil cases filed with the District Clerk shall be filed in the Civil District Courts in random order.

1.02. COLLATERAL ATTACK

Every proceeding seeking to attack, avoid, modify, or set aside any judgment, order or decree of a Civil Court of Dallas County shall be assigned to the Court in which such judgment, order or decree was rendered.

1.03. ANCILLARY PROCEEDINGS (revised)

Every proceeding ancillary to a civil action shall be assigned or transferred to the Court in which the suit to which the proceeding is ancillary is pending.

1.04. MOTION TO CONSOLIDATE

Every motion for consolidation or joint hearing of two or more cases under Texas Rules of Civil Procedure ("TRCP") Rule 174(a), shall be filed in the earliest case filed with notice to the later filed Court and all parties in each case.

1.05. TRANSFER BY LOCAL ADMINISTRATIVE JUDGE

The Local Administrative Judge may, upon request of a Court, transfer any case from that Court to any other Court having subject matter jurisdiction of the case. The selection of the transferee Court shall be by random or serial selection.

1.06. RELATED CASES

Whenever any pending case is so related to another case previously filed in or disposed of by another Court of Dallas County having subject matter jurisdiction that a transfer of the later case to such other Court would facilitate orderly and efficient disposition of the litigation, the Judge of the Court in which the earlier case is or was pending may, upon notice to all affected parties and Courts, transfer the later case to such Court.

1.07. CASES SUBJECT TO TRANSFER (revised)

Without limitation, the following types of cases shall be subject to transfer under Local Rule 1.06:

- a. Any case arising out of the same transaction or occurrence as an earlier case, particularly if the earlier case was dismissed by plaintiff 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 judgment regarding the alleged duty of an insurer to provide a defense for a party to the earlier suit.
- d. Any suit concerning which the duty of an insurer to defend was involved in the earlier suit.
- e. Any application for approval of a transfer of structured settlement payment rights in which the original settlement pertained to a suit in a court of Dallas County, or in which a previous application involving the same transferor was filed in a court of Dallas County.

1.08. DISCLOSURE REGARDING CASES SUBJECT TO TRANSFER

The attorneys of record for the parties in any case within the categories of Local Rule 1.07 must notify the Judges of the respective Courts in which the earlier and later cases are assigned of the pendency of the later case. The attorney filing a case that is so related to another previously filed case shall disclose in the original pleading or in a separate simultaneous filing that the case is so related and identify by style, case number and Court the related case. If no such disclosure is made, the signature of the attorney filing the case on the original pleading shall be that attorney's certification that the case is not so related to another previously filed case. The attorney answering any filed case shall point out in the original defensive pleading or in a separate simultaneous filing any failure of the attorney filing the case to have made a proper and accurate disclosure. In the absence of any such plea, the signature of the attorney filing the original defensive pleading shall be that attorney's certificate either that the disclosure of the attorney filing the case was accurate, or, if no disclosure was made by the attorney filing the case, that the case is not so related to a prior filed or disposed of case.

1.09. SEVERANCE

Whenever a motion to sever is sustained, the severed claim shall be filed as a new case in

the same Court and shall be given the next number available at the filing desk in the office of the Clerk. Unless otherwise ordered, the Court assignment otherwise designated by that number shall be disregarded. Before the severed claim is assigned a new cause number, the attorney for plaintiff in the new cause shall meet the Clerk's requirement concerning deposit for costs.

1.10. SEVERANCE OF MULTIPLE PLAINTIFFS

If a single pending case with multiple plaintiffs includes causes of action that do not arise out of a common nucleus of operative facts, the Court may on its own motion or the motion of any party order that the claims be severed in accordance with Local Rule.

1.11. TRANSFER OR APPEAL TO SPECIFIC DALLAS COURT INEFFECTIVE

Whenever a case is transferred to Dallas 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 in the manner provided in Local Rule 1.01, and shall thereafter be subject to the provisions of this Part.

1.12. PAYBACK OF TRANSFERRED CASES

Any Court receiving a case transferred by judicial order may transfer a case of comparable age and complexity to the transferor Court.

1.13. SUGGESTION OF BANKRUPTCY

Any party to a pending case shall promptly notify the Court of the filing by any other party of a petition in bankruptcy. Such notice shall be made by filing a Suggestion of Bankruptcy with the clerk of the Court and serving copies on all counsel of record. The Suggestion of Bankruptcy shall be filed as soon as practicable, but in no event more than 20 days after a party receives notice of the filing of a petition in bankruptcy by any other party.

PART II - MOTIONS AND DISCOVERY

2.01. FILING WITH THE COURT IN EMERGENCY ONLY (revised)

a. Except in emergencies when the 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 Local Rule 1.01.

b. Whenever immediate action of a Judge is required in an emergency when the Clerk's office is not open for business, the case shall nevertheless at the earliest practicable time be docketed and assigned to a Court as provided in Local Rule 1.01 and all writs and process shall be returnable to that Court. Any Judge taking such emergency action shall notify the Court in which such case is docketed at the earliest convenient and practical time.

2.02. APPLICATION FOR TRO AND OTHER EX PARTE ORDERS

a) Counsel presenting any application for a temporary restraining order or other ex parte relief shall notify the opposing party's counsel, or the opposing party if unrepresented by counsel in the present controversy, and provide opposing counsel or party with a copy of the application and proposed order at least 2 hours before the application and proposed order are to be presented to the Court for decision, except as provided in subparagraph b) hereof.

b) Compliance with the provisions of subparagraph a) hereof is not required if a verified certificate of a party or a certificate of counsel is filed with the application,

1) That irreparable harm is imminent and there is insufficient time to notify the opposing party or counsel; or

2) That to notify the opposing party or counsel would impair or annul the court's power to grant relief because the subject matter of the application could be accomplished or property removed, secreted or destroyed, if notice were required.

c) Counsel presenting any application for a temporary restraining order shall at the time the application is presented further certify that to the best of counsel's knowledge, the case in which the application is presented is not subject to transfer under Local Rule 1.06. If the case is subject to 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 other previous order, and the Judge to whom the application is presented may decline to act and refer the application or the entire case to the Judge of the Court to which the earlier related case is assigned.

2.03. JUDGMENTS AND DISMISSAL ORDERS

Within 30 days after the Court has announced a verdict or judgment or the Court receives a written announcement of settlement from either party or from a mediator, counsel shall submit to the Court a proposed judgment or dismissal order, unless ordered otherwise. Failure to so furnish the Court with such a proposed judgment or dismissal order will be interpreted to mean that counsel wish the Court to enter an Order of Dismissal with prejudice with costs taxed at the Judge's discretion.

2.04. FILING OF PLEADINGS, MOTIONS, BRIEFS, ORDERS, AND OTHER PAPERS (revised)

All pleadings, motions, briefs, orders and other papers, including exhibits attached thereto, when offered for filing or entry, shall be descriptively titled. Each page of each instrument shall, in the lower margin thereof, be consecutively numbered and titled; e.g., "Plaintiffs Original Petition- Page 2." Page numbers should continue in sequential order through the last page of any attachments or exhibits (i.e. should not re-start with each succeeding document). Any reference to an attachment shall include the sequential page number where the reference can be found. Orders and Judgments shall be separate documents completely separated from all other papers. If documents not conforming to this Local Rule are offered, the Clerk before receiving them shall require the consent of a

Judge.

2.05. SERVICE OF PAPERS FILED WITH THE COURT

Other than original petitions and any accompanying applications for temporary restraining order, any documents filed with the Court that relate to requests for expedited relief or to matters set for hearing within seven days of filing must be served upon all opposing parties in a manner that will ensure receipt of the papers by them on the same day the papers are filed with the Court or Clerk.

2.06. UNCONTESTED OR AGREED MATTERS (revised)

The Court does not require a separate motion or hearing on agreed matters, except for continuances in cases over one year old or as otherwise provided. All uncontested or agreed matters should be presented with a proposed form of order and should reflect the agreement of all parties either (a) by personal or authorized signature on the form of order, or (b) in the certificate of conference on the motion. This Rule does not apply to cases involving financial settlements to minors.

2.07. CONFERENCE REQUIREMENT (revised)

a. No counsel for a party shall file, nor shall any clerk set for hearing, any motion unless accompanied with a "Certificate of Conference" signed by counsel for movant in one of the forms set out in Rule 2.07(c).

b. Prior to the filing of a motion, counsel for the potential movant shall personally attempt to contact counsel for the potential respondent to hold or schedule a conference to resolve the disputed matters. Counsel for the potential movant shall make at least three attempts to contact counsel for the potential respondent. The attempts shall be made during regular business hours on at least two business days.

c. For the purpose of Rule 2.07(a), a "Certificate of Conference" shall mean the appropriate one of the following four paragraphs (verbatim):

(1)

"Counsel for movant and counsel for respondent have personally conducted a conference at which there was a substantive discussion of every item presented to the Court in this motion and despite best efforts the counsel have not been able to resolve those matters presented.

Certified to the Day of __, 20__ by"

, or (2)

"Counsel for movant has personally attempted to contact the counsel for respondent to resolve the matters presented as follows:

(Dates, times, methods of contact, results)

Counsel for the movant has caused to be delivered to counsel for respondent and counsel for respondent has received a copy of the proposed motion. At least one attempt to contact the counsel for respondent followed the receipt by counsel for respondent of the proposed motion. Counsel for respondent has failed to respond or attempt to resolve the matters presented.

Certified to the Day _ of _ , 20 by”

(3)

“Counsel for movant has personally attempted to contact counsel for respondent, as follows:

(Dates, times, methods of contact, results)

An emergency exists of such a nature that further delay would cause irreparable harm to the movant, as follows:

(details of emergency and harm).

Certified to the Day of _ , 20 by”

, or (4) I, the undersigned attorney, hereby certify to the Court that I have conferred with opposing counsel in an effort to resolve the issues contained in this motion without the necessity of Court intervention, and opposing counsel has indicated that he does not oppose this motion.

Certified to the Day of _ , 20 by”

d. Sections (a) and (b) of this Rule do not pertain to dispositive motions, motions for summary judgment, default judgments, motions to confirm arbitration awards, motions to exclude expert testimony, pleas to the jurisdiction, motions to designate responsible third parties, motions to strike designations of responsible third parties, motions for voluntary dismissal or nonsuit, post-verdict motions and motions involving service of citation.

2.08. SUBMISSION OF PROPOSED ORDERS BY COUNSEL

Counsel seeking affirmative relief shall be prepared to tender a proposed order to the court at the commencement of any hearing on any contested matter.

Should the court notify counsel of its decision at any time following the hearing on any contested matter and direct counsel to prepare one or more orders for submission to the court any such order shall be tendered to opposing counsel at least two working days before it is submitted to the court.

The opposing party must either approve the proposed order as to form or file objections in writing with the court. If an order is not approved as to form and no objections are

filed within five days of the submission of the proposed order to the court, the proposed order is deemed approved as to form. Nothing herein prevents the court from making its own order at any time after the hearing in accordance with the Texas Rules of Civil Procedure.

2.09. BRIEFS, RESPONSES AND REPLIES (revised)

Except in case of emergency, briefs, responses and replies relating to a motion (other than for summary judgment) set for hearing must be served and filed with the Clerk of the Court no later than three working days before the scheduled hearing. Briefs in support of a motion for summary judgment must be filed and served with that motion; briefs in opposition to a motion for summary judgment must be filed and served at or before the time the response is due; reply briefs in support of a motion for summary judgment must be filed and served no less than three days before the hearing. Briefs not filed and served in accordance with this paragraph likely will not be considered. Any brief that is ten or more pages long must begin with a summary of argument.

2.10. DEFAULT PROVE-UPS

Upon request by the Court, default prove-ups may be made through affidavits and without hearing.

2.11. NOTICE OF HEARING (new)

A party who sets for hearing any motion or other matter must serve written notice of such setting on all parties, with a copy to the Clerk of the Court, within one business day of receipt of such setting. Nothing in this rule shall be construed to shorten any notice requirement in the Texas Rules of Civil Procedure or other rule or statute.

2.12. EFFECT OF MOTION TO QUASH DEPOSITION

a. For purposes of this rule, the date of delivery of a notice of deposition or motion to quash a notice of deposition is the date of actual delivery to counsel or a party, unless received after 5:00 p.m. in which case the date of delivery is deemed to be the next day on which the courthouse is open. Delivery by mail is presumed to be the third business day following mailing.

b. The filing of a motion to quash a deposition with the district clerk and service on opposing counsel or parties in accordance with Local Rule 2.05, if done no later than the third day the courthouse is open after delivery of the notice of deposition, is effective to stay the deposition subject to determination of the motion to quash. The filing of a motion to quash does not otherwise stay a deposition.

c. The parties may, by Rule 11 agreement, agree to proceed with a partial deposition while still reserving part or all of the objections made in the motion to quash.

PART III- TRIALS

3.01. REQUESTS TO CONTINUE TRIAL DATE

a. Unless otherwise permitted by Court policy, no request to pass, postpone or reset any trial shall be granted unless counsel for all parties consent, or unless all parties not joining in such request or their counsel have been notified and have had opportunity to object; provided, however, that failure to make an announcement under Local Rule 3.02 shall constitute that party's consent to pass, postpone, reset or dismiss for want of prosecution any case set for trial the following week.

b. After a case has been on file for one year, it shall not be reset for a party except upon written motion for continuance, personally approved by the client in writing, and granted by the Court. Except as provided by statute, no party is entitled of right to a "pass" of any trial setting.

3.02. ANNOUNCEMENTS FOR TRIAL

a. In all cases set for trial in a particular week, counsel are required to make announcements to the Court Administrator on the preceding Thursday and in any event, no later than 10:30 A.M. on the preceding Friday concerning their readiness for trial. Such announcement shall include confirmation of compliance with Local Rule 2.08, if such compliance is required in the case. Any unqualified announcement of "ready" or "ready subject to" another Court engagement may be made to the Court Administrator in person or by telephone.

b. If Plaintiff does not make an announcement by 10:30 A.M. on Friday preceding the week in which the case is set for trial, the Court may dismiss the case for want of prosecution.

c. If one or more Defendants do not make an announcement by 10:30 A.M. on Friday preceding the week in which the case is set for trial, the Court may deem said Defendant(s) to be ready and may proceed with the taking of testimony, with or without the presence of said Defendant or Defendants or their respective counsel.

d. Counsel shall notify all parties of their announcement.

e. An announcement of "ready" shall be taken as continuing throughout the week in which the case is set for trial except to the extent that such announcement is qualified when it is made or later by prompt advice to the Clerk.

f. Whenever a non-jury case is set for trial at a time other than Monday, counsel are required to appear and make their announcements at the day and hour specified in the notice of setting without further notification.

3.03. CONFLICTING ENGAGEMENTS OF COUNSEL

a. Where counsel has more than one trial setting in a case on call in the Courts of Dallas County in the same week, the Court in which the case is first reached for trial shall have priority. If cases are reached in more than one Court at the same time and day, any case specially set case has priority; if no case is specially set, the older case shall have priority.

b. Where counsel for either party has a conflicting trial setting in another county, the Court may, in its discretion, defer to the out of county court and hold the case until the trial in the other county is completed.

c. Where counsel has a conflicting engagement in any Court of the United States or in any Appellate Court, the case in Dallas County may be held until such engagement has been completed.

3.04. CARRYOVER CASES

If a case is not tried within the week, the Court may with prior written notice carry the case from week to week. Counsel are required to answer concerning their readiness for trial in these cases in the normal manner for the subsequent week.

3.05. COUNSEL TO BE AVAILABLE

Unless released by the Court, during the week a case is set for trial counsel are required to be available upon a telephone call from the Court Administrator. Telephone notice to counsel's office or such other telephone number as counsel may provide to the Court Administrator will be deemed actual notice that a case is called for trial. Counsel shall promptly advise the Court Administrator of any matter that arises during the week that affects counsel's readiness or availability for trial. If counsel is engaged during the week in trial in another Court, whether in Dallas County or elsewhere, counsel shall advise the Court Administrator upon completion of such other trial.

PART IV - ATTORNEYS

4.01. ATTORNEY CONTACT INFORMATION (revised)

Every pleading of a party shall include the information required by Tex. R. Civ. P. 57. Attorneys are required to notify the District Clerk of any change in address, email address, telephone, or fax number. Any notice or communication directed to the attorney at the address, telephone, or fax number indicated in the records of the District Clerk will be deemed received.

4.02. WITHDRAWAL OF COUNSEL

No attorney of record shall be permitted to withdraw from any case without presenting a motion and obtaining from the Court an order granting leave to withdraw. When withdrawal is made at the request of or on agreement of client such motion shall be accompanied by the client's written consent to such withdrawal or a certificate by another lawyer that he has been employed to represent the client in the case. In the event the client has not consented, a copy of such motion shall be mailed by certified and regular first class mail to the client at his last known address, with a letter advising that the motion will be presented to the Court on or after a certain hour not less than ten days after mailing the letter, and that any objection to such withdrawal should be made to the Court in writing before such time. A copy of such letter shall be attached to the motion. A copy of the motion shall be served upon all counsel of record. Unless allowed in the discretion of the Court, no such motion shall be presented within 30 days of the trial date or at such

time as to require delay of the trial. After leave is granted, the withdrawing attorney shall send the client a letter by regular mail with a copy of the order of the withdrawal, stating any settings for trial or other hearings and any pending discovery deadlines, and advising him to secure other counsel, and shall forward a copy of such letter to all counsel of record and to the Clerk of the Court in which the case is pending. The requirements of this Local Rule are supplemental to, and not in place of, the requirements of TRCP Rule 10.

4.03. APPEARANCE OF ATTORNEYS NOT LICENSED IN TEXAS

A request by an attorney not licensed to practice law in the State of Texas to appear in a pending case must comply with the requirements of Rule XIX of the Rules Governing Admission to the Bar.

4.04. VACATION LETTERS

Any attorney may reserve up to three weeks in any calendar year for vacations by sending a "vacation letter" for each case (with appropriate cause number and style) to the Court Coordinator and opposing counsel, reserving weeks in which no hearings, depositions, or trials are set as of the date of the letter. Once a letter is on file, no hearings, depositions, or trials may be set during the reserved weeks except upon notice and hearing.

4.05. SELF-REPRESENTED/PRO SE LITIGANTS (revised)

All requirements of these rules applicable to attorneys or counsel apply with equal force to self-represented litigants. Self-represented litigants are required to provide address, email, and telephone listings at which they can be reached by Court personnel and opposing counsel. Failure to accept delivery 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. Wherever "counsel" is used it includes a party not represented by an attorney.

4.06. GUARDIAN AD LITEM

When it is necessary or appropriate for the Court to appoint a guardian ad litem for minor or incompetent parties or an attorney ad litem for absent parties, independent counsel, not suggested by any of the parties or their counsel, will be appointed.

4.07. LOCAL RULES AND DECORUM (revised)

All counsel and any self-represented person appearing in the civil courts of Dallas County shall by entering an appearance acknowledge that he or she has read and is familiar with these Local Rules, the Rules of Decorum set forth in Appendix 2, and The Texas Lawyers Creed set forth in Appendix 3.

Every attorney permitted to practice in these courts shall familiarize oneself with and comply with the standards of professional conduct required of members of the State Bar of Texas and contained in the Texas Disciplinary Rules of Professional Conduct, V.T.C.A. Government Code, Title 2, Subtitle G-Appendix and the decisions of any court

applicable thereto, which are hereby adopted as standards of professional conduct of these courts.

Counsel, witnesses under their control, and parties should exercise good taste and common sense in matters concerning dress, personal appearance, and behavior when appearing in court or when interacting with court personnel. All lawyers should become familiar with their duties and obligations as defined and classified generally in the Lawyers Creed, Disciplinary Rules, common law decisions, the statutes, and the usages, customs, and practices of the bar.

4.08. PRO BONO MATTERS

The civil courts of Dallas County encourage attorneys to represent deserving clients on a pro bono basis. An attorney representing a pro bono client on a matter, set for hearing on a docket for which multiple other cases are also set, may inform the appropriate court staff of his or her pro bono representation. The court will then attempt to accommodate that attorney by moving the matter towards the beginning of the docket, subject to the other scheduling needs of the court.

PART V- COUNTY COURT AT LAW MODIFICATIONS

5.01. CLERK OF THE COURTS

In all matters before the County Courts at Law wherever "District Clerk" is used, "County Clerk" is substituted.

5.02. RANDOM ASSIGNMENT

Except as required in Local Rule 6.03, all civil cases filed with the County Clerk shall be filed in the County Courts at Law in random order.

5.03. EMINENT DOMAIN CASES

The County Clerk shall assign eminent domain cases to the County Courts at Law sequentially, pursuant to statute.

5.04. COUNSEL TO APPEAR AT TRIAL

Notwithstanding Rule 3.05, in all cases in the County Courts at Law, all parties and counsel are expected to be present at all trial settings, unless advised otherwise by the Court Administrator or the Judge. Failure to so timely appear may result in the rendering of a default judgment or in dismissal or in other action required by justice and equity.

PART VI- FAMILY, JUVENILE, CRIMINAL, & PROBATE COURTS

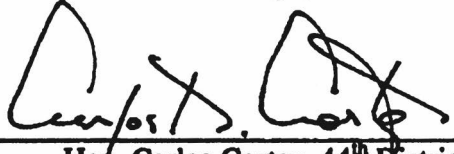
6.01. RULES FOR OTHER COURTS

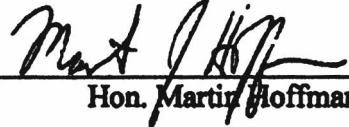
"Civil District Courts" as used herein shall mean the 14th, 44th, 68th, 95th, 101st, 116th, 134th, 160th, 162nd, 191st, 192nd, 193rd, 298th District Courts and any district courts created hereafter for Dallas County which are designated to give preference to the trying of civil cases.

“County Courts at Law” as used herein shall mean the County Court at Law No. 1, County Court at Law No. 2, County Court at Law No. 3, County Court at Law No. 4, County Court at Law No. 5, and any County Courts at Law created hereafter for Dallas County.

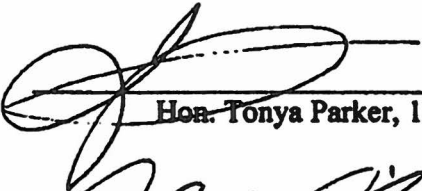
The Dallas Civil Court Rules set forth herein govern and affect the conduct of the Civil District Courts and the County Courts at Law only. Nothing in these Local Rules shall repeal, modify, or affect any currently existing or subsequently adopted rules of the FAMILY, JUVENILE, CRIMINAL, or PROBATE COURTS of Dallas County.

 9/5/12
Hon. Eric V. Moyé, 14th District Court

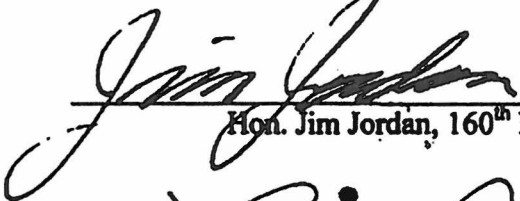
 9/5/12
Hon. Carlos Cortez, 44th District Court

 9-5-12
Hon. Martin Hoffman, 68th District Court

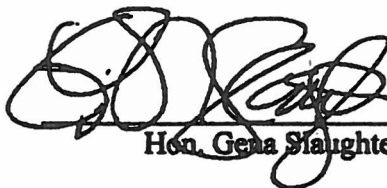
 Sept. 5 2012
Hon. Ken Molberg, 95th District Court

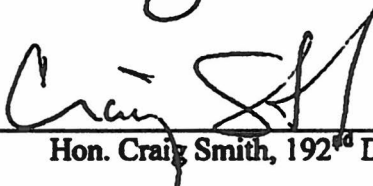
 9-05-12
Hon. Tonya Parker, 116th District Court

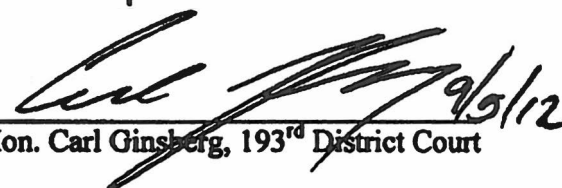
 9/5/12
Hon. Dale Tillery, 134th District Court

 9/5/12
Hon. Jim Jordan, 160th District Court

 9/5/12
Hon. Lorraine Raggio, 162nd District Court

 9.5.12
Hon. Gena Slaughter, 191st District Court

 9/5/12
Hon. Craig Smith, 192nd District Court

 9/5/12
Hon. Carl Ginsberg, 193rd District Court

 9/5/12
Hon. Emily G. Tobowlowsky, 298th District Court

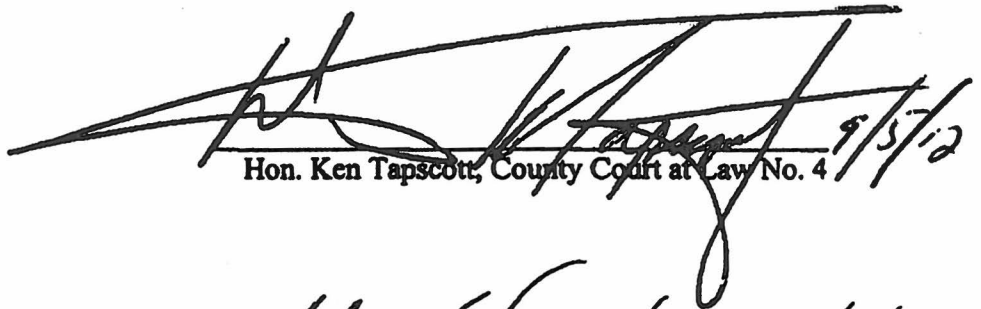
 9/11/12
Hon. Martin "Marty" Lowy, 101st District Court
Local Administrative District Judge


Hon. John D. Ovard, Regional Administrative Judge


Hon. D'Metria Benson, County Court at Law No. 1


Hon. King Efe, County Court at Law No. 2


Hon. Sally Montgomery, County Court at Law No. 3


Hon. Ken Tapscott, County Court at Law No. 4


Hon. Mark Greenberg, County Court at Law No. 5

RULES OF DECORUM rev 12/7/05

Appendix 2 to the Local Rules for the Courts of Dallas County
(rev 12/7/05)

RULES OF DECORUM FOR THE COURTS OF DALLAS COUNTY

1. COURTS WHERE APPLICABLE

The following rules of decorum shall be applicable to and shall govern cases tried in the Civil District Courts and County Courts at Law of Dallas County, Texas.

2. FORMAL OPENING

Immediately before the scheduled time for the beginning of court sessions, the Bailiff shall direct all court officers and spectators to their seats and shall bring order. As the Judge enters the courtroom, the Bailiff shall state, "Everyone please rise." While everyone is still standing he shall make an appropriate announcement such as, "The _____ Court is now in session, The Honorable _____, Judge Presiding. Be seated, please."

3. FORMAL CLOSING

At the end of the trial day the Court shall tell the Jury that the Court will be in recess until "tomorrow morning at _____ o'clock," at which time the Court Bailiff shall state, "The _____ Court of Dallas County, Texas, will be in recess until tomorrow morning at _____ o'clock a.m. Good day, ladies and gentlemen."

4. CONDUCT REQUIRED OF ALL PERSONS WHILE ATTENDING COURT; UNLESS OTHERWISE PERMITTED BY THE TRIAL JUDGE

- a. No reading of newspapers or magazines in the courtroom at any time, unrelated to proper participation in the case then before the Court;
- b. No bottles, paper cups or beverage containers into the courtroom;
- c. No edibles or food containers or packaging in the courtroom;
- d. No feet on tables, chairs or benches;
- e. Do not sit on tables, railings, desks or arms of chairs;
- f. No person shall walk through, sleep or loiter in the courtroom while any proceedings are being held (or court in session);
- g. No making noises or talking by persons unless during the proper participation in the matter then before the Court;
- h. No gum chewing in the courtroom;
- i. Before entering a courtroom all persons shall first remove overcoat, hats, etc;
- j. Before entering a courtroom all persons shall first ensure that all cell phones, pagers, or other electronic

devices as appropriate are turned off or configured in such a manner so as to prevent any interruption of the proceedings before the court; and

k. While appearing before the court, or at any time during the trial of a matter, no person shall by any facial expression, nonverbal gesture, guttural utterances, or any other conduct exhibit approval or disapproval of any testimony elicited or any statement or transaction which has occurred in the courtroom.

5. CONDUCT REQUIRED OF COURT OFFICERS

a. All counsel are admonished to respect the letter and spirit of all Disciplinary Rules including particularly those dealing with testimony by counsel participating in the trial 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 the dispatch of all court business.

c. All lawyers and court officials shall dress in keeping with proper courtroom decorum. All male lawyers and court officials shall wear coats and ties in connection with any court appearance, and in connection with any other unscheduled appearance counsel may make related to any matter pending before the court. Female lawyers shall similarly dress in keeping with proper courtroom decorum and rely on common sense and good taste in connection with their selection of appropriate courtroom attire.

d. The following clothing is not appropriate under any circumstances: casual cotton pants; denim pants, jeans, jean jackets, shirts or skirts: any tight, short, sleeveless or revealing clothing; shorts, skorts, capris, and crop pants; sweat suits and other athletic like attire such as leggings, spandex and drawstring pants, t-shirts, golf shirts, and casual tops/shirts and pullovers, and athletic footwear, flip flops, thong sandals and other types of casual sandals, topsiders and moccasins.

e. In addressing the Judge, lawyers shall at all times rise and 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 to handle or display exhibits or other appropriate evidence, as permitted by the Court.

f. The Judge shall be respectfully and properly addressed at all times; and counsel shall be impersonal in addressing the Judge.

g. Counsel shall refrain from inviting clients and witnesses into the court clerk's office and the Chambers except upon the direction of the Judge.

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

i. Lawyers shall never lean on the bench or engage the Judge in a confidential manner, except by permission or at the request of the Judge.

j. Lawyers shall advise their clients and witnesses of proper courtroom decorum and attire and seek their full cooperation therewith.

k. After jury voir dire no attorney shall address a juror individually or by name without having first obtained leave of Court. During jury argument no attorney shall 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 desires to argue his point after making his objection and being overruled on an objection, he shall ask the Court to exclude the jury, or ask to approach the bench if appropriate, before he proceeds with such argument. However, argument may be permitted on objections at the discretion of the Court.

n. It shall be improper to approach the Bench or a witness without first obtaining permission to do so.

o. Once an attorney has entered the courtroom and appeared before the Court, he shall not leave without first obtaining permission to do so, or as appropriate upon recess.

p. During the trial of a matter only those counsel participating in the cause then being heard together with the clients shall sit at the counsel table; counsel not participating in the case then under consideration shall not sit at counsel table but shall remain seated within the courtroom, or other locations by consent of the Court.

q. No lawyer, party, or witness should request any member of the Court's staff to notify them of the commencement or resumption of any Court proceedings.

6. BAILIFFS

a. The Bailiff shall be present at all times when the Court is in session or in recess, unless excused by the Judge. No duty shall be assigned to the bailiff except upon prior approval by the Judge.

b. The Bailiff shall see that the flag of the United States of America and the flag of the State of Texas are properly displayed and respected in the Courtroom.

c. The Bailiff shall enforce all rules of conduct and decorum and perform other duties assigned by the Judge.

LAWYERS CREED -- A MANDATE FOR PROFESSIONALISM (Appendix 3 to the Local Rules)

I am a lawyer. I am entrusted by the People of Texas to preserve and improve our legal system. I am licensed by the Supreme Court of Texas. I must therefore abide by the Texas Disciplinary Rules of Professional Conduct, but I know that professionalism requires more than merely avoiding the violation of laws and rules. I am committed to this creed for no other reason than it is right.

I. OUR LEGAL SYSTEM

A lawyer owes to the administration of justice personal dignity, integrity, and independence. A lawyer should always adhere to the highest principles of professionalism.

1. I am passionately proud of my profession. Therefore, "My word is my bond."
2. I am responsible to assure that all persons have access to competent representation regardless of wealth or position in life.
3. I commit myself to an adequate and effective pro bono program.
4. I am obligated to educate my clients, the public, and other lawyers regarding the spirit and letter of this Creed.
5. I will always be conscious of my duty to the judicial system.

II. LAWYER TO CLIENT

A lawyer owes to a client allegiance, learning, skill, and industry. A lawyer shall employ all appropriate means to protect and advance the client's legitimate rights, claims, and objectives. A lawyer shall not be deterred by any real or imagined fear of judicial disfavor or public unpopularity, nor be influenced by mere self-interest.

1. I will advise my client of the contents of this Creed when undertaking representation.
2. I will endeavor to achieve my client's lawful objectives in legal transactions and in litigation as quickly and economically as possible.
3. I will be loyal and committed to my client's lawful objectives, but I will not permit that loyalty and commitment to interfere with my duty to provide objective and independent advice.
4. I will advise my client that civility and courtesy are expected and are not a sign of weakness.
5. I will advise my client of proper and expected behavior.
6. I will treat adverse parties and witnesses with fairness and due consideration. A client has no right to demand that I abuse anyone or indulge in any offensive conduct.
7. I will advise my client that we will not pursue conduct which is intended primarily to harass or drain the financial resources of the opposing party.
8. I will advise my client that we will not pursue tactics which are intended primarily for delay.

9. I will advise my client that we will not pursue any course of action which is without merit.

10. I will advise my client that I reserve the right to determine whether to grant accommodations to opposing counsel in all matters that do not adversely affect my client's lawful objectives. A client has no right to instruct me to refuse reasonable requests made by other counsel.

11. I will advise my client regarding the availability of mediation, arbitration, and other alternative methods of resolving and settling disputes.

III. LAWYER TO LAWYER

A lawyer owes to opposing counsel, in the conduct of legal transactions and the pursuit of litigation, courtesy, candor, cooperation, and scrupulous observance of all agreements and mutual understandings. Ill feelings between clients shall not influence a lawyer's conduct, attitude, or demeanor toward opposing counsel. A lawyer shall not engage in unprofessional conduct in retaliation against other unprofessional conduct.

1. I will be courteous, civil, and prompt in oral and written communications.

2. I will not quarrel over matters of form or style, but I will concentrate on matters of substance.

3. I will identify for other counsel or parties all changes I have made in documents submitted for review.

4. I will attempt to prepare documents which correctly reflect the agreement of the parties. I will not include provisions which have not been agreed upon or omit provisions which are necessary to reflect the agreement of the parties.

5. I will notify opposing counsel, and, if appropriate, the Court or other persons, as soon as practicable, when hearings, depositions, meetings, conferences or closings are canceled.

6. I will agree to reasonable requests for extensions of time and for waiver of procedural formalities, provided legitimate objectives of my client will not be adversely affected.

7. I will not serve motions or pleadings in any manner that unfairly limits another party's opportunity to respond.

8. I will attempt to resolve by agreement my objections to matters contained in pleadings and discovery requests and responses.

9. I can disagree without being disagreeable. I recognize that effective representation does not require antagonistic or obnoxious behavior. I will neither encourage nor knowingly permit my client or anyone under my control to do anything which would be unethical or improper if done by me.

10. I will not, without good cause, attribute bad motives or unethical conduct to opposing counsel nor bring the profession into disrepute by unfounded accusations of impropriety. I will avoid disparaging personal remarks or acrimony towards opposing counsel, parties and witnesses. I will not be influenced by any ill feeling between clients. I will abstain from any allusion to personal peculiarities or idiosyncrasies of opposing counsel.

11. I will not take advantage, by causing any default or dismissal to be rendered, when I know the identity of an opposing counsel, without first inquiring about that counsel's intention to proceed.

12. I will promptly submit orders to the Court. I will deliver copies to opposing counsel before or

contemporaneously with submission to the Court. I will promptly approve the form of orders which accurately reflect the substance of the rulings of the Court.

13. I will not attempt to gain an unfair advantage by sending the Court or its staff correspondence or copies of correspondence.

14. I will not arbitrarily schedule a deposition, court appearance, or hearing until a good faith effort has been made to schedule it by agreement.

15. I will readily stipulate to undisputed facts in order to avoid needless costs or inconvenience for any party.

16. I will refrain from excessive and abusive discovery.

17. I will comply with all reasonable discovery requests. I will not resist discovery requests which are not objectionable. I will not make objections nor give instructions to a witness for the purpose of delaying or obstructing the discovery process. I will encourage witnesses to respond to all deposition questions which are reasonably understandable. I will neither encourage nor permit my witness to quibble about words where their meaning is reasonably clear.

18. I will not seek Court intervention to obtain discovery which is clearly improper and not discoverable.

19. I will not seek sanctions or disqualification unless it is necessary for protection of my client's lawful objectives or is fully justified by the circumstances.

IV. LAWYER AND JUDGE

Lawyers and judges owe each other respect, diligence, candor, punctuality, and protection against unjust and improper criticism and attack. Lawyers and judges are equally responsible to protect the dignity and independence of the Court and the profession.

1. I will always recognize that the position of judge is the symbol of both the judicial system and administration of justice. I will refrain from conduct that degrades this symbol.

2. I will conduct myself in Court in a professional manner and demonstrate my respect for the Court and the law.

3. I will treat counsel, opposing parties, the Court, and members of the Court staff with courtesy and civility.

4. I will be punctual.

5. I will not engage in any conduct which offends the dignity and decorum of proceedings.

6. I will not knowingly misrepresent, mischaracterize, misquote or miscite facts or authorities to gain an advantage.

7. I will respect the rulings of the Court.

8. I will give the issues in controversy deliberate, impartial and studied analysis and consideration.

9. I will be considerate of the time constraints and pressures imposed upon the Court, Court staff and counsel in efforts to administer justice and resolve disputes.

ORDER OF ADOPTION

The conduct of a lawyer should be characterized at all times by honesty, candor, and fairness. In fulfilling his or her primary duty to a client, a lawyer must be ever mindful of the profession's broader duty to the legal system.

The Supreme Court of Texas and the Court of Criminal Appeals are committed to eliminating a practice in our State by a minority of lawyers of abusive tactics which have surfaced in many parts of our country. We believe such tactics are a disservice to our citizens, harmful to clients, and demeaning to our profession.

The abusive tactics range from lack of civility to outright hostility and obstructionism. Such behavior does not serve justice but tends to delay and often deny justice. The lawyers who use abusive tactics instead of being part of the solution have become part of the problem.

The desire for respect and confidence by lawyers from the public should provide the members of our profession with the necessary incentive to attain the highest degree of ethical and professional conduct. These rules are primarily aspirational. Compliance with the rules depends primarily upon understanding and voluntary compliance, secondarily upon re-enforcement by peer pressure and public opinion, and finally when necessary by enforcement by the courts through their inherent powers and rules already in existence.

These standards are not a set of rules that lawyers can use and abuse to incite ancillary litigation or arguments over whether or not they have been observed.

We must always be mindful that the practice of law is a profession. As members of a learned art we pursue a common calling in the spirit of public service. We have a proud tradition. Throughout the history of our nation, the members of our citizenry have looked to the ranks of our profession for leadership and guidance. Let us now as a profession each rededicate ourselves to practice law so we can restore public confidence in our profession, faithfully serve our clients, and fulfill our responsibility to the legal system.

The Supreme Court of Texas and the Court of Criminal Appeals hereby promulgate and adopt "The Texas Lawyer's Creed--A Mandate for Professionalism" as attached hereto and made a part hereof.

In Chambers, this 7th day of November, 1989.