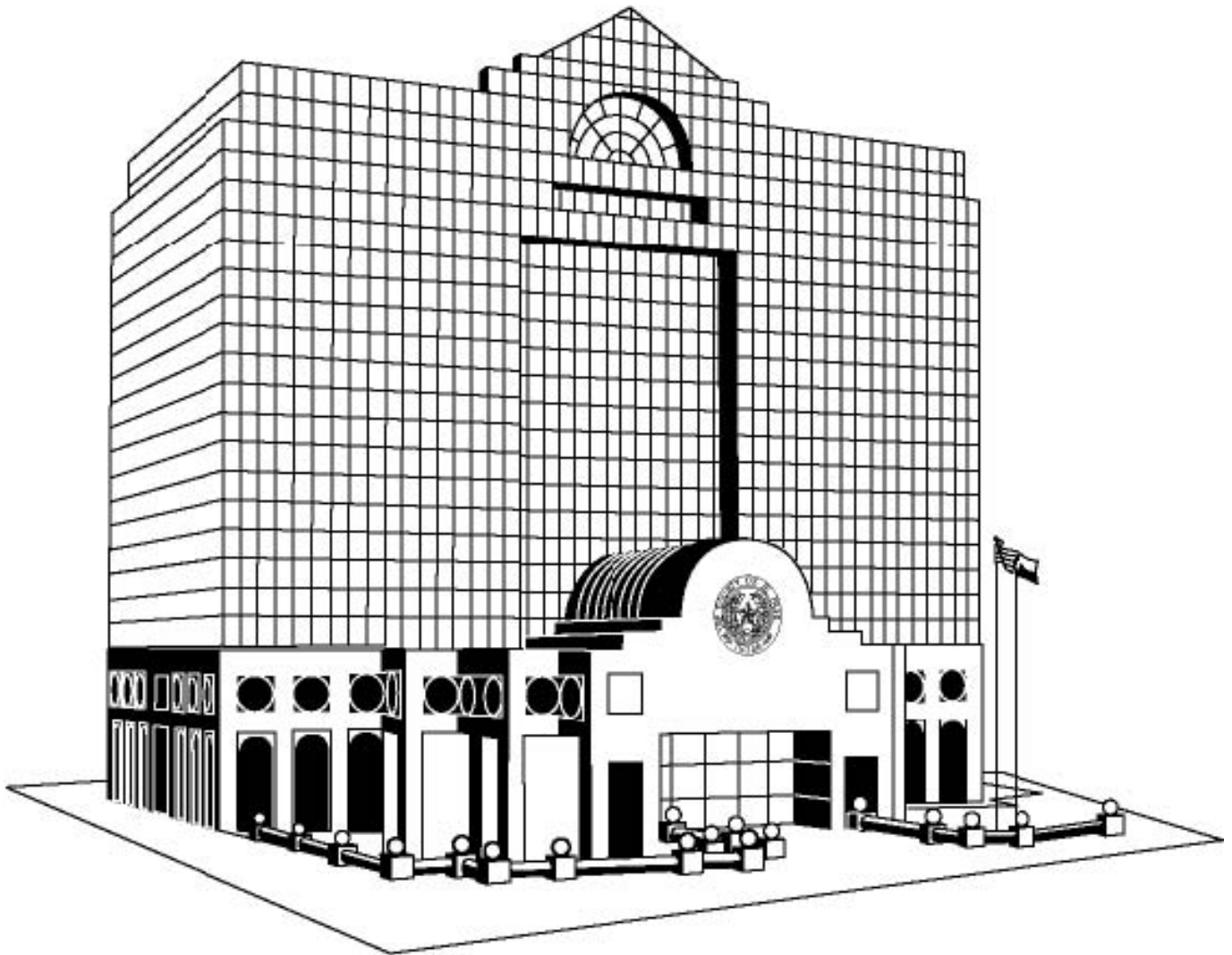


COUNCIL OF JUDGES ADMINISTRATION  
EL PASO COUNTY COURTHOUSE  
500 E. SAN ANTONIO #101  
EL PASO, TX 79901  
(915) 546-2143 / FAX (915) 546-2019



[www.elpasocounty.com](http://www.elpasocounty.com)

# EL PASO COUNTY LOCAL RULES

## PART ONE - GENERAL RULES

### RULE 1.01 TITLE, SCOPE, AUTHORITY AND APPLICATION OF LOCAL RULES:

- (A) THESE RULES ARE THE LOCAL RULES OF THE COURTS OF EL PASO COUNTY, TEXAS. THEY SHALL GOVERN PROCEEDINGS IN THE DISTRICT COURTS AND THE STATUTORY COUNTY COURTS AT LAW OF EL PASO COUNTY, TEXAS, FOR THE PURPOSE OF SECURING UNIFORMITY AND FAIRNESS IN THOSE PROCEEDINGS AND IN ORDER TO PROMOTE JUSTICE.
- (B) THESE RULES ARE ADOPTED BY THE TRIAL JUDGES OF THE DISTRICT AND COUNTY COURTS AT LAW ACTING IN COUNCIL PURSUANT TO THE INHERENT POWER OF COURTS TO CONTROL AND GUIDE THE TRIAL AND DISPOSITION OF CAUSES, AND PURSUANT TO THE PROVISIONS OF THE SUPREME COURT'S ORDER OF FEBRUARY 4<sup>TH</sup>, 1987, AS AMENDED, THE REGIONAL RULES OF JUDICIAL ADMINISTRATION, AND TO THE PROVISIONS OF THE COURT ADMINISTRATION ACT, SECTION 74.093, GOVERNMENT CODE, AS THEY NOW EXIST, OR AS THEY MAY BE HEREAFTER AMENDED.
- (C) THESE RULES ARE STANDING ORDERS OF ALL DISTRICT AND STATUTORY COUNTY COURTS OF THIS COUNTY, NOW EXISTING OR AS MAY BE CREATED HEREAFTER. KNOWING OR INTENTIONAL VIOLATION OF THESE RULES MAY BE PUNISHED BY CONTEMPT OR OTHER SANCTIONS AUTHORIZED BY LAW OR BY RULES OF PROCEDURE AS THE TRIAL JUDGE MAY DEEM APPROPRIATE.
- (D) IF ANY PROVISIONS IN THESE RULES ARE FOUND TO CONFLICT WITH ANY STATUTES OR OTHER STATEWIDE RULES, THE STATUTES OR STATEWIDE RULES SHALL PREVAIL.

### RULE 1.02 PARTIES PROCEEDING PRO SE:

ANY NATURAL PERSON PROCEEDING ON HIS/HER OWN BEHALF WITHOUT AN ATTORNEY SHALL BE EXPECTED TO READ AND FOLLOW THESE LOCAL RULES, THE TEXAS RULES OF CIVIL PROCEDURE, THE TEXAS RULES OF CIVIL EVIDENCE, THE TEXAS RULES OF CRIMINAL EVIDENCE, THE TEXAS CODE OF CRIMINAL PROCEDURE AND THE TEXAS RULES OF APPELLATE PROCEDURE, AS MAY BE APPROPRIATE IN THE PARTICULAR CASE. FAILURE TO COMPLY MAY BE SANCTIONED OR PUNISHED IN ACCORDANCE WITH APPLICABLE PROVISIONS OF ALL OF THESE RULES. PRO SE PARTIES SHALL BE RESPONSIBLE FOR PROVIDING THE CLERK WITH CURRENT ADDRESSES AND TELEPHONE NUMBERS, AND SHALL ALSO BE RESPONSIBLE FOR PROVIDING COPIES OF ALL PAPERS FILED TO ALL OTHER PARTIES OR ATTORNEYS. SUCH FILED PAPERS SHALL ALWAYS CONTAIN THE CURRENT ADDRESS AND PHONE NUMBER OF THE PRO SE PARTY. THE CLERKS OF THE COURTS SHALL PROVIDE A PRO SE PARTY A COPY OF THIS RULE 1.02 AT THE TIME A PETITION OR AN ANSWER IS FILED.

**RULE \*1.03 PRIVATE SERVICE OF PROCESS:**

- (A) THIS RULE IS ADOPTED PURSUANT TO AND IN COMPLIANCE WITH TEXAS RULES OF CIVIL PROCEDURE 1.03. THE DISTRICT CLERK OR THE COUNCIL OF JUDGES SHALL PROVIDE TO ANY PERSON UPON HIS OR HER REQUEST:
- (1) AN APPLICATION IN THE FORM SET FORTH IN THIS CHAPTER FOR AUTHORITY TO SERVE CITATIONS AND OTHER NOTICES AND;
  - (2) A COPY OF THIS CHAPTER.

THERE ARE TWO TYPES OF APPLICATIONS, EITHER AN APPLICATION FOR BLANKET AUTHORIZATION OR APPLICATION TO AUTHORIZE SERVICE IN AN INDIVIDUAL CASE. COMPLETED APPLICATIONS FOR BLANKET AUTHORITY SHALL BE SUBMITTED TO THE LOCAL ADMINISTRATIVE JUDGE. COMPLETED APPLICATIONS FOR AUTHORITY IN AN INDIVIDUAL CASE SHALL BE SIGNED BY COUNSEL REQUESTING SAME AND BE PRESENTED TO THE JUDGE OF THE COURT WHERE THE CASE IS ASSIGNED. IF THE LOCAL ADMINISTRATIVE JUDGE FINDS THE APPLICANT FOR BLANKET AUTHORITY TO BE QUALIFIED, SHE OR HE SHALL SIGN AND WITH THE DISTRICT CLERK AN ORDER AUTHORIZING THE APPLICANT SUCH AUTHORITY FOR A PERIOD OF TWO YEARS. ALL ORDERS FOR BLANKET AUTHORITY SHALL EXPIRE TWO YEARS FROM THE DATE OF SUCH ORDER. WHEN MAKING SUCH AN ORDER, THE LOCAL ADMINISTRATIVE JUDGE IS AUTHORIZED TO ACT FOR EACH AND EVERY COURT. THE DISTRICT CLERK SHALL MAINTAIN ALL SUCH APPLICATIONS AND ORDERS IN A CENTRAL FILE. THE ORDERS SHALL BE NUMBERED CHRONOLOGICALLY.

WHEN A RETURN IS REQUIRED, A PERSON AUTHORIZED TO SERVE CITATION AND OTHER NOTICES SHALL STATE IN HIS OR HER RETURN THAT HE OR SHE IS (1) NOT LESS THAN EIGHTEEN YEARS OF AGE; (2) NOT A PARTY TO OR INTERESTED IN THE OUTCOME OF THE SUIT; AND (3) AUTHORIZED BY WRITTEN ORDER TO SERVE CITATIONS AND OTHER NOTICES. IN CASES O SERVICE PURSUANT TO BLANKET AUTHORITY, THE RETURN SHALL BE ACCOMPANIED BY A COPY OF THE ORDER AUTHORIZING SERVICE.

THIS CHAPTER MAY BE AMENDED OR REPLACED AT ANY TIME. THE LOCAL ADMINISTRATIVE JUDGE MAY VACATE ANY ORDER MADE UNDER THIS CHAPTER AT ANY TIME.

- (B) FOR PURPOSES OF SUPERVISION AND DISCIPLINE, THE COURTS DEEM THOSE PERSON AUTHORIZED TO SERVE CITATIONS AND OTHER NOTICES BY ORDER PURSUANT TO RULE 103, TEXAS RULES OF CIVIL PROCEDURE, TO BE OFFICERS OF THE COURT. ANY SUCH PERSON FILING A FALSE RETURN OR ENGAGING IN SERVICE CONTRARY TO LAW OR RULE MAY BE SUBJECT TO PUNISHMENT BY AN ORDER OF CONTEMPT. SUCH ORDER MAY PROHIBIT SUCH PERSON FROM SERVING CITATIONS AND NOTICES IN EL PASO COUNTY.
- (C) ANY PROPOSED ORDER AUTHORIZING PRIVATE SERVICE UNDER RULE 1.03 WILL NOT BE SIGNED BY THE JUDGE UNLESS SIGNED BY COUNSEL REQUESTING SUCH AN APPOINTMENT. SUCH ORDER SHALL SET OUT THE NAME AND BUSINESS ADDRESS OF THE PERSON OR PERSONS TO BE SO AUTHORIZED AND AFFIRM THAT SUCH PERSON IS NOT LESS THAN 18 YEARS OF AGE, IS NOT A PARTY, AND HAS NO INTEREST IN THE OUTCOME OF THE SUIT IN WHICH THE AUTHORIZATION IS SOUGHT.

*\* APPROVED BY SUPREME COURT OF TEXAS ON JUNE 7, 2004.*

### **RULE 1.04 COURT SECURITY:**

ALL PERSONS ENTERING THE COURTROOM OR SUITE OF OFFICES ASSIGNED TO A COURT ARE SUBJECT TO SEARCH BY THE BAILIFF OR ANYONE ELSE RESPONSIBLE FOR SECURITY. ALL COUNSEL AND PARTIES SHALL BE ALERT TO SECURITY RISKS AND SHALL NOTIFY THE COURT OR BAILIFF OF ANY SECURITY CONCERNS.

### **RULE 1.05 EMERGENCY AND SPECIAL SESSIONS; TEMPORARY ORDERS:**

- (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 IS PROVIDED IN THESE RULES.
- (B) IF THE JUDGE OF THE COURT TO WHICH SUCH CASE IS ASSIGNED IS ABSENT OR IS OCCUPIED WITH OTHER MATTERS, SUCH APPLICATION MAY BE HEARD BY ANY OTHER DISTRICT OR COUNTY COURT AT LAW JUDGE WHO MAY SIT FOR THE JUDGE OF THE COURT IN WHICH THE CASE IS PENDING AND WHO SHALL MAKE ALL ORDERS, WRITS AND PROCESS RETURNABLE TO THE COURT TO WHICH THE CASE IS ASSIGNED.
- (C) HEARINGS ON APPLICATIONS FOR TEMPORARY INJUNCTIONS, TEMPORARY RECEIVERSHIPS, AND THE LIKE, SHALL BE SET IN THE COURT TO WHICH THE CASE HAS BEEN ORIGINALLY ASSIGNED BY CONSULTING WITH THAT COURT.
- (D) ALL APPLICATIONS FOR EX PRATE RELIEF SHALL STATE WHETHER OR NOT, WITHIN, THE KNOWLEDGE OF APPLICANT AND APPLICANT'S ATTORNEY, THE OPPOSING PARTY IS REPRESENTED BY COUNSEL AND, IF SO, THE NAME OF SUCH COUNSEL, AND WHETHER OR NOT SUCH COUNSEL/PARTY HAS BEEN APPRISED OF THE APPLICATION FOR EX PRATE RELIEF.
- (E) TEXAS FAMILY CODE CASES THAT ARE EXCEPTIONS TO SECTION 3.58 MUST BE PRESENTED TO THE COURT BY AN ATTORNEY.
- (F) EXCEPT FOR CASES FILED UNDER THE TEXAS FAMILY CODE, THE PARTY REQUESTING SUCH TEMPORARY RELIEF SHALL BE PRESENT IN COURT AT THE TIME SUCH RELIEF IS REQUESTED, UNLESS THE COURT WAIVES THIS REQUIREMENT FOR GOOD CAUSE SHOWN.
- (G) 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 BY THESE RULES, AND ALL WRITS AND PROCESS SHALL BE RETURNABLE TO THE ASSIGNED COURT.

## **PART TWO - LOCAL ADMINISTRATION AND LOCAL ADMINISTRATIVE JUDGE**

### **RULE 2.01 LOCAL COURTS ADMINISTRATION:**

THE EL PASO COUNTY COUNCIL OF JUDGES IS COMPOSED OF THE DISTRICT JUDGES, THE STATUTORY COUNTY COURTS AT LAW OF EL PASO COUNTY, AND THE JUDGE OF THE EL PASO PROBATE COURT, AND HAS THE DUTIES AND POWERS SET OUT IN THE TEXAS GOVERNMENT CODE. THE EL PASO COUNTY JUDGE, ACTIVE RETIRED AND FORMER JUDGES, THE ASSOCIATE JUDGES, THE JAIL MAGISTRATE, AND THE JUSTICES OF THE

PEACE MAY ATTEND AND HAVE A VOICE IN ALL MEETINGS, BUT ARE NOT PERMITTED TO VOTE AND MAY BE EXCLUDED IN ANY EXECUTIVE SESSION OR IN ANY SESSION REGARDING PERSONNEL. EACH DISTRICT JUDGE AND STATUTORY COUNTY COURT AT LAW JUDGE SHALL HAVE ONE VOTE.

**RULE 2.02 ELECTION OF THE LOCAL ADMINISTRATIVE JUDGE:**

THE LOCAL ADMINISTRATIVE JUDGE SHALL BE ELECTED BY MAJORITY VOTE OF A QUORUM OF THE COUNCIL OF JUDGES AT THE REGULAR MEETING FOR THE MONTH OF MARCH OF EACH ODD-NUMBER YEAR. THE TERM OF OFFICE OF THE LOCAL ADMINISTRATIVE JUDGE SHALL BE TWO YEARS BEGINNING IN APRIL OF EACH ODD-NUMBER YEAR. THE LOCAL ADMINISTRATIVE JUDGE SHALL SERVE UNTIL A SUCCESSOR IS ELECTED. IN THE EVENT OF THE DEATH, RESIGNATION OR REMOVAL FROM JUDICIAL OFFICE, OR INABILITY OR REFUSAL TO SERVE OF THE LOCAL ADMINISTRATIVE JUDGE, THE COUNCIL OF JUDGES SHALL ELECT, AT A MEETING CALLED BY ANY MEMBER, AN ADMINISTRATIVE JUDGE TO SERVE THE REMAINDER OF THE THEN CURRENT TERM OF OFFICE. THE LOCAL ADMINISTRATIVE JUDGE MAY NOT BE ELECTED ON THE BASIS OF ROTATION OR SENIORITY, BUT MAY BE RE-ELECTED TO ANY NUMBER OF SUCCESSIVE TERMS.

**RULE \*2.03 POWERS AND DUTIES OF LOCAL ADMINISTRATIVE JUDGE:**

- (A) THE LOCAL ADMINISTRATIVE JUDGE SHALL BE EX OFFICIO THE PRESIDING JUDGE FOR THE STATUTORY, CEREMONIAL, AND OTHER FUNCTIONS REQUIRING A PRESIDING JUDGE AND SHALL ALSO BE EX OFFICIO THE PRESIDING JUDGE AND CHAIR OF THE BOARD OF AUDITORS, AND OF THE ADULT PROBATION BOARD.
- (B) THE LOCAL ADMINISTRATIVE JUDGE SHALL HAVE A VOTE ON ALL MATTERS.
- (C) NO FAMILY LAW CASES SHALL BE FILED ON THE DOCKET OF THE LOCAL ADMINISTRATIVE JUDGE FROM AND AFTER TAKING OFFICE AND DURING THE TERM OF OFFICE OF THE LOCAL ADMINISTRATIVE JUDGE.
- (D) THE SECRETARY OF THE COUNCIL OF JUDGES SHALL BE THE ADMINISTRATOR OF THE OFFICE OF THE COUNCIL OF JUDGES ADMINISTRATION OR SUCH OTHER PERSON, AS THE LOCAL ADMINISTRATIVE JUDGE SHALL SELECT. THE SECRETARY SHALL PREPARE THE MINUTES AND OTHER DOCUMENTS OF THE COUNCIL OF JUDGES, WHICH SHALL BE OPEN TO ALL MEMBERS OF THE COUNCIL OF JUDGES AT ALL REASONABLE TIMES.
- (E) THE JUVENILE JUDGE SHALL BE THE PRESIDING JUDGE AND CHAIR OF THE JUVENILE BOARD, WHICH SHALL BE GOVERNED BY ITS OWN RULES.
- (F) THE ADMINISTRATIVE AGENCY OF THE COUNCIL OF JUDGES SHALL BE THE COUNCIL OF JUDGES ADMINISTRATION UNDER ITS ADMINISTRATOR. THE COUNCIL OF JUDGES ADMINISTRATION SHALL PERFORM SUCH DUTIES AS SHALL BE ASSIGNED TO IT FROM TIME TO TIME BY THE COUNCIL OF JUDGES.
- (G) THE LOCAL ADMINISTRATIVE JUDGE OR A MAJORITY OF THE JUDGES WILL CALL MEETINGS OF THE JUDGES AT LEAST ONCE EACH MONTH (GENERALLY THE LAST THURSDAY OF EACH MONTH), AND AS NEEDED. THE LOCAL ADMINISTRATIVE JUDGE SHALL PRESIDE OVER SUCH MEETINGS AND IN HIS/HER ABSENCE THE DISTRICT JUDGE SENIOR IN LONGEVITY PRESENT AT THE MEETING SHALL SERVE AS TEMPORARY CHAIR.

- (H) THE DISTRICT JUDGE SENIOR IN LONGEVITY WILL EXERCISE THE POWERS OF THE LOCAL ADMINISTRATIVE JUDGE IN THE TEMPORARY ABSENCE OR INCAPACITY OF THE ADMINISTRATIVE JUDGE.
- (I)\* IN ORDER TO GIVE EFFECT TO THE EL PASO COUNCIL OF JUDGES' POLICY OF MAINTAINING THE STATUS QUO OF EXISTING DOCKETS UPON THE CHANGE OF THE PRESIDING JUDGE OF ANY COURT, THE LOCAL ADMINISTRATIVE JUDGE, UPON A MAJORITY VOTE OF THE COUNCIL OF JUDGES, SHALL HAVE THE AUTHORITY TO TRANSFER ANY ONE OR ANY NUMBER OF CASES FROM ANY COURT TO ANOTHER COURT OF EQUAL JURISDICTION.

*\*RULE 2.03(I) APPROVED BY THE SUPREME COURT OF TEXAS ON NOVEMBER 17, 2008.*

#### **RULE 2.04 INFORMATION TO LOCAL ADMINISTRATIVE JUDGE:**

THE LOCAL ADMINISTRATIVE JUDGE SHALL CAUSE THE PROPER CLERK TO SEND THE REGIONAL PRESIDING JUDGE A COPY OF THE REPORT SENT EACH MONTH TO THE OFFICE OF COURT ADMINISTRATION, AND SUCH OTHER INFORMATION REGARDING DOCKET MANAGEMENT SYSTEMS OF THE COUNTY AS MAY BE REQUESTED BY THE REGIONAL PRESIDING JUDGE.

THE DISTRICT AND COUNTY CLERKS SHALL BE RESPONSIBLE, INDIVIDUALLY TO EACH AND ALL THE JUDGES AND LOCAL ADMINISTRATIVE JUDGE FOR THE ACCURATE COLLECTION AND REPORTING OF SUCH INFORMATION AS MAY BE PRESCRIBED IN WRITING BY THE REGIONAL PRESIDING JUDGE, THE SUPREME COURT, OR THE OFFICE OF COURT ADMINISTRATION.

EACH JUDGE WILL HAVE DIRECT ACCESS TO ANY SUCH INFORMATION AND/OR DATA COLLECTED AT ALL REASONABLE TIMES, MONDAY THROUGH FRIDAY DURING WORKING HOURS, AND THE CLERK SHALL PRODUCE ALL SUCH AND DELIVER SAME TO ANY JUDGE UPON REQUEST.

### **PART THREE - CIVIL CASES**

#### **RULE 3.01 FILING AND ASSIGNMENT OF CASES:**

- (A) ALL CASES ARE TO BE FILED, DOCKETED, AND ASSIGNED PURSUANT TO RULE 10b OF THE RULES OF JUDICIAL ADMINISTRATION OF THE SUPREME COURT OF TEXAS AND SECTIONS 25.0732, 74.093, 74.121, AND 75.011, TEXAS GOVERNMENT CODE.
- (B) THEREAFTER, THE COURTS MAY AT ANY TIME EXCHANGE CASES AND BENCHES TO ACCOMMODATE THEIR DOCKETS OR TO SPECIALIZE THE COURTS' TRIALS.
- (C) EXCEPT AS PROVIDED HEREAFTER IN THESE RULES, ALL CASES SHALL BE FILED WITH THE DISTRICT CLERK IN RANDOM ORDER, OR IN THE MANNER PRESCRIBED BY THE COUNCIL OF JUDGES, AND SHALL BE ASSIGNED, INSOFAR AS PRACTICABLE, IN A FAIR AND EQUITABLE MANNER AMONG THE COURTS.
- (D) EVERY GARNISHMENT SUIT OR BILL OF REVIEW SHALL BE ASSIGNED TO THE COURT IN WHICH THE PRINCIPAL SUIT IS OR WAS PENDING, AND IF THE PRINCIPAL SUIT IS TRANSFERRED TO ANOTHER COURT, THE GARNISHMENT SHALL BE TRANSFERRED

LIKEWISE.

- (E) IF A NONSUIT OF A PARTY IS TAKEN, ANY REFILLING OF THE SUIT BY THE SAME PARTY SHALL BE ASSIGNED TO THE ORIGINAL COURT. PRIOR TO THE REFILLING, THE FILING PARTY OR THE PARTY'S ATTORNEY SHALL INFORM THE CLERK BY WAY OF COPY OF THE PRIOR NONSUIT SO THAT THE CASE CAN BE FILED PROPERLY. AFTER REFILLING, THE REFILLING PARTY SHALL NOTIFY THE COURT IN WRITING OF THE STYLE AND CAUSE NUMBER OF THE PRIOR SUIT.

**RULE 3.02 TRANSFER OF CASES; DOCKET EXCHANGE; BENCH EXCHANGE:**

- (A) AFTER ASSIGNMENT TO A PARTICULAR COURT, EVERY CASE, BOTH JURY AND NON-JURY, SHALL REMAIN PENDING IN SUCH COURT UNTIL FINAL DISPOSITION OR TRANSFER.
- (B) ANY CASE MAY BE TRANSFERRED TO ANOTHER COURT BY ORDER OF THE JUDGE OF THE COURT IN WHICH THE CASE IS PENDING WITH THE CONSENT OF THE JUDGE OF THE COURT TO WHICH IT IS TRANSFERRED, OR BY ORDER OF THE LOCAL ADMINISTRATIVE JUDGE.
- (C) WHENEVER ANY PENDING CASE IS SO RELATED TO ANOTHER CASE PENDING IN ANOTHER COURT, THE JUDGE OF THE COURT IN WHICH THE EARLIEST FILED CASE IS PENDING MAY, UPON MOTION (INCLUDING THE JUDGE'S OWN MOTION) AND NOTICE, TRANSFER THE CASE TO THE COURT IN WHICH THE EARLIER CASE IS FILED TO FACILITATE THE ORDERLY AND EFFICIENT DISPOSITION OF THE LITIGATION.

**RULE 3.03 REQUEST FOR HEARINGS, NON-JURY TRIAL SETTINGS, AND OTHER NON-JURY APPEARANCES:**

- (A) ALL REQUESTS FOR THE SCHEDULING OF HEARINGS, NON-JURY TRIAL SETTINGS, AND OTHER NON-JURY APPEARANCES (COLLECTIVELY, "NON-JURY MATTERS") BEFORE THE COURT WILL BE MADE BY CONTACTING THE COURT COORDINATOR WHO WILL ARRANGE AN APPROPRIATE TIME TO APPEAR BEFORE THE COURT. BEFORE REQUESTING A DATE AND TIME FOR A NON-JURY MATTER, THE REQUESTING PARTY SHALL MAKE REASONABLE EFFORTS TO ASCERTAIN FROM THE OTHER PARTIES AND THEN INFORM THE COURT COORDINATOR OF POTENTIAL CONFLICTS IN THE ATTORNEYS' SCHEDULES AND THE ESTIMATED LENGTH OF TIME NEEDED FOR THE NON-JURY MATTER.
- (B) THE REQUESTING PARTY SHALL THEN PROMPTLY SERVE ALL OTHER PARTIES WITH WRITTEN NOTICE OF THE DATE AND HOUR SET FOR HEARING AND OF THE PARTICULAR MATTER WHICH WILL BE CONSIDERED AT SUCH TIME, SHALL FILE A COPY OF SUCH NOTICE WITH THE CLERK, AND SHALL SEND THE COURT COORDINATOR A COPY OF SUCH NOTICE.
- (C) ANY PARTY WHO HAS AN OBJECTION TO THE DATE OR TIME OF THE NON-JURY MATTER, WHICH CANNOT BE RESOLVED BY CONFERENCE WITH OTHER PARTIES AND THE COURT COORDINATOR, SHALL AS SOON AS IS REASONABLY POSSIBLE FILE A WRITTEN OBJECTION, STATING THE GROUNDS THEREIN, FOR THE COURT'S DISCRETIONARY RESOLUTION.

### **RULE 3.04 PRESENTATION OF ORDERS:**

ANY ORDER PRESENTED FOR COURT'S SIGNATURE MUST REFLECT APPROVAL AS TO FORM OR SUBSTANCE OF THE OPPOSING COUNSEL OR PARTY. ABSENT SUCH APPROVAL, A MOTION FOR ENTRY OR ORDER MUST BE HEARD BEFORE THE COURT WILL SIGN THE ORDER.

### **RULE 3.05 REQUEST FOR SETTING—JURY:**

A REQUEST FOR A JURY TRIAL SETTING SHALL BE MADE IN WRITING (WITH A COPY TO ALL OTHER ATTORNEYS) WITH THE COURT COORDINATOR OF THE COURT IN WHICH THE CASE IS FILED, AT ANY TIME AFTER JURY HAS BEEN DEMANDED, THE JURY FEE HAS BEEN PAID, AND THE CERTIFICATE OF READINESS HAS BEEN FILED IN THE CASE. THE LETTER SHALL CONTAIN INFORMATION WITH RESPECT TO THE NATURE OF THE CASE, ESTIMATED DATE OF COMPLETION OF DISCOVERY, AND THAT COUNSEL HAS CONFERRED WITH THE OTHER COUNSEL WITH REGARD TO THE SCHEDULING OF TRIAL, WHEN THE CASE WILL BE READY FOR TRIAL, AND THE ESTIMATED LENGTH OF TRIAL.

THE COURT MAY ORDER A SCHEDULING CONFERENCE(S) OR PRETRIAL CONFERENCE(S) PURSUANT TO RULE 166, TEXAS RULES OF CIVIL PROCEDURE, IF THE COURT DEEMS NECESSARY.

### **RULE 3.06 ASSIGNMENT OF CASES FOR TRIAL:**

WHENEVER FEASIBLE, COURTS SHOULD GIVE PREFERENCE FOR TRIAL SETTING TO OLDER FILED CASES.

### **RULE \*3.07 CONFLICTING SETTING AND ASSIGNMENTS OF COUNSEL:**

- (A) THE RULES OF ADMINISTRATION OF THE ADMINISTRATIVE REGION APPLY AND CONTROL.
- (B) ATTORNEY ALREADY IN TRIAL IN ANOTHER COURT:
  - (1) WHEN INFORMED THAT AN ATTORNEY IS PRESENTLY IN TRIAL, THE COURT WILL DETERMINE WHERE AND WHEN ASSIGNED.
  - (2) THIS INFORMATION WILL BE VERIFIED UPON REQUEST OF OPPOSING COUNSEL OR AT THE COURT'S OWN DISCRETION.
  - (3) THE CASE WILL BE PLACED ON "HOLD" OR RESET, DEPENDING ON WHEN THE ATTORNEY WILL BE RELEASED.
  - (4) IF THE ATTORNEY IS NOT ACTUALLY IN TRIAL AS REPRESENTED BY THE ATTORNEY OR THE ATTORNEY'S AGENT, THE CASE WILL BE TRIED WITHOUT FURTHER NOTICE.
- (C)\* ATTORNEY ASSIGNED TO TWO COURTS FOR THE SAME DATE:
  - (1) ANY ATTORNEY WHO RECEIVES A SETTING THAT IS IN CONFLICT WITH ANOTHER SETTING, SHALL PROMPTLY PROVIDE ADVANCE NOTICE TO THE COURTS AND OPPOSING COUNSEL OF SUCH CONFLICT AND SHALL INDICATE IN SUCH NOTICE ANY PRIORITY BY INDICATING THE ORDER OF SETTINGS BY



DATE OR ANY OTHER PRIORITY AS PROVIDED FOR IN RULE 3.07. WHERE SUCH NOTICE OF A CONFLICTING SETTING IS NOT TIMELY PROVIDED, THE COURT MAY CHOOSE TO REFUSE A MOTION FOR CONTINUANCE.

- (2) INsofar AS PRACTICABLE, JUDGES SHOULD ATTEMPT TO AGREE ON WHICH CASE HAS PRIORITY, OTHERWISE, THE FOLLOWING PRIORITY SHALL BE OBSERVED BY THE JUDGES OF THE RESPECTIVE COURTS:

- A. CRIMINAL CASES AND JUVENILE CASES.
- B. CASES GIVEN PREFERENCE BY STATUTE.
- C. PREFERENTIALLY SET CASES.
- D. CASE SET AT EARLIEST DATE.
- E. CASE WITH EARLIEST FILING DATE.

ANY DISAGREEMENT BETWEEN JUDGES AS TO PREFERENCE SHALL BE DECIDED BY THE LOCAL ADMINISTRATIVE JUDGE.

- (D) THE UNAVAILABILITY OF A PARTICULAR LAWYER IN A FIRM WILL GENERALLY NOT BE CONSIDERED GROUNDS FOR A CONTINUANCE OF ANY CASE WHERE OTHER LAWYERS IN THE FIRM HAVE HAD SIGNIFICANT INVOLVEMENT IN THE CASE, SUCH AS SIGNING PLEADINGS, MAKING COURT APPEARANCES, OR ATTENDING DEPOSITIONS.
- (E) COUNSEL SHALL BE EXCUSED FROM APPEARING FOR ANY PURPOSE AT ANY TIME WHEN COUNSEL IS SCHEDULED TO APPEAR BEFORE AN APPELLATE COURT OF THE UNITED STATES, THE STATE OF TEXAS, OR ANY OTHER STATE.

*\*RULE 3.07(C) WAS APPROVED BY TEXAS SUPREME COURT ON APRIL 12, 2000.*

### **RULE 3.08 RESETTING CASES:**

CASES NOT REACHED FOR TRIAL SHALL BE RESET BY THE COURT. THE COURTS SHALL GIVE PREFERENTIAL SETTING FOR RESET CASES, TO THE EXTENT PRACTICABLE.

### **RULE 3.09 DISMISSAL DOCKET; INVOLUNTARY DISMISSAL:**

AT LEAST ONCE EACH YEAR, EACH DIVORCE CASE WHICH HAS BEEN ON FILE FOR MORE THAN ONE YEAR, AND EACH CIVIL CASE, OTHER THAN DIVORCE CASES, WHICH HAS BEEN ON FILE MORE THAN TWO YEARS, MAY BE SET FOR HEARING FOR ALL PARTIES TO SHOW CAUSE WHY SAME SHOULD NOT BE DISMISSED FOR WANT OF PROSECUTION.

### **RULE 3.10 SUSPENSE DOCKET—DISMISSALS, BANKRUPTCY SUGGESTION OF DEATH, ABATEMENT:**

- (A) BANKRUPTCY:
- (1) NOTICE OF FILING: WHENEVER ANY PARTY TO LITIGATION IN THESE COURTS FILES FOR PROTECTION UNDER THE BANKRUPTCY LAWS OF THE UNITED STATES, IT SHALL BE THE RESPONSIBILITY OF THAT PARTY'S COUNSEL IN THESE COURTS TO PROMPTLY NOTIFY THE AFFECTED COURTS BY TELEPHONING THE COURT COORDINATOR AND, WITHIN THREE DAYS OF ANY BANKRUPTCY FILING, TO PROVIDE WRITTEN NOTICE TO THE AFFECTED ALL COUNSEL THAT A BANKRUPTCY FILING HAS OCCURRED GIVING THE NAME AND LOCATION OF THE BANKRUPTCY COURT, THE BANKRUPTCY CAUSE

NUMBER AND STYLE, THE DATE OF FILING AND THE NAME AND ADDRESS OF COUNSEL FOR THE BANKRUPT.

- (2) COMPLIANCE WITH THIS RULE WILL ENABLE THE COURTS TO PASS OVER CASES AFFECTED BY BANKRUPTCY AND TO TRY OTHER CASES ON THE DOCKET. FAILURE TO COMPLY WITH THIS RULE MAY BE PUNISHED BY SANCTIONING COUNSEL AND, IN APPROPRIATE CASES, THE PARTY, ONCE THE BANKRUPTCY IS CONCLUDED.
  - (3) CONCLUSION OF BANKRUPTCY: ONCE A BANKRUPTCY HAS BEEN CONCLUDED, WHETHER BY DISCHARGE, DENIAL OF DISCHARGE, DISMISSAL OR OTHERWISE, COUNSEL SHALL NOTIFY THE COURT COORDINATOR IN WRITING WITHIN 30 DAYS SO THAT THE AFFECTED CASE(S) MAY BE RESTORED TO THE ACTIVE DOCKET OR BE DISMISSED AS MAY BE APPROPRIATE.
- (B) ANY ATTORNEY FILING ANY SUGGESTION OF DEATH OR PLEA IN ABATEMENT SHALL IMMEDIATELY GIVE WRITTEN NOTICE TO THE COURT COORDINATOR OR THE JUDGE OF THE COURT. FAILURE TO COMPLY WITH THIS RULE MAY BE PUNISHED BY SANCTIONING COUNSEL AND, IN APPROPRIATE CASES, THE PARTY.

**RULE 3.11 HEARINGS ON PRE-TRIAL MOTIONS, EXCEPTIONS, AND PLEAS— PRETRIAL PROCEDURES (CIVIL CASES):**

- (A) ANY PARTY REQUIRING A HEARING ON MOTIONS, EXCEPTIONS, DILATORY PLEAS, OR OTHER PRETRIAL MATTERS SHALL TIMELY REQUEST AND OBTAIN A SETTING THEREON PRIOR TO COMMENCEMENT OF TRIAL ON THE MERITS, IN COMPLIANCE WITH ALL PROVISIONS OF THIS RULE AND RULE 3.03.
- (B) ALL MOTIONS, EXCEPTIONS, AND PLEAS SHALL BE IN WRITING AND SHALL HAVE A PROPOSED ORDER ATTACHED GRANTING THE RELIEF SOUGHT.
- (C) FAILURE TO PRESENT MOTIONS, EXCEPTIONS, AND PLEAS IN A TIMELY MANNER MAY CAUSE THEM TO BE WAIVED.
- (D) FAILURE TO PRESENT SUPPORTING AUTHORITIES WITHIN THE MOTION, EXCEPTION, OR DILATORY PLEAS, OR CONTAINED IN A CONCURRENTLY FILED BRIEF OR MEMORANDUM OF AUTHORITIES MAY CAUSE THEM NOT TO BE CONSIDERED BY THE COURT.
- (E) THE OPPOSING PARTIES' FAILURE TO PRESENT A RESPONSE WITH SUPPORTING AUTHORITIES IN A REASONABLY TIMELY MANNER MAY CAUSE SUCH ARGUMENTS TO NOT BE CONSIDERED BY THE COURT.
- (F) A SPECIFIC DATE OR PERIOD OF TIME MAY BE ASSIGNED AS A FINAL DATE FOR THE FILING OF MOTIONS, EXCEPTIONS, AND DILATORY PLEAS AND OBTAINING A HEARING THEREON IN THOSE CASES WHICH THE JUDGE DEEMS APPROPRIATE.
- (G) WHEN COUNSEL FOR EITHER PARTY OR ANY PARTY PRO SE, AFTER NOTICE, FAILS TO APPEAR AT A PRETRIAL SETTING ON ANY MOTION, EXCEPTION, OR PLEA, THE COURT MAY:
  - (1) RULE ON ALL MOTIONS, EXCEPTIONS, AND PLEAS IN THE ABSENCE OF SUCH COUNSEL:
  - (2) DECLARE ANY MOTIONS, EXCEPTIONS, OR PLEAS OF SUCH ABSENT PARTY WAIVED.
  - (3) IN THE EVENT ABSENT COUNSEL REPRESENTS THE PLAINTIFF, THE COURT MAY DECLINE TO SET THE CASE FOR THE TRIAL OR MAY CANCEL A SETTING

PREVIOUSLY MADE, OR MAY DISMISS THE CLAIM FOR WANT OF PROSECUTION, ESPECIALLY WHERE THERE HAS BEEN A PREVIOUS FAILURE TO APPEAR OR WHERE NO AMENDMENT HAS BEEN FILED TO MEET EXCEPTIONS PREVIOUSLY SUSTAINED; OR

- (4) IN THE EVENT ABSENT COUNSEL REPRESENTS THE DEFENDANT, THE COURT, IF THE CASE HAS NOT BEEN PREVIOUSLY SET FOR TRIAL, MAY SET THE SAME FOR TRIAL PURSUANT TO TEXAS RULES OF CIVIL PROCEDURE 245, AND/OR MAY DISMISS ANY COUNTERCLAIM OR CROSS-ACTION FOR WANT OF PROSECUTION.
- (H) PRELIMINARY MATTERS THAT REQUIRE A HEARING BY THE COURT MAY BE DISPOSED OF BY EITHER HEARING BEFORE THE COURT OR THE COURT MAY RULE IN CHAMBERS WITHOUT A HEARING AS PROVIDED IN THIS RULE.
- (1) ANY PARTY IS ENTITLED TO A HEARING SO LONG AS THE SAME IS REQUESTED PRIOR TO THE TIME THAT THE COURT MAKES ITS RULING AS PROVIDED IN SUBPARAGRAPH 5.
  - (2) ANY PARTY WHO DESIRES A RULING ON ANY MATTER PENDING SHALL REQUEST A RULING EITHER BY REQUESTING A HEARING OR FILING A REQUEST FOR RULING BY SUBMISSION WITHOUT A HEARING.
  - (3) THE OPPOSING PARTY MAY, WITHIN TEN DAYS AFTER SERVICE OF SUCH STATEMENT, EITHER REQUEST A HEARING OR FILE A WRITTEN RESPONSE.
  - (4) IT IS THE RESPONSIBILITY OF THE PARTY REQUESTING A RULING BY SUBMISSION TO NOTIFY THE COURT OF THE REQUEST AND OF THE DATE OF SERVICE OF SUCH REQUEST FOR CALCULATION OF SUBMISSION DATES.
  - (5) IF NO HEARING IS REQUESTED WITHIN SEVEN DAYS AFTER THE TIME FOR REQUESTING A HEARING OR FOR FILING A RESPONSE HAS EXPIRED, THE JUDGE, IN THE ABSENCE OF COUNSEL, SHALL EXAMINE THE PLEADINGS, AUTHORITIES CITED, AND OTHER PAPERS AND MAKE SUCH RULINGS AS THE JUDGE DEEMS PROPER, NOTE A MEMORANDUM OF SUCH RULING UPON THE PAPERS OF THE CAUSE AND PROVIDE COPIES OF SUCH MEMORANDUM TO COUNSEL FOR ALL PARTIES. COPIES OF ALL ORDERS SIGNED PURSUANT TO THIS PARAGRAPH SHALL BE FORWARDED TO ALL COUNSEL AT THE TIME THEY ARE ENTERED BY THE CLERK.
- (I) BEFORE A MOTION, EXCEPTION, OR OTHER DILATORY PLEA WILL BE HEARD, THE MOVING PARTY SHALL FIRST ENGAGE IN GOOD FAITH NEGOTIATIONS WITH OPPOSING COUNSEL TO DETERMINE WHETHER THERE IS OPPOSITION. IF THE MATTER WILL NOT BE OPPOSED, THE MOVING PARTY WILL IMMEDIATELY ADVISE THE COURT AND SHALL SEND A PROPOSED ORDER, SIGNED BY COUNSEL, INDICATING APPROVAL.

**RULE 3.12 NONCOMPLIANCE WITH CONFERENCE PROCEDURES:**

- (A) THE COURT MAY SANCTION A PARTY OR COUNSEL WHO FAILS WITHOUT ADEQUATE REASON TO CONFER WITH OPPOSING COUNSEL WHEN REQUIRED BY THESE RULES.
- (B) WHEN COUNSEL FOR EITHER PARTY, AFTER NOTICE, FAILS TO APPEAR OR IS UNPREPARED FOR A SCHEDULING CONFERENCE OR PRETRIAL CONFERENCE, THE COURT MAY:
  - (1) MAKE ALL SCHEDULING DECISIONS AND RULE ON ALL MOTIONS, EXCEPTIONS, PLEAS, OR OTHER MATTERS;

- (2) DECLARE ANY PENDING MOTIONS, EXCEPTIONS, OR PLEAS WAIVED;
  - (3) OR TAKE SUCH OTHER ACTION THAT IS JUST AND PROPER ACCORDING TO THE CONVENIENCE OF COUNSEL PRESENT AND PARTIES REPRESENTED.
- (C) COUNSEL AT PRETRIAL SHALL BE EITHER THE ATTORNEY WHO EXPECTS TO TRY THE CASE, OR SHALL BE FAMILIAR WITH THE CASE AND BE FULLY AUTHORIZED TO STATE HIS PARTY'S POSITION ON THE LAW AND FACTS, MAKE STIPULATIONS AND ENTER INTO SETTLEMENT NEGOTIATIONS AS TRIAL COUNSEL. IF THE COURT FINDS COUNSEL IS NOT QUALIFIED, THE COURT MAY FOLLOW ANY OF THE PROCEDURES PROVIDED ABOVE.

**RULE 3.13 SEVERANCE AND CONSOLIDATION:**

- (A) CONSOLIDATION OF CASES:
- (1) EVERY MOTION FOR CONSOLIDATION OR JOINED UNDER RULE 174(a), TEXAS RULES OF CIVIL PROCEDURE, SHALL BE HEARD IN THE COURT IN WHICH THE FIRST CASE FILED IS PENDING, AND IF SUCH MOTION IS GRANTED, OTHER CASES TO BE CONSOLIDATED SHALL BE TRANSFERRED TO THE COURT IN WHICH THE FIRST CASE IS PENDING.
- (B) SEVERANCE:
- (1) WHEN A MOTION TO SEVER IS SUSTAINED, THE SEVERED CLAIM SHALL BE FILED AS A NEW CASE IN THE SAME COURT AND SHALL BE GIVEN A NEW CAUSE NUMBER BY THE CLERK IN WHOSE COURT THE CASE IS PENDING.
  - (2) THE ORIGINAL CASE FROM WHICH THE CLAIM IS SEVERED SHALL RETAIN THE ORIGINAL CAUSE NUMBER GIVEN IT BY THE CLERK OF THE DISTRICT OR COUNTY COURT AT LAW.
  - (3) BEFORE THE SEVERED CLAIM IS FILED AS A NEW CASE, THE CLERK'S REQUIREMENT CONCERNING DEPOSIT FOR COSTS SHALL BE MET.

**RULE \*3.13a RELATING TO TEX.R.CIV.P. 166a SUMMARY JUDGMENT MOTION AND PROCEEDINGS**

- (A) MOTIONS FOR SUMMARY JUDGMENT: THE MOTION FOR SUMMARY JUDGMENT SHALL STATE THE SPECIFIC GROUNDS THEREFOR IN NUMERICAL ORDER.
- EXCEPT IN A TEXX.R.CIV.P RULE 166a (I) NO-EVIDENCE MOTION, A MOTION FOR SUMMARY JUDGMENT SHALL QUOTE VERBATIM THE SPECIFIC FACTS RELIED UPON IN EACH GROUND, IDENTIFY THE SOURCE OF THOSE FACTS, AND SPECIFY WHERE TIN THE SUMMARY JUDGMENT EVIDENCE THE FACTS ARE FOUND.
- THE MOTION SHALL CONTAIN A CLEAR AND CONCISE ARGUMENT FOR EACH GROUND WITH APPROPRIATE CITATIONS TO AUTHORITIES AND SPECIFIC REFERENCES TO THE SUMMARY JUDGMENT EVIDENCE.
- (B) RESPONSES: ANY RESPONSES SHALL ADDRESS THE MOVANT'S MOTION IN THE SAME NUMERICAL ORDER ESTABLISHED IN THE MOTION FOR SUMMARY JUDGMENT.

THE RESPONSE SHALL QUOTE VERBATIM THE SPECIFIC FACTS RELIED UPON, IDENTIFY THE SOURCE OF THOSE FACTS, AND SPECIFY WHERE IN THE SUMMARY JUDGMENT EVIDENCE THE FACTS ARE FOUND.

THE RESPONSE SHALL SET OUT A CLEAR AND CONCISE ARGUMENT WITH APPROPRIATE CITATIONS TO AUTHORITIES AND SPECIFIC REFERENCES TO THE SUMMARY JUDGMENT EVIDENCE.

*\*RULE 3.13a APPROVED BY SUPREME COURT ON JUNE 7, 2004.*

**RULE 3.14 CONTINUANCES:**

- (A) EXCEPT UPON GOOD CAUSE SHOWN TO THE COURT, WHERE A PARTY IS REPRESENTED BY MORE THAN ONE ATTORNEY OR ONE FIRM OF ATTORNEYS IN CHARGE, THE FACT THAT ONE OF THE ATTORNEYS OR FIRMS HAS A CONFLICT IN SETTINGS SHALL NOT BE A GROUND FOR CONTINUANCE.
- (B) ANY GROUND FOR CONTINUANCE OF THE TRIAL SETTING KNOWN BY THE ATTORNEY OR THE PARTY SHALL BE PRESENTED TO THE COURT AT LEAST 14 DAYS PRIOR TO THE TRIAL SETTING OR AT THE PRETRIAL CONFERENCE, IF ANY, WHICHEVER SHALL OCCUR FIRST, OR SHALL BE WAIVED.
- (C) ALL MOTIONS FOR CONTINUANCE OF TRIAL SETTINGS, INCLUDING JOINT MOTIONS OF ALL PARTIES, SHALL BE PRESENTED TO THE COURT FOR THE COURT'S CONSIDERATION.

**RULE 3.15 COMPLEX CASE DESIGNATION:**

THE COURT MAY AT ANY TIME, IN THE INTEREST OF JUSTICE, DETERMINE THAT A CASE IS COMPLEX OR RECOGNIZE THE CIRCUMSTANCES WHICH, UPON ITS DECLARATION OR ORDER, WILL CLASSIFY A CASE AS COMPLEX AND THEREAFTER THE COURT WILL INVOKE SUCH STANDARDS AS IT BELIEVES ARE NECESSARY TO SAFEGUARD THE RIGHTS OF LITIGANTS TO THE JUST PROCESSING OF THE CASES, PURSUANT TO THE RULES OF JUDICIAL ADMINISTRATION OF THE SUPREME COURT OF TEXAS.

**RULE \*3.16 ALTERNATIVE DISPUTE RESOLUTION:**

MEDIATION AND OTHER FORMS OF ALTERNATIVE DISPUTE RESOLUTION ARE ENCOURAGED AND WILL BE ORDERED AS DEEMED APPROPRIATE BY THE COURT.

- (A) IT IS THE POLICY OF THE EL PASO COUNCIL OF JUDGES TO ENCOURAGE THE PEACEFUL RESOLUTION AND EARLY SETTLEMENT OF ALL CIVIL CASES. NO JURY OR NON-JURY TRIAL SHALL BE CONDUCTED UNTIL ALL CONTESTED ISSUES HAVE BEEN REFERRED TO MEDIATION. HOWEVER, EACH COURT MAY DECIDE THAT MEDIATION WOULD NOT BE APPROPRIATE IN A PARTICULAR CASE AND MAY THEREFORE, ON ITS OWN MOTION, WITHDRAW THE CASE FROM ADR PROCEEDINGS. ANY PARTY MAY FILE A MOTION OBJECTING TO THE AUTOMATIC REFERRAL TO MEDIATION AND IF THE COURT FINDS THAT THERE IS GOOD CAUSE FOR THE OBJECTION, THE CASE MAY BE EXCUSED FROM

THE AUTOMATIC REFERRAL.

- (B) TO ENFORCE THIS POLICY, ALL CASES SET FOR TRIAL AFTER SEPTEMBER, 2003, ARE AUTOMATICALLY REFERRED TO MEDIATION. THE MEDIATION PROCEEDINGS ARE TO TAKE PLACE NO LATER THAN 30 DAYS BEFORE TRIAL, AND ANY CERTIFICATE OF READINESS FILED BY A PARTY SHALL STATE THE DATE THE MEDIATION IS SCHEDULED FOR.
- (C) THE PARTIES SHALL SELECT A QUALIFIED MEDIATOR AND IN THE EVENT THAT THE PARTIES CANNOT AGREE ON A SELECTION THE COURT SHALL MAKE A SELECTION FROM A LIST OF QUALIFIED MEDIATORS OR REFER THE CASE TO THE EL PASO COUNTY DISPUTE RESOLUTION CENTER. THE MEDIATOR SELECTED SHALL PROVIDE TO THE COURT A REPORT AS TO WHETHER OR NOT A SETTLEMENT WAS OBTAINED AND A STATEMENT OF THE MEDIATION FEES CHARGED TO THE PARTIES.
- (D) THIS RULE SHALL APPLY TO NON-FAMILY CODE, CIVIL CASES ONLY. CASES FILED UNDER THE TEXAS FAMILY CODE SHALL BE GOVERNED BY THE APPLICABLE PROVISIONS THEREIN.

*\*RULE 3.16 APPROVED BY SUPREME COURT ON JUNE 7, 2004.*

### **RULE 3.17 TRIAL WITNESSES AND EXHIBITS:**

- (A) 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.
- (B) WHEN OUT-OF-COUNTY WITNESSES ARE TO BE CALLED, THE BURDEN SHALL BE ON THE PARTY USING SUCH WITNESSES TO HAVE THEM AVAILABLE.
- (C) IF ORDERED BY THE COURT, COUNSEL FOR THE PARTIES SHALL PREMARK FOR IDENTIFICATION ALL EXHIBITS TO BE INTRODUCED INTO EVIDENCE AND SHALL NOTIFY THE COURT AS TO THOSE ITEMS UPON WHICH COUNSEL CAN AGREE MAY BE ADMITTED INTO EVIDENCE WITHOUT OBJECTION AND SUBMIT ALL OBJECTIONS TO EXHIBITS IN WRITING TO THE COURT PRIOR TO TRIAL.
- (D) IN ANY CASE WHERE A WITNESS DOES NOT SPEAK ENGLISH, THE ATTORNEY PRESENTING SUCH WITNESS SHALL MAKE PROVISION FOR A PROPERLY QUALIFIED INTERPRETER TO BE PRESENT AT THE TIME OF SUCH WITNESS'S TESTIMONY.
- (E) IF A WITNESS IS NOT AVAILABLE AS REQUIRED BY THIS RULE, AND IF THE ABSENCE OF SUCH WITNESS DOES NOT REQUIRE A CONTINUANCE, THE COURT, IN ITS DISCRETION, MAY REQUIRE OR ALLOW COUNSEL TO PRESENT THE MISSING WITNESS OUT OF ORDER, MAY REQUIRE USE OF A DEPOSITION IN LIEU OF THE WITNESS, MAY SUBMIT THE CASE TO THE JURY WITHOUT BENEFIT OF THE WITNESS'S TESTIMONY OR MAY MAKE ANY OTHER ORDER WHICH APPEARS JUST TO AVOID DELAY OF THE TRIAL.
- (F) OBJECTIONS TO VIDEOTAPES THAT WILL BE OFFERED AT THE TRIAL OF THE CAUSE SHALL BE MADE AND HEARD AT THE SETTLEMENT/PRETRIAL CONFERENCE AND IF NOT MADE AT THAT TIME MAY BE DEEMED WAIVED.

### **RULE 3.18 SETTLEMENTS:**

- (A) ALL TRIAL COUNSEL SHALL MAKE A BONA FIDE EFFORT TO SETTLE CASES BEFORE

ANNOUNCING READY FOR TRIAL.

- (B) THE COURT WILL EXPECT COUNSEL, BEFORE ANNOUNCING READY, TO CONFER WITH COUNSEL'S CLIENT AND WITH OPPOSING COUNSEL CONCERNING SETTLEMENT AND TO RECOMMEND A SETTLEMENT POSITION THAT IN COUNSEL'S PROFESSIONAL OPINION IS REASONABLE.
- (C) WHEN AN ATTORNEY SETTLES OR DISMISSES A CASE WHICH IS SET FOR TRIAL OR HEARING, THE ATTORNEY SHALL GIVE NOTICE TO THE COURT COORDINATOR AS SOON AS POSSIBLE.
- (D) ABSENT COMPLIANCE WITH RULE 11, TEXAS RULES OF CIVIL PROCEDURE, THE COURT MAY REQUIRE THE PARTIES AND COUNSEL TO PROCEED WITH ANY TRIAL OR HEARING.

**RULE 3.19 – WITHDRAWAL AND COPYING OF DOCUMENTS:**

DOCUMENTS IN EVIDENCE MAY BE WITHDRAWN AND COPIED ONLY WITH PERMISSION OF THE COURT AND UNDER THE TERMS AND CONDITIONS SET BY THE COURT AT THE TIME.

**RULE 3.20 OTHER LOCAL RULES:**

EXCEPT WHEN MODIFIED BY MORE SPECIFIC RULES, THE RULES UNDER PART THREE ARE APPLICABLE IN ALL CIVIL CASES IN ALL COURTS.

**PART FOUR - FAMILY LAW CASES**

**RULE 4.01 FILING OF FAMILY LAW CASES:**

- (A) JUVENILE CASES ARE TO BE FILED SEPARATELY AS FAMILY DISTRICT COURT CASES.
- (B) FAMILY LAW CASES SHALL BE HEARD BY ASSOCIATE JUDGES UPON ORDERS OF REFERRAL FROM THE DISTRICT COURTS AND COUNTY COURTS AT LAW PURSUANT TO CHAPTER 54 OF THE GOVERNMENT CODE.

**RULE 4.02 ANCILLARY PROCEEDINGS, TEMPORARY ORDERS, AND EMERGENCY MATTERS:**

- (A) NOTWITHSTANDING A TIMELY FILED OBJECTION TO REFERRAL TO THE TRIAL ON THE MERITS, ANCILLARY PROCEEDINGS AND TEMPORARY ORDER HEARINGS SHALL BE SCHEDULED AND HEARD BY ASSOCIATE JUDGES AND NOT BY THE REFERRING COURT UNLESS OTHERWISE DIRECTED.
- (B) THE DURATION OF SUCH HEARINGS IS LIMITED TO NO MORE THAN ONE HALF HOUR UNLESS OTHERWISE SPECIFICALLY REQUESTED AT TIME OF SCHEDULING.

**RULE 4.03 UNCONTESTED MATTERS:**

UNCONTESTED MATTERS SHALL BE HANDLED BY AN UNCONTESTED DOCKET AS

DIRECTED BY THE ASSOCIATE JUDGES. NO SCHEDULE SETTING WILL BE REQUIRED FOR SUCH DOCKETS.

**RULE 4.04 FINANCIAL INFORMATION STATEMENTS; INVENTORY AND APPRAISEMENT; AND PRETRIAL PROCEDURE:**

THE ASSOCIATE JUDGES SHALL ESTABLISH POLICIES TO GOVERN FINANCIAL INFORMATION STATEMENTS, INVENTORIES AND APPRAISEMENTS, AND PRETRIAL PROCEEDINGS.

**RULE 4.05 JURY DEMAND AND WITHDRAWAL OF JURY DEMAND:**

A COPY OF THE JURY DEMAND OR WITHDRAWAL OF JURY DEMAND SHALL BE PROVIDED TO THE REFERRING COURT AND TO THE ASSOCIATE JUDGES BY THE ATTORNEY FILING SAME WHEN FILED WITH THE DISTRICT CLERK.

**RULE 4.06 OBJECTION TO REFERRAL:**

OBJECTION TO REFERRAL SHALL APPLY TO TRIAL ON THE MERITS ONLY. A COPY OF THE FILED OBJECTION SHALL BE PROVIDED TO THE REFERRING COURT AND TO THE ASSOCIATE JUDGES BY THE ATTORNEY FILING SAME WHEN FILED WITH THE DISTRICT CLERK.

**RULE 4.07 WITHDRAWAL OF OBJECTION:**

ALL WITHDRAWS OF OBJECTION TO REFERRAL SHALL BE MADE WITH THE CONCURRENCE OF ALL PARTIES AND A COPY SHALL BE PROVIDED TO THE REFERRING COURT AND TO THE ASSOCIATE JUDGES WHEN FILED WITH THE DISTRICT CLERK.

**RULE 4.08 CANCELLATION OF COURT SETTING:**

CANCELLATIONS OF COURT SETTINGS SHALL BE IN WRITING, UNLESS EXPRESSLY EXCUSED, AND ONLY WITH THE CONCURRENCE OF BOTH PARTIES. THE CANCELLATION NOTICE SHALL STATE THE PARTIES' CONCURRENCE.

**RULE 4.09 REQUEST FOR SETTING:**

SETTINGS WILL BE ARRANGED THROUGH THE FAMILY LAW COURT COORDINATOR. REQUESTS FOR SETTINGS MAY BE REQUIRED TO BE IN WRITING, MAY SPECIFY THE AMOUNT OF TIME NEEDED, AND MAY BE FILED WITH THE CLERK, AS DIRECTED BY THE ASSOCIATE JUDGES.

**RULE 4.10 CONFIRMATION OF LENGTHY HEARINGS:**



ATTORNEYS SHALL CONFIRM IN WRITING WITH THE FAMILY LAW COURT COORDINATOR AT LEAST ONE WEEK IN ADVANCE OF SCHEDULED HEARINGS OF A DURATION OF THREE HOURS OR MORE THAT SAID HEARINGS ARE STILL INTENDED TO BE HELD. FAILURE TO SO CONFIRM MAY RESULT IN CANCELLATION OF THE HEARING.

**RULE 4.11 PROPOSED ORDERS OR DECREES:**

ALL PROPOSED ORDERS OR DECREES SUBMITTED TO AN ASSOCIATE JUDGE WHICH MUST BE RATIFIED OR APPROVED BY THE REFERRING COURT SHALL INCLUDE A SIGNATURE LINE FOR THE "JUDGE PRESIDING."

**RULE \*4.12 JANE DOE:**

PURSUANT TO TEXAS PARENTAL NOTIFICATION RULES AND FORMS EFFECTIVE DATE JANUARY 1, 2000 RULE 2.1(B)3 – COURT ASSIGNMENT AND TRANSFER BY LOCAL RULE.

- (A) APPLICATIONS WILL BE FILED WITH THE DISTRICT CLERK WHO WILL ASSIGN THE APPLICATION TO A FAMILY LAW COURT IN ROTATION. APPLICATIONS FILED WITH ANYONE OTHER THAN THE DISTRICT CLERK'S OFFICE SHALL BE FILED INSTANT WITH THE DISTRICT CLERK'S OFFICE.
- (B) UPON APPLICATION, THE DISTRICT CLERK WILL HAND DELIVER THE APPLICATION AND VERIFICATION IN A RED FOLDER TO THE COURT COORDINATOR, SHOULD THE ASSIGNED COURT BE CLOSED FOR BUSINESS, THEN THE DISTRICT CLERK WILL HAND DELIVER THE APPLICATION TO ONE OF THE OTHER COURT COORDINATORS/JUDGES OF THE FAMILY LAW COURTS.
- (C) THE COURT COORDINATOR WILL IMMEDIATELY DELIVER THE APPLICATION TO THE JUDGE OF SAID COURT. IF THE JUDGE IS NOT AVAILABLE THE COURT COORDINATOR WILL HAND DELIVER THE APPLICATION TO ONE OF THE COURT COORDINATORS/JUDGES OF THE OTHER FAMILY LAW COURTS, SHOULD ALL FAMILY LAW JUDGES BE UNAVAILABLE TO HEAR CASES, THEN THE COURT COORDINATOR OR DISTRICT CLERK SHALL HAND DELIVER THE APPLICATION TO THE COURT COORDINATOR/PRESIDING JUDGE OF THE COUNCIL OF JUDGES.
- (D) THE PRESIDING JUDGE OF THE COUNCIL OF JUDGES WILL THEN ASSIGN ONE OF THE OTHER DISTRICT COURTS TO HEAR THE APPLICATION AND HAVE THE APPLICATION HAND DELIVERED TO THAT COURT COORDINATOR/JUDGE.
- (E) IF THE PRESIDING JUDGE OF THE COUNCIL OF JUDGES IS NOT AVAILABLE, THEN THE APPLICATION WILL BE HAND DELIVERED TO THE SENIOR PRESIDING JUDGE TO ASSIGN A COURT AND HAVE THE APPLICATION HAND DELIVERED TO THAT COURT COORDINATOR/JUDGE.

*\*RULE 4.12 APPROVED BY SUPREME COURT OF TEXAS ON JULY 26, 2000.*

**RULE \*4.13 65<sup>th</sup> DISTRICT COURT RULES FOR CHILD PROTECTION CASES**

- (A) FILING CHILD PROTECTION CASES

- 1.1 CHILD PROTECTION CASES (CPC) AND ADOPTIONS STEMMING FROM A CHILD PROTECTION CASE ARE TO BE FILED IN THE 65<sup>TH</sup> DISTRICT COURT.
- 1.2 CPC CASES SHALL BE HEARD UPON ORDERS OF REFERRAL FROM THE DISTRICT COURT PURSUANT TO CHAPTER 201 OF THE TEXAS FAMILY CODE FILED ON THE 26<sup>TH</sup> DAY OF OCTOBER, 1995.
- 1.3 PURSUANT TO 201.005 OF THE TEXAS FAMILY CODE, A PARTY MUST FILE AN OBJECTION TO AN ASSOCIATE JUDGE HEARING A TRIAL ON THE MERITS OR PRESIDING AT A JURY TRIAL NOT LATER THAN THE 10<sup>TH</sup> DAY AFTER THE DATE THE PARTY RECEIVES NOTICE THAT THE ASSOCIATE JUDGE WILL HEAR THE TRIAL. IF AN OBJECTION IS FILED, THE REFERRING COURT SHALL HEAR THE TRIAL ON THE MERITS OR PRESIDE TO A JURY TRIAL. A COPY OF THE FILED OBJECTION SHALL BE PROVIDED TO THE REFERRING COURT, THE ASSOCIATE JUDGE AND COUNTY ATTORNEY WITHIN THREE DAYS BY THE ATTORNEY FILING SAME WHEN FILED WITH THE DISTRICT COURT.

(B) PRETRIAL

- 2.1 TO ASSIST IN THE DISPOSITION OF CPC CASES, ATTORNEYS ARE DIRECTED TO APPEAR AT A PRETRIAL CONFERENCE BY ORDER OF THE COURT.
- 2.2 STATEMENTS OF PATERNITY AND AFFIDAVITS OF STATUS SHALL BE BROUGHT TO THE PRETRIAL AND FILED BY THE FULL ADVERSARY HEARING.

**MOTION FOR CONTINUANCE:**

- 2.3 NOTICE OF FILING OF MOTION MUST BE SERVED ON OPPOSING COUNSEL.
- 2.4 ANY GROUND FOR CONTINUANCE SHALL BE PRESENTED TO THE COURT AT LEAST 10 DAYS PRIOR TO THE HEARING ABSENT EXIGENT CIRCUMSTANCES.
- 2.5 AGREED MOTIONS FOR CONTINUANCE SIGNED BY ALL PARTIES SHALL BE GRANTED UNLESS THE DELAY WOULD UNREASONABLY INTERFERE WITH THE OTHER BUSINESS OF THE COURT. MOTIONS FOR CONTINUANCE WILL NOT BE GRANTED ABSENT A SHOWING OF COMPELLING REASONS, WHICH MUST BE CLEARLY ARTICULATED IN THE MOTION. REQUESTING PARTY MUST PREPARE A WRITTEN AGREEMENT, ALL ATTORNEYS MUST SIGN, AND THE MOTION FILED WITH THE DISTRICT CLERK. THE AGREED MOTION SHALL BE ACCOMPANIED BY AN ORDER SETTING HEARING OR MEDIATION AND PRESENTED TO THE ASSOCIATE JUDGE. BEFORE REQUESTING DATE FOR HEARING OR MEDIATION, THE REQUESTING PARTY SHALL MAKE REASONABLE EFFORTS ASCERTAIN FROM THE OTHER PARTIES AND THEN INFORM THE COURT COORDINATOR OF POTENTIAL CONFLICT IN THE ATTORNEY'S SCHEDULES.
- 2.6 THE REQUESTING PARTY SHALL THEN PROMPTLY SERVE ALL OTHER PARTIES/WITNESSES WITH WRITTEN NOTICE OF THE NEW SETTING FOR HEARING.
- 2.7 ALL MILITARY LEAVE AND VACATION REQUESTS SHALL BE HONORED WHEN TIMELY FILED.
- 2.8 LOCAL RULE 3.07 GOVERNING ALL THE COURTS' POLICIES ON CONTINUANCES

SHALL BE INCORPORATED BY REFERENCE.

**PRETRIAL MOTIONS/PRELIMINARY MATTERS:**

- 2.9 ALL MOTIONS SHALL BE IN WRITING AND SHALL HAVE A PROPOSED ORDER ATTACHED GRANTING THE RELIEF SOUGHT.
- 2.10 ALL MOTIONS WILL BE DISPOSED OF AT THE SCHEDULED HEARING, UNLESS CIRCUMSTANCES DICTATE THEIR IMMEDIATE DISPOSAL. MOTION REQUIRING IMMEDIATE DISPOSITION SHOULD BE SUBMITTED WITH A MOTION AND ORDER SETTING HEARING ATTACHED.

(C) MOTIONS ON SPECIFIC ISSUES BETWEEN REVIEW HEARINGS

**AGREED MOTIONS AND ORDERS:**

AGREED MOTIONS AND ORDERS BY ALL AFFECTED PARTIES SHALL BE GRANTED WITHOUT HEARING IF ALL PARTIES ARE IN AGREEMENT. AGREEMENTS CAN BE MADE THROUGH SIGNATURE OR BY VERBAL AGREEMENTS MEMORIALIZED IN THE ORDER.

**VISITATION AND TRIP REQUESTS:**

- 3.1 BETWEEN REVIEW HEARINGS ANY PARTY MAY PRESENT A WRITTEN FILE STAMPED MOTION AND PROPOSED ORDER REGARDING CHANGES IN VISITATION OR REQUESTS. THE MOTION SHALL INCLUDE PREVIOUS VISITATION ORDERS ALONG WITH CLEARLY ARTICULATED REQUESTED CHANGES AND REASON FOR CHANGE. ALL PARTIES MUST AGREE ON SUPERVISION, FREQUENCY, TIMES AND LOCATIONS OF VISITATIONS. THE AGREEMENTS MUST BE SIGNED BY ALL AFFECTED PARTIES IN ORDER FOR THE CHANGE TO OCCUR. THE ORDER MUST BE FILED WITH THE DISTRICT COURT AND SERVED UPON ALL PARTIES.

**CHANGE IN SCHOOL PLACEMENT AND CHANGE IN SUBSTITUTE CARE PLACEMENT:**

- 3.2 CHANGES IN SCHOOL PLACEMENT OR SUBSTITUTE CARE PLACEMENT SHALL BECOME EFFECTIVE UPON AGREEMENT OF ALL AFFECTED PARTIES. GUARDIAN AD LITEM OR ATTORNEY AD LITEM SHOULD VISIT PROSPECTIVE PLACEMENT.

**EMERGENCY CHANGE IN SUBSTITUTE CARE PLACEMENT:**

- 3.3 EMERGENCY PLACEMENTS WITHIN EL PASO COUNTY ONLY MAY BE DONE WITHOUT HEARING. CASEWORKER SHALL FILE A WRITTEN REPORT WITHIN TWO (2) WORKING DAYS OF LEARNING OF THE INCIDENT AND PROVIDE TO ALL PARTIES AND THE ASSOCIATE COURT THE WORKING DAY THEREAFTER.

- 3.4 EMERGENCY PLACEMENTS OUTSIDE EL PASO COUNTY MAY BE DONE WITHOUT HEARING ONLY IF BY AGREEMENT SIGNED BY THE AD LITEM FOR THE CHILD AND TDPRS.

**SERIOUS INCIDENT REPORTS**

- 3.5 SERIOUS INCIDENT REPORTS SHALL BE FILED IN ALL CASES WHERE THE INCIDENT VIOLATES A COURT ORDER OR PLACES THE CHILDREN IN DANGER OF HEALTH OR SAFETY. CESSATION OF VISITATION OR CHANGES IN PLACEMENT JUSTIFIED BY THE INCIDENT SHALL BE INCLUDED IN THE SPECIFIC INCIDENT REPORT. SERIOUS INCIDENT REPORTS SHALL BE FILED WITHIN TWO (2) WORKING DAYS OF LEARNING OF THE INCIDENT.

**EXTENSIONS:**

- 3.6 AGREED MOTIONS AND ORDERS FOR EXTENSIONS SHALL BE GRANTED WITHOUT HEARING IF THE STATUTORY REQUIREMENTS ARE MET AND THE REASONS ARE OUTLINED WITH SPECIFICITY.

(D) HEARINGS

- 4.1 PERSONS OTHER THAN ATTORNEYS WHO SHOULD ALWAYS BE PRESENT AT HEARINGS:
- 4.1.1 THOSE REQUIRED BY LAW OR THE FAMILY CODE;
  - 4.1.2 CUSTODIAL ADULTS;
  - 4.1.3 FOSTER PARENTS;
  - 4.1.4 ASSIGNED CASEWORKER;
  - 4.1.5 CASA

**TRANSCRIPTS:**

- 4.2 COURT-APPOINTED ATTORNEY AD LITEMS REQUESTING A TRANSCRIPT OF A HEARING HELD BEFORE THE ASSOCIATE JUDGE MUST FILE A MOTION REQUESTING A HEARING TRANSCRIPT.

**JURY REQUESTS:**

- 4.3 AT LEAST NINETY DAYS BEFORE DISMISSAL A PARTY SHALL REQUEST A BENCH SETTING AND A BACK-UP JURY SETTING. NOTWITHSTANDING, REQUESTS FOR JURY TRIAL SHALL BE MADE AT LEAST 30 DAYS BEFORE THE SCHEDULED BENCH TRIAL.

(E) AD LITEMS

- 5.1 THE COURT SHALL APPOINT AN ATTORNEY AD LITEM IN ALL CASES AS REQUIRED BY 107 OF THE TEXAS FAMILY CODE, UNLESS OTHERWISE

- DESIGNATED BY COURT ORDER.
- 5.2 ATTORNEY AD LITEM POOL THE DISTRICT JUDGE WILL ESTABLISH AN AD LITEM POOL FROM WHICH ATTORNEY AD LITEMS WILL BE APPOINTED. TO BE ELIGIBLE FOR THE AD LITEM POOL, AN ATTORNEY MUST HAVE COMPLETED THE REQUIRED AD LITEM TRAINING.
- 5.3 RESPONSIBILITY OF AD LITEMS
- 5.3.1 OBSERVE AND ADHERE TO ALL TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT AS WELL AS THE AMERICAN BAR ASSOCIATE CANONS AND GUIDELINES.
- 5.3.2 OBSERVE AND ADHERE TO POWERS AND DUTIES OF ATTORNEY AD LITEM FOR CHILD UNDER THE TEXAS FAMILY CODE 107.
- 5.3.3 ENSURE THAT INCARCERATED CLIENTS ARE BENCH WARRANTED OR OTHERWISE REQUESTED FOR HEARINGS SHOULD THEIR PRESENCE BE NECESSARY.

**GUARDIAN AD LITEM APPOINTMENTS:**

- 5.4 THE DISTRICT JUDGE WILL ESTABLISH A GUARDIAN AD LITEM POOL FROM WHICH GUARDIAN AD LITEM WILL BE APPOINTED. TO BE ELIGIBLE FOR THE AD LITEM POOL A GUARDIAN MUST COMPLETE THE PREREQUISITE TRAINING OR OBTAIN A WAIVER FOR THE DISTRICT COURT.
- 5.5 RESPONSIBILITY OF GUARDIAN AD LITEMS:
- 5.5.1 CLIENT CONTACT
- 5.5.1.1 MEET WITH CLIENTS NO LESS THAN ONCE BEFORE THE SHOW CAUSE HEARING, THEREAFTER EVERY THIRTY (30 DAYS)
- 5.5.1.2 MEET WITH CLIENTS AFTER EACH HEARING.
- 5.5.1.3 GUARDIAN WHO'S CLIENTS RESIDE OUTSIDE OF EL PASO COUNTY ARE REQUIRED TO COMMUNICATE WITH CLIENTS NO LESS THAN ONCE A MONTH AND MEET WITH THEM NO LESS THAN EVERY 120 DAYS.
- 5.5.1.4 GUARDIANS WHO REPRESENT CLIENTS LESS THAN FOUR YEARS SHALL, IN ADDITION, MEET WITH THE CHILD'S PRIMARY CUSTODIAN.
- 5.5.2 PROVIDE DIRECTION TO THE ATTORNEY AD LITEM ON THE CHILD'S BEST INTERESTS.
- 5.5.3 GAL SHALL FILE AN AD LITEM REPORT THREE (3) DAYS BEFORE HEARING AND PROVIDE TO ALL PARTIES.

APPROVED THIS 26<sup>TH</sup> DAY OF OCTOBER 2000. /S/ JUDGE WILLIAM E. MOODY, 34<sup>TH</sup> DIST. CT, LOCAL ADM. JUDGE  
 APPROVED THIS 16<sup>TH</sup> DAY OF NOVEMBER 2000./S/ JUDGE STEVEN ABLES, REGIONAL PRESIDING JUDGE

IN THE SUPREME COURT OF TEXASMISC. DOCKET NO. 01-9032 ORDER APPROVING LOCAL RULES OF THE  
 65<sup>TH</sup> DISTRICT COURT, EL PASO COUNTY RELATING TO CHILD PROTECTION CASES  
 ORDERED THAT: PURSUANT TO RULE 3A OF THE TEXAS RULES OF CIVIL PROCEDURE, THE FOLLOWING LOCAL  
 RULES OF THE 65<sup>TH</sup> DISTRICT COURT, EL PASO COUNTY, RELATING TO CHILD PROTECTION CASES ARE  
 APPROVED. THIS APPROVAL IS TEMPORARY PENDING FURTHER ORDERS OF THE COURT. BY THE COURT, IN

CHAMBERS, THIS 12<sup>TH</sup> DAY OF FEBRUARY 2001.

/S/SHOMAS R. PHILLIPS, CHIEF JUSTICE  
/S/ NATHAN L. HECHT, JUSTIC  
/S/ CRAIG T. ENOCH, JUSTIC  
/S/ PRISCILLAR R. OWEN, JUSTICE  
/S/ JAMES A. BAKER, JUSTIC  
/S/ GREG ABBOTT, JUSTIC  
/S/ DEBORAH G. HANKINSON, JUSTICE  
/S/ HARIET O'NEILL

MISC.DOCKET NO. 00-9032

*\*APPROVED BY SUPREME COURT OF TEXAS ON FEBRUARY 12, 2001.*

## **PART FIVE - CRIMINAL CASES RULE**

### **RULE 5.01 FILINGS; RETURN OR INDICTMENTS; ASSIGNMENT OF CASES AFTER INDICTMENT:**

CRIMINAL CASES SHALL BE ASSIGNED IN ACCORDANCE WITH THE ORDER OF THE COUNCIL OF JUDGES.

### **RULE 5.02 APPOINTMENT OF COUNSEL:**

APPOINTMENT OF COUNSEL SHALL BE AS PROVIDED UNDER THE EL PASO AGREEMENT AS APPROVED BY THE EL PASO COUNCIL OF JUDGES, THE EL PASO COUNTY COMMISSIONER'S COURT, AND THE EL PASO COUNTY BAR ASSOCIATION.

### **RULE 5.03 WITHDRAWAL OR SUBSTITUTION OF COUNSEL:**

WITHDRAWAL OR SUBSTITUTION OF COUNSEL SHALL BE BY COURT APPROVAL FOLLOWING THE PROVISIONS OF RULE 10, TEXAS RULES OF CIVIL PROCEDURE.

NO ATTORNEY SHALL TAKE ANY ACTION ON BEHALF OF A DEFENDANT WHO IS ALREADY BEING REPRESENTED BY APPOINTED OR RETAINED COUNSEL, UNTIL THE ATTORNEY HAS FILED A WRITTEN APPEARANCE AS CO-COUNSEL OR HAS BEEN SUBSTITUTED AS ATTORNEY OF RECORD AS REQUIRED BY THIS RULE.

ONCE AN ATTORNEY HAS MADE AN APPEARANCE IN A CASE, THAT ATTORNEY SHALL REPRESENT THE DEFENDANT IN ALL MATTERS RELATING TO THE CASE UNTIL THE CASE IS FINALIZED OR THE ATTORNEY IS PERMITTED TO WITHDRAW BY THE COURT.

### **RULE 5.04 CONTINUANCE, RESETTING, POSTPONEMENTS:**

THE DEFENDANT MUST BE NOTIFIED IN WRITING OF ANY MOTION FOR

CONTINUANCE FILED BY DEFENDANT'S ATTORNEY OF RECORD.

**RULE 5.05 PRETRIAL HEARINGS—CRIMINAL CASES:**

IN CRIMINAL CASES THE DISTRICT OR COUNTY ATTORNEY'S OFFICE OR COUNSEL FOR DEFENDANT MAY REQUEST SETTING FOR PRETRIAL HEARINGS.

**RULE 5.06 INTERPRETERS—CRIMINAL CASES:**

IN CRIMINAL CASES, IF AN ATTORNEY DESIRES TO REQUEST A COURT APPOINTED INTERPRETER FOR HIS CLIENT OR WITNESS, REQUESTS THEREFORE SHALL BE MADE AT THE PRETRIAL HEARING OR EARLIER.

**PART SIX - JURY MANAGEMENT**

**RULE 6.01 EMPANELING JURIES:**

- (A) THE LOCAL ADMINISTRATIVE JUDGE OF THE COUNTY, OR A JUDGE DESIGNATED BY THE COUNCIL OF JUDGES SHALL PRESIDE OVER THE QUALIFICATIONS OF PETIT JURORS AND THE ASSIGNMENT OF JURY PANELS TO THE VARIOUS COURTS.
- (B) A PLAN GOVERNING THE SELECTION, MANAGEMENT, ASSIGNMENT, AND TIME OF JURY SERVICE HAS BEEN FILED WITH THE DISTRICT CLERK, WHICH MAY BE MODIFIED AT THE DISCRETION OF THE COUNCIL OF JUDGES, IN COMPLIANCE WITH SECTION 62.011, TEXAS GOVERNMENT CODE.

**PART SEVEN - JUDICIAL VACATION; JUDICIAL EDUCATION**

**RULE 7.01 JUDICIAL VACATION:**

- (A) JUDICIAL VACATIONS AND EDUCATIONAL EVENTS WILL BE SCHEDULED IN ADVANCE BY EACH JUDGE, SUBJECT TO CHANGE IN CONDITIONS, AND NOTICE THEREOF IS TO BE FILED WITH THE LOCAL ADMINISTRATIVE JUDGE.
- (B) THE JUDGES OF STATUTORY COUNTY COURTS AT LAW AND EACH DISTRICT COURT MAY TAKE PERSONAL VACATIONS AT ANY TIME DURING THE YEAR.
- (C) SUCH VACATIONS SHALL BE COORDINATED WITH THE LOCAL ADMINISTRATIVE JUDGE SO THAT THERE ARE A SUFFICIENT NUMBER OF DISTRICT AND COUNTY COURT AT LAW JUDGES IN THE COUNTY AT ALL TIMES TO HANDLE ITS JUDICIAL BUSINESS.
- (D) JUDGES MAY TAKE SUCH SICK LEAVE AS IS ESSENTIAL FOR THEIR HEALTH AND WELL-BEING.
- (E) ATTENDANCE AT JUDICIAL CONFERENCES AND EDUCATIONAL PROGRAMS IS CONSIDERED AN OFFICIAL DUTY AND AS COURT TIME.
- (F) EXTENDED ABSENCES FOR OTHER REASONS SHOULD LIKEWISE BE COORDINATED WITH THE LOCAL ADMINISTRATIVE JUDGE.

**RULE 7.02 MASTERS, ASSOCIATE JUDGES, JAIL MAGISTRATES, AND REFEREES:**

VACATION AND SICK LEAVE OF MASTERS, ASSOCIATE JUDGES, JAIL MAGISTRATES, AND REFEREES SHALL BE DETERMINED BY ORDER OF THE COUNCIL OF JUDGES.

**PART EIGHT - NON - JUDICIAL PERSONNEL**

**RULE \* 8.01 NON-JUDICIAL PERSONNEL:**

- (A) THE LOCAL ADMINISTRATIVE JUDGE OF THE COUNTY SHALL SUPERVISE THE OFFICE OF COURT ADMINISTRATION AND SHALL BE RESPONSIBLE FOR ALL ADMINISTRATIVE MATTERS PECULIAR TO THE COURTS AS DISTINGUISHED FROM JUDICIAL MATTERS.
- (B) THE LOCAL ADMINISTRATIVE JUDGE SHALL PERIODICALLY REVIEW THE CASE FLOW PROCEDURES AND OPERATIONS OF THE COURT ADMINISTRATION AND SHALL

RECOMMEND NECESSARY CHANGES TO THE JUDGES OF THE DISTRICT COURTS AND STATUTORY COUNTY COURTS AT LAW.

- (C) EACH JUDGE SHALL BE RESPONSIBLE FOR SEEING THAT HIS OR HER **STAFF AND NON-JUDICIAL PERSONNEL** ARE PROMPT AND WELL-QUALIFIED FOR THEIR DUTIES.
- (D) **STAFF AND NON-JUDICIAL PERSONNEL SHALL** OBSERVE THE STANDARDS OF DECORUM AND CONDUCT SET FORTH IN THE CODE OF JUDICIAL CONDUCT.

*\*APPROVED BY SUPREME COURT OF TEXAS ON JUNE 21, 2010.*

**RULE 8.02 CONDUCT OF NON-JUDICIAL PERSONNEL:**

- (A) ALL COURT PERSONNEL SERVE AT THE PLEASURE OF THE APPOINTING JUDGE OR HIS/HER SUCCESSOR IN OFFICE.
- (B) NO DUTIES SHALL BE ASSIGNED TO THE BAILIFF EXCEPT UPON APPROVAL BY THE JUDGE OF SUCH COURT.

**PART NINE - ATTORNEYS**

**RULE 9.01 CONDUCT AND DECORUM IN THE COURTROOM:**

- (A) WHILE THE COURT IS IN SESSION THERE SHALL BE:
  - (1) NO SMOKING OR USE OF TOBACCO PRODUCTS.
  - (2) NO READING OF NEWSPAPERS OR MAGAZINES.
  - (3) NO PROPPING OF FEET ON TABLE OR CHAIRS.
  - (4) NO LOUD NOISES OR TALKING.
  - (5) NO GUM CHEWING.
- (B) IN ADDRESSING THE COURT, LAWYERS SHALL RISE AND REMAIN STANDING AT THEIR POSITIONS AT COUNSEL TABLE.
- (C) LAWYERS SHALL NOT APPROACH THE BENCH EXCEPT WITH PERMISSION OR ON REQUEST OF THE COURT.
- (D) LAWYERS SHALL NOT LEAN ON THE BENCH, SIT ON RAILS OR TABLES, OR APPEAR TO ENGAGE THE COURT IN A CONFIDENTIAL MANNER.



- (E) ALL LAWYERS SHALL BE DRESSED APPROPRIATELY WHILE IN ATTENDANCE OF THE COURT, UNLESS OTHERWISE PERMITTED BY THE COURT.
- (F) LAWYERS SHALL ADVISE THEIR CLIENTS, EMPLOYEES, AGENTS AND WITNESSES OF THE FORMALITIES OF THE COURT, AND OF THESE RULES OF CONDUCT AND DECORUM.
- (G) THE LAWYERS, THE JUDGE, AND ALL OTHER OFFICERS OF THE COURT SHALL BE PROMPT AT ALL SESSIONS AND IN THE DISPATCH OF ALL COURT BUSINESS.
- (H) ALL COUNSEL ARE ADMONISHED TO RESPECT THE LETTER AND THE SPIRIT OF ALL RULES AND ETHICS, INCLUDING PARTICULARLY, THOSE DEALING WITH DISCUSSION OF CASES WITH THE COURT OUTSIDE OF THE COURTROOM AND NOT IN THE PRESENCE OF OPPOSING COUNSEL.
- (I) THE COURT MAY ENFORCE THESE RULES OF CONDUCT AND DECORUM BY APPROPRIATE ACTION OR SANCTIONS.
- (J) ALL REMARKS OF COUNSEL TO THE COURT SHALL BE ADDRESSED TO THE COURT FORMALLY.
- (K) ONCE AN ATTORNEY HAS ENTERED THE COURTROOM AND APPEARED BEFORE THE COURT, HE/SHE SHALL NOT LEAVE WITHOUT OBTAINING PERMISSION FROM THE COURT.
- (L) NOTHING HEREIN SHALL PREVENT OR PROHIBIT THE INDIVIDUAL COURTS FROM ADOPTING ADDITIONAL RULES OF DECORUM.

**RULE 9.02 ATTORNEY VACATIONS:**

AN ATTORNEY WISHING TO AVOID ASSIGNMENT DURING A VACATION PERIOD (NOT TO EXCEED FOUR WEEKS DURING THE CALENDAR YEAR) MAY ADVISE THE COURT COORDINATORS OF EACH OF THE COURTS AND THE OFFICE OF COURT ADMINISTRATION OF THE ATTORNEY'S PROPOSED VACATION AT LEAST 60 DAYS PRIOR TO THE BEGINNING OF THE VACATION ON THE SUGGESTED VACATION FORM. NOTHING HEREIN SHALL PRECLUDE THE FILING OF A MOTION FOR CONTINUANCE AND OTHER CIRCUMSTANCES REGARDING VACATION. THE FILING OF A VACATION CERTIFICATE SHALL NOT BE GROUNDS FOR RESETTING CASES ALREADY SET. IN THE EVENT AN ATTORNEY ALREADY HAS A SETTING AT THE TIME THE VACATION NOTICE IS FILED, IT SHALL BE THE ATTORNEY'S RESPONSIBILITY TO NOTIFY OPPOSING COUNSEL AND THE COURT COORDINATOR AND FILE A MOTION FOR CONTINUANCE AND OBTAIN A RULING BY THE COURT.

**RULE 9.03 CJIS DATABASE, CLERKS, ATTORNEYS RESPONSIBILITY:**

THE DISTRICT AND COUNTY CLERKS ARE RESPONSIBLE TO UPDATE THE CJIS DATABASE WHEN THERE IS A SUBSTITUTION, APPEARANCE OR WITHDRAWAL OF AN ATTORNEY.

ATTORNEYS ARE RESPONSIBLE TO GIVE PROMPT WRITTEN NOTIFICATION OF ANY CHANGE OF THEIR ADDRESS, FIRM OR TELEPHONE NUMBER TO THE COUNCIL OF JUDGES ADMINISTRATION, ROOM 101, EL PASO COUNTY COURTHOUSE.

ATTORNEYS WHOSE NAMES DO NOT APPEAR IN THE CJIS ATTORNEYS DATABASE MUST PROVIDE THE COUNCIL OF JUDGES ADMINISTRATION WITH THEIR NAME, ADDRESS, FIRM, TELEPHONE NUMBER, FAX NUMBER AND BAR NUMBER BY WRITTEN NOTIFICATION TO THE COUNCIL OF JUDGES ADMINISTRATION, ROOM 101, EL PASO COUNTY COURTHOUSE. THE COUNCIL OF JUDGES ADMINISTRATION PHONE NUMBER IS (915) 546-2143.

THE CLERKS SHALL OBTAIN AND ENTER THE ADDRESSES OF ANY PRO SE PARTY INTO THE CJIS DATABASE.

## **PART TEN - MISCELLANEOUS LOCAL RULES**

### **RULE 10.01 LOCAL PRACTICES NOT PUBLISHED IN THESE RULES:**

IN THE ABSENCE OF A SECTION OR SUBSECTION, INTERESTED PERSONS MAY ASSUME THERE IS NO LOCAL RULE COVERING THE DESCRIBED SUBJECT.

APPROVED BY THE EL PASO COUNCIL OF JUDGES ON MAY 11, 1993.

/S/ SAM W. CALLAN, LOCAL ADMINISTRATIVE JUDGE

APPROVED THIS 13<sup>TH</sup> DAY OF MAY 1993.

/S/ WILLIAM E. MOODY, REGIONAL PRESIDING JUDGE

## **PART ELEVEN - ELECTRONIC AGE**

### **RULE \*11.01 DESIGNATION OF CASES TO BE ELECTRONICALLY FILED:**

A DISTRICT COURT OR COUNTY COURT AT LAW OF EL PASO COUNTY MAY, FROM TIME TO TIME, BY WRITTEN ORDER, SELECT AND DESIGNATE THOSE CASES WHICH SHALL BE ASSIGNED TO THE ELECTRONIC FILING SYSTEM, AS MAY BE CREATED AND CONTEMPLATED BY ANY SERVICE AGREEMENT BETWEEN LAWPLUS AND EL PASO COUNTY, TEXAS, OR ANY SUCCESSOR SYSTEM, EITHER HEREINAFTER REFERRED TO AS E-FILE. UPON RECEIPT OF ANY SUCH ORDER, PARTIES NOT THEN HAVING ACCESS TO THE E-FILE SYSTEM SHALL PROMPTLY TAKE STEPS TO ALLOW THEIR COUNSEL TO ELECTRONICALLY FILE, SERVE, RECEIVE, REVIEW AND RETRIEVE COPIES OF THE PLEADINGS, ORDERS AND OTHER DOCUMENTS FILED IN THE ASSIGNED CASE, EITHER BY A SUBSCRIPTION AGREEMENT WITH LAWPLUS OR THE THEN-CURRENT VENDOR ("THE VENDOR"), OR BY USING THE PUBLIC-ACCESS TERMINAL IN THE DISTRICT CLERK'S OFFICE OR BY ANY OTHER MEANS REASONABLY ASSURING RELIABLE ACCESS TO THE SAID SYSTEM.

### **RULE 11.02 ASSIGNMENT BY THE VENDOR OF PERSONAL IDENTIFICATION NUMBERS:**

UPON RECEIPT BY THE VENDOR (LAWPLUS OR ITS SUCCESSOR) OF A PROPERLY EXECUTED SUBSCRIBER AGREEMENT, THE VENDOR SHALL ASSIGN TO THE PARTY'S DESIGNATED REPRESENTATIVE A CONFIDENTIAL PERSONAL IDENTIFICATION NUMBER ("PIN"), WHICH MAY THEREAFTER BE USED BY SUCH REPRESENTATIVE TO OBTAIN ACCESS TO THE E-FILE SYSTEM. THIS PIN WILL PERMIT THE ATTORNEY OR PARTY APPEARING PRO SE TO FILE, SERVE, RECEIVE, REVIEW, AND RETRIEVE ELECTRONICALLY FILED PLEADINGS, ORDERS, AND OTHER DOCUMENTS FILED IN THE ASSIGNED CASE.

### **RULE 11.03 ELECTRONIC FILING OF PLEADINGS AND OTHER DOCUMENTS:**

EXCEPT AS EXPRESSLY PROVIDED IN LOCAL RULE 11.04 BELOW, ALL PLEADINGS, MOTIONS, MEMORANDA OF LAW, ORDERS, OR OTHER DOCUMENTS FILED IN ANY CASE

ASSIGNED TO THE EFILE ELECTRONIC FILING SYSTEM SHALL BE FILED AND SERVED ELECTRONICALLY THROUGH THE SYSTEM.

IN AN E-FILE CASE, THE CLERK SHALL NOT ACCEPT OR FILE ANY PLEADING OR INSTRUMENT IN PAPER FORM. A PARTY USING THE PUBLIC ACCESS TERMINAL SHALL EITHER FURNISH THE PLEADING OR INSTRUMENT ON EITHER AN IBM FORMATTED 3 ½" COMPUTER DISC OR IN A FORMAT OTHERWISE COMPATIBLE TO THE CLERK'S OFFICE TO BE UPLOADED.

**RULE 11.04 CONVENTIONAL FILING OF DOCUMENTS:**

NOTWITHSTANDING THE FOREGOING, THE FOLLOWING TYPES OF DOCUMENTS MAY BE FILED CONVENTIONALLY AND NEED NOT BE FILED ELECTRONICALLY, UNLESS EXPRESSLY REQUIRED BY THE COURT OR THE DISTRICT CLERK:

- (A) ALL PLEADINGS OR OTHER DOCUMENTS FILED IN THE CASE BEFORE AN ORDER IS ISSUED ASSIGNING THE CASE TO THE E-FILE SYSTEM;
- (B) A MOTION TO FILE DOCUMENTS UNDER SEAL SHALL BE FILED AND SERVED ELECTRONICALLY; (HOWEVER, THE DOCUMENTS TO BE FILED UNDER SEAL SHALL BE FILED CONVENTIONALLY).
- (C) LENGTHY APPENDICES AND EXHIBITS TO MOTION, MEMORANDA OF LAW, OR OTHER DOCUMENTS THAT EXCEED A PAGE COUNT, AS SET BY THE COURT FROM TIME TO TIME, MAY BE FILED AND SERVED CONVENTIONALLY.

**RULE 11.05 SERVICE OF CONVENTIONAL FILING:**

COPIES OF ALL DOCUMENTS EXCEPT SEALED DOCUMENTS THAT ARE FILED CONVENTIONALLY AND WHICH ARE NOT FILED ELECTRONICALLY SHALL BE SERVED ON ALL OTHER PARTIES PURSUANT TO THE PROVISIONS OF TEXAS RULE OF CIVIL PROCEDURE 21.

**RULE 11.06 UTILIZATION OF PIN:**

NO ATTORNEY SHALL KNOWINGLY AUTHORIZE OR PERMIT HIS/HER PIN TO BE UTILIZED BY ANYONE OTHER THAN AUTHORIZED ATTORNEYS OR EMPLOYEES OF THE ATTORNEY'S LAW FIRM. FURTHERMORE, NO PERSON SHALL KNOWINGLY USE A PIN OR CAUSE OR PERMIT ANOTHER PERSON TO USE A PIN WITHOUT EXPRESS PERMISSION FROM THE HOLDER OF THE PIN.

**RULE 11.07 REPRESENTATIONS BY USING A TYPOGRAPHICAL SIGNATURE:**

EVERY PLEADING, DOCUMENT, AND INSTRUMENT FILED IN THE E-FILE SYSTEM SHALL BEAR A FACSIMILE OR TYPOGRAPHICAL SIGNATURE OF AT LEAST ONE OF THE ATTORNEYS OF RECORD, ALONG WITH THE TYPED NAME, ADDRESS, TELEPHONE NUMBER, AND STATE BAR OF TEXAS NUMBER OF SAID ATTORNEY. TYPOGRAPHICAL SIGNATURES SHALL BE TREATED EXACTLY AS PERSONAL SIGNATURES UNDER THE TEXAS RULES OF CIVIL PROCEDURE.

**RULE \*11.08 EFFECT OF ELECTRONIC SERVICE:**

THE ELECTRONIC SERVICE OF A PLEADING OR OTHER DOCUMENT IN E-FILE SHALL BE CONSIDERED AS VALID AND EFFECTIVE SERVICE ON ALL DESIGNATED RECIPIENTS PURSUANT TO TEXAS RULE OF CIVIL PROCEDURE 21A, AND SHALL BE CONSTRUED IN THE SAME MANNER AS A TELEPHONIC DOCUMENT TRANSFER FOR PURPOSES OF SUCH RULE. ANY SUCH SERVICE COMPLETED BY 11:59 P.M. LOCAL TIME (MOUNTAIN TIME) SHALL BE DEEMED SERVICE ON THAT DATE.

*\*RULE 11.08: APPROVED AND AMENDED BY COUNCIL OF JUDGES ON SEPTEMBER 24, 1998.*

**RULE 11.09 ELECTRONIC FILING OF AFFIDAVITS AND OTHER SWORN DOCUMENTS:**

UNLESS SPECIFICALLY ORDERED BY THE COURT, ORIGINAL SIGNATURE PAGES ON AFFIDAVITS, VERIFICATIONS, OR OTHER DOCUMENTS IN CASES ASSIGNED TO E-FILE SHALL NOT BE FILED IN PAPER FORM, BUT SHALL BE MAINTAINED AND MADE AVAILABLE, UPON REASONABLE NOTICE AND DURING BUSINESS HOURS, TO OTHER COUNSEL AND TO THE COURT.

**RULE 11.10 FORMAT OF ELECTRONICALLY FILED DOCUMENTS:**

ALL ELECTRONICALLY FILED PLEADINGS SHALL, TO THE EXTENT PRACTICABLE, BE FORMATTED IN ACCORDANCE WITH APPLICABLE RULES GOVERNING FORMATTING OF PAPER PLEADINGS, AND IN SUCH OTHER AND FURTHER FORMAT AS THE COURT MAY REQUIRE FROM TIME TO TIME.

**RULE 11.11 TIME FOR FILING AND EFFECT OF USE OF E-FILE:**

ANY PLEADING FILED ELECTRONICALLY SHALL BE CONSIDERED AS FILED WITH THE DISTRICT CLERK ON THE DATE IT IS FIRST TRANSMITTED TO E-FILE. THE VENDOR SHALL BE AND IS HEREBY APPOINTED THE AGENT OF THE DISTRICT CLERK AS TO THE ELECTRONIC FILING, RECEIPT, SERVICE, AND/OR RETRIEVAL OF ANY PLEADING OR DOCUMENT IN E-FILE, AND NEITHER THE VENDOR NOR ANY ATTORNEY OR PARTY SHALL HAVE ANY ADDITIONAL-IMPOSED LIABILITY BECAUSE OF THE USE OF OR PARTICIPATION IN THE E-FILE SYSTEM.

**RULE 11.12 ELECTRONIC FILING AND SERVICE OF COURT ORDERS AND OTHER PAPERS:**

THE COURT INTENDS TO ISSUE, FILE, AND SERVE ORDERS, RULING, AND OTHER DOCUMENTS IN THE ASSIGNED CASES ELECTRONICALLY, RATHER THAN ON PAPER. PARTIES WHO HAVE NOT SUBSCRIBED TO THE VENDOR'S SYSTEM, OR WHOSE RIGHTS TO USE THE VENDOR'S SYSTEM HAVE BEEN SUSPENDED OR TERMINATED, ARE RESPONSIBLE FOR KEEPING THEMSELVES TIMELY APPRISED OF ANY ORDERS, RULING, OR OTHER DOCUMENTS THAT THE COURT CHOOSES TO FILE AND SERVE ELECTRONICALLY IN ANY OF THE ASSIGNED CASES.

**RULE 11.13 TITLE OF PLEADINGS AND OTHER DOCUMENTS:**

THE TITLE OF EACH ELECTRONICALLY FILED PLEADING OR OTHER DOCUMENT ("PAPERS") SHALL CONTAIN SUFFICIENT INFORMATION TO ENABLE THE COURT TO ASCERTAIN FROM THE TITLE OF THE PAPER:

- (A) THE PARTY OR PARTIES FILING THE PAPER;
- (B) THE NATURE OF THE PAPER;
- (C) THE PARTY OR PARTIES AGAINST WHOM RELIEF, IF ANY, IS SOUGHT; AND
- (D) THE NATURE OF THE RELIEF SOUGHT (i.e. JOHN DOE. ETAL'S MOTION TO COMPEL DISCOVERY AND FOR SANCTIONS AGAINST JIM SMITH").

**RULE 11.14 PUBLIC ACCESS TO ELECTRONICALLY FILED DOCUMENTS:**

THE DISTRICT CLERK'S OFFICE SHALL MAKE AVAILABLE TO MEMBERS OF THE GENERAL PUBLIC, WITHOUT CHARGE AND DURING NORMAL BUSINESS HOURS, AT LEAST ONE COMPUTER SCREEN CAPABLE OF SEARCHING AND REVIEWING DOCUMENTS FILED OF PUBLIC RECORD IN THE ASSIGNED CASES. THE DISTRICT CLERK SHALL MAKE COPIES OF ANY PUBLICLY FILED DOCUMENTS AVAILABLE ON E-FILE, AT A REASONABLE CHARGE.

**RULE \*11.15 WAIVER OF RULE:**

NOT WITHSTANDING THAT A CASE HAS BEEN ASSIGNED TO THE ELECTRONIC FILING SYSTEM, A COURT UPON THE MOTION OF ANY PARTY MAY, UPON A HEARING AND FOR GOOD CAUSE SHOWN FOLLOWED BY A WRITTEN ORDER, WAIVE THE REQUIREMENT OF ELECTORNIC FILING AS TO ANY CASES AND SUCH THEREAFTER SHALL BE FILED CONVENTIONALLY.

*\*RULE 11.15: APPROVED AND AMENDED BY THE COUNCIL OF JUDGES ON SEPTEMBER 24, 1998*

*\*APPROVED BY THE SUPREME COURT OF TEXAS ON APRIL 27, 1998.*

**RULE \*11.16 VOLUNTARY ