

# IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 93- 0239

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## APPROVAL OF LOCAL RULES

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### ORDERED:

Pursuant to Rule 3a of the Texas Rules of Civil Procedure, the Supreme Court approves the following local rules, which have been submitted to this Court:

Local Rules of the 18th and 249th Judicial Districts, Johnson and Somervell Counties, dated October 6, 1993.


Local Rules of the County Court at Law No. 1 and County Court at Law No. 2 of Johnson County, dated October 6, 1993.

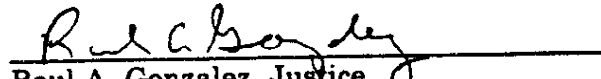
The approval of these rules is temporary, pending further orders of the Court.

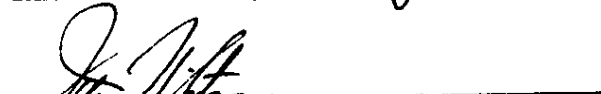
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SIGNED AND ENTERED this 22nd day of November, 1993.


  
Thomas R. Phillips, Chief Justice


  
Raul A. Gonzalez, Justice


  
Jack Hightower, Justice


  
Nathan L. Hecht, Justice

  
Lloyd Doggett, Justice

  
John Cornyn, Justice

  
Bob Gammage, Justice

  
Craig Enoch, Justice

  
Rose Spector, Justice

11:49 A.M. FILED \_\_\_\_\_ P.M.

LOCAL RULES

NOV 29 1993

18TH AND 249TH JUDICIAL DISTRICTS OF TEXAS

JOHNSON AND SOMERVELL COUNTIES

JEANIV JOHNSON  
 District Clerk - Johnson County, Texas  
 BY *Jeaniv Johnson* DEPUTY

The following rules governing practice in the 18th and 249th Judicial Districts have been adopted effective January 1, 1994. All prior rules of the 18th and 249th Judicial District Courts of Texas are hereby expressly repealed. These rules shall be effective until amended, modified or repealed by order of the Court.

Nothing contained in these rules shall be construed or interpreted as interfering with the right of the Trial Judge to make such reasonable orders, settings or procedural rulings as in their discretion may be necessary and proper for the expedient and orderly dispatch of the business of the Court.

1.

RULES OF DECORUM

A. All officers of the Court, parties, witnesses and the public shall at all times conduct themselves with dignity so as not to interfere with the Court's business.

B. All present shall rise and come to order as the Judge takes the bench.

C. All persons in attendance while the Court is in session shall be attentive to the proceedings and cause no distraction.

D. All persons shall be suitably attired. No hats or caps may be worn in the Courtroom. Except by special permission of the Court, male officers of the Court shall wear coats and ties; the attire of the female officers shall be equally suitable.

E. No gestures, facial expressions nor sounds indicating approval or disapproval of any person, act, testimony or proceeding shall be permitted.

F. Participants in all proceedings shall be prompt.

G. No one may smoke or chew tobacco in the Courtroom while Court is in session, without leave of the Court. No active participant to interrogation shall smoke tobacco or chew gum at any time.

H. Counsel shall instruct parties not to directly contact the Judge concerning pending matters.

I. Counsel shall be responsible to advise clients and witnesses of these rules to avoid embarrassment and delay.

2.

#### COURT PROCEEDING

Court will generally begin at 9:00 a.m. Cases may be set at other times in the Courts' discretion.

3.

#### COPIES OF RULES

A. The District Clerk of each county comprising the 18th and 249th Judicial Districts shall record these rules in the Minutes of each representative District Court.

B. The District Clerk of each county shall duplicate copies of these rules and shall have copies available for the price of \$1.00 per copy, plus a mailing charge of \$.50. All monies so collected shall be paid to the District Clerk of the respective county.

4.

#### ELECTED OFFICIALS SERVING BOTH COURTS

- A. Dale Hanna, District Attorney, 1st Floor - Johnson County Courthouse, 2 N. Main Street, Cleburne, Texas 76031. Phone (817) 556-6801.
- B. Jeaniv Johnson, District Clerk, 2nd Floor - Johnson County Courthouse, 2 N. Main Street, Cleburne, Texas 76031. Phone (817) 556-6836.
- C. Lovella Williams, District Clerk, Somervell County Courthouse Annex, Glen Rose, Texas 76043. Phone (817) 897-4427.

5.

TRIAL COURT PERSONNEL OF THE 18TH JUDICIAL DISTRICT

- A. C.C.(Kit) Cooke, District Judge, 2nd Floor-Johnson County Courthouse, 2 N. Main Street, Cleburne, Texas 76031. Phone (817) 556-6820.
- B. Plez Bryant, Court Reporter, 2nd Floor-Johnson County Courthouse, 2 N. Main Street, Cleburne, Texas 76031. Phone (817) 556-6822.

TRIAL COURT PERSONNEL OF THE 249TH JUDICIAL DISTRICT

- A. Wayne Bridewell, District Judge, 2nd Floor-Johnson County Courthouse, 2 N. Main Street, Cleburne, Texas 76031. Phone (817) 556-6825.
- B. Eleanor Averyt, Court Reporter, 2nd Floor-Johnson County Courthouse, 2 N. Main Street, Cleburne, Texas 76031. Phone (817) 556-6829.

6.

OTHER PERSONNEL SERVING BOTH COURTS

- A. Lynda Canty, Chief Court Coordinator, 2nd Floor-Johnson County Courthouse, 2 N. Main Street, Cleburne, Texas 76031. Phone (817) 556-6830.
- B. Velda Johnson, Court Coordinator, 2nd Floor-Johnson County Courthouse, 2 N. Main Street, Cleburne, Texas 76031. Phone (817) 556-6825.
- C. Sharon Powell, Secretary, 2nd Floor-Johnson County Courthouse, 2 N. Main Street, Cleburne, Texas 76031. Phone (817) 556-6820.

7.

FILING OF CASES

A. All civil cases shall be filed by the Clerk in rotation for the two District Courts. The criminal cases shall be filed in the Court where the Grand Jury is impaneled.

B. A district or statutory county court judge may hear and determine a matter pending in any district or statutory county court in the county regardless of whether the matter is preliminary or final or whether there is a judgment in the matter. The judge may sign a judgment or order in any of the courts regardless of whether the case is transferred. The judgment, order, or action is valid and binding as if the case were pending in the court of the judge who acts in the matter. The authority of this subsection applies to an active, former, or retired judge assigned to a court having jurisdiction as provided by Subchapter C. (74.094 Government Code)

8.

HEARING OF UNCONTESTED CASES, MOTIONS, ETC.

Uncontested cases, motions and other matters may be brought before either Court at all reasonable times by contacting the Court Coordinator for such setting.

9.

HEARING OF CIVIL CONTESTED CASES - JURY AND NON-JURY

A. Both District Courts are served by the Court Coordinators listed above, whose primary duty is to make all court settings in all counties with the assistance of the Court secretaries, except both Judges will set cases for hearing when signing Ex Parte orders. All other requests for court case settings should be made directly with the Court Coordinator who will require the information hereinafter described:

(a) All requests for settings shall be made in writing addressed to the Court Coordinator and copies of such requests shall be served on all other attorneys or pro se parties. The party requesting the setting shall estimate the total time for trial and state such in their request. The request shall further state whether the setting is for jury or non-jury. These rules shall not prevent the Judge of any Court from changing the date of any setting so requested, or from resetting the same in accordance with these rules, provided that settings of contested cases for trial shall be made with reasonable notice to the parties as provided by the Texas Rules of Civil Procedure, Rule 245.

(b) Settings for Jury Cases. In response to a request for setting, the Court, through the Court Coordinator, may set the case for a pre-trial hearing and notify all parties through their respective attorneys. The Court may set the case for trial on the merits either before or after the pre-trial hearing. All requests for jury settings shall be made at least 30 days prior to the date requested.

18TH DISTRICT COURT - In the 18th District Court, all requests for jury trials will result in the Court assigning the case to mediation. A party may circumvent mediation by filing a written Motion and having a hearing to decide if mediation would be impractical. It is the intent of this local rule to have one of the four Courts in Johnson County to require mediation to see how effective it is in docket control in Johnson County

249TH DISTRICT COURT - In the 249th District Court, all requests for jury trials will not result in automatic mediation. However, mediation is encouraged and may be requested by any party. It is the intent of this local rule to promote mediation, but have it optional in the 249th District Court unless ordered by the Judge after hearing.

(c) Settings for Non-Jury Cases. In response to a request for setting, the Court, through the Court Coordinator, will set the case for hearing on the merits unless a pre-trial is needed. All requests for non-jury settings shall be made on written request of any party, or on the court's own motion, with reasonable notice of not less than forty-five days to the parties of a first setting for trial, or by agreement of the parties; provided, however, that when a case previously has been set for trial, the Court may reset said contested case to a later date on any reasonable notice to the parties or by agreement of the parties. Noncontested cases may be tried or disposed of at any time whether set or not, and may be set at any time for any other time. (T.R.C.P. 245) A non-jury setting may be removed from the non-jury docket by payment of a jury fee 30 days prior to the non-jury setting date.

10.

CONFLICT IN TRIAL SETTINGS

## (a) Attorney Already in Trial in Another Court:

(1) When the Court Coordinator or Judge is informed that an attorney is already in trial, the Court Coordinator will determine the designation of the court, the county where it is located and time the attorney went to trial. If the Judge or opposing attorneys desires the information to be verified, the Judge will then contact that trial Judge and determine the probable time of release. The case may then be put on "hold" or reset.

(2) If the attorney is not actually in trial, the case will be set for trial and all counsel or parties so advised.

(3) If the attorney's office cannot advise as to where the attorney is in trial, the case will nevertheless be placed on the trial docket and their office so advised, with the warning that the case will be set for trial.

## (b) Attorney Assigned to Two Courts for the Same Date:

(1) Whenever an attorney has two or more cases on trial dockets and is set for trial at the same time, it shall be the duty of that attorney to bring the matter to the attention of the Judges concerned immediately upon learning of the conflicting settings.

(2) Insofar as practicable, Judges should attempt to agree on which case has priority, otherwise, the following priorities shall be observed by the Judges of the respective Courts:

- (I) Criminal cases have priority over civil cases;
- (II) Preferentially set cases have priority over those not given preference by statute or otherwise.

11.

POSTPONEMENT AND CONTINUANCES - CIVIL CASES

A. With the Court's approval, and upon joint motion of the parties, cases set for trial or pre-trial may be passed and shall be reset upon request of the attorneys.

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12.

PRE-TRIAL PROCEEDINGS - CIVIL CASES

A. A pre-trial may be required in all civil jury cases prior to a setting on the merits.

B. Each party appearing in the case shall be represented at all pre-trials by the attorney (if the party has counsel) who is to conduct the trial, or by co-counsel with full knowledge of the case and with authority to bind said party by stipulation and to act on all matters, including admissions and disclosures that might properly be considered on pre-trial.

C. Any party requesting a jury trial is expected to have all affirmative pleadings in their final form, subject to exceptions and motions which may be directed toward the pleadings, and to have completed pre-trial discovery, depositions, and admissions prior to requesting a jury trial.

D. Each party shall be prepared to make stipulations at jury docket call regarding those facts which appear to be undisputed.

E. Each party shall prepare in proper written form and present to the Court prior to or at the time of the jury selection, all special questions which are raised by the pleadings. Written objections as to the form of the questions so presented shall be made as the Court may direct.

F. Counsel will be expected at jury docket call to advise the Court which issues will be disputed and to be familiar with the authorities applicable to the questions of law raised at pre-trial. The Court may require counsel to file written briefs on any point in question and fix the date for their submission.

13.

RULES AS TO TRIAL OF THE CASE

A. When an attorney settles or dismisses a case which is set for trial, he shall give notice to the Court Coordinator or Court Secretary as soon as possible.

B. The attorney signing the original petition or the original answer shall be responsible for all matters pertaining to the case unless the Court and opposing counsel are notified to the contrary prior to the time the case is set for trial.

C. If counsel to a case fails to answer the call of the docket such cause may be subjected to dismissal for want of prosecution, or the Court may proceed to trial without the attendance of counsel.

D. Once an attorney has entered the courtroom and appeared before the Court, he shall not leave without obtaining permission from the Court to do so.

E. All trial counsel are urged to make a bonafide effort to settle cases before announcing ready for trial. The Court will expect counsel, before announcing ready, to confer with their client and with opposing counsel concerning settlement and to recommend an offer which is in their professional opinion reasonable, unless in their professional opinion the case is not such as to justify any offer whatsoever.

F. Cases announced to be READY shall be in all respects ready, with witnesses and other evidence available so that the trial may proceed without delay. When out-of-county witnesses are to be called, the burden shall be on the party using such witnesses to have them available.

G. No photographs or recordings will be made in the Courtroom and no recording devices, cameras or movie cameras will be brought into the courtroom without first obtaining permission from the District Judge presiding.

H. All Judgments, Decrees and Orders pronounced by the Court shall be reduced to writing by Counsel for the prevailing party, or by Counsel as directed, and submitted to the court for signature within ten (10) days of pronouncement, or as directed by the Court. When final judgment for a divorce or annulment of marriage is presented to the court, the attorney shall complete the form required by the State Bureau of Vital Statistics, and such form shall be submitted to the District Court Clerk with the final judgment.

14.

DISMISSAL AND SCHEDULING - CIVIL

(1) The dismissal docket will conform strictly to Rule 165A of the Texas Rules of Civil Procedure.

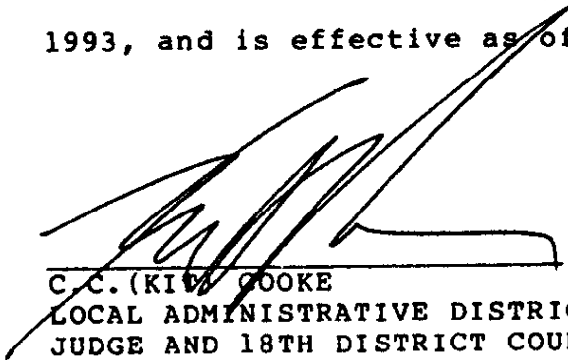
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CRIMINAL CASES

(1) The court will set for each case an arraignment, pre-trial hearing, and jury docket call. Additional pre-trial hearings will be set by the Court as needed.

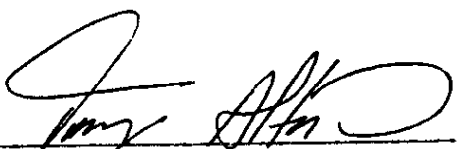
(2) Continuances. There will be no summary or automatic "first" continuances. All continuances shall comply with statutory requirements.

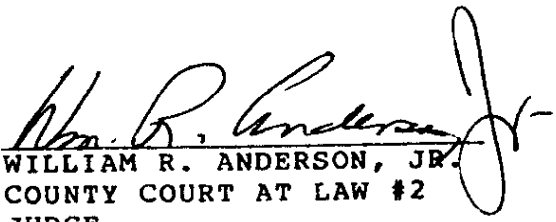
SIGNED on the 6 day of October,  
1993, and is effective as of January 1, 1994.

  
C.C. (KIM) COOKE  
LOCAL ADMINISTRATIVE DISTRICT  
JUDGE AND 18TH DISTRICT COURT  
JUDGE

  
WAYNE BRIDEWELL  
249TH DISTRICT COURT JUDGE

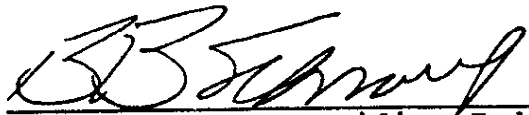
APPROVED AS TO FORM AND CONTENT:

  
TOMMY ALTARAS  
LOCAL ADMINISTRATIVE STATUTORY  
COUNTY COURT JUDGE AND COUNTY  
COURT AT LAW #1 JUDGE

  
WILLIAM R. ANDERSON, JR.  
COUNTY COURT AT LAW #2  
JUDGE

**CERTIFICATE OF APPROVAL**

The attached Local Rules for the 18th and 249th Judicial Districts of Johnson and Somervell Counties are hereby approved and transmitted to the Supreme Court of Texas for final action this 1st day of November, 1993.



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B.B. Schraub, Presiding Judge  
Third Administrative Judicial Region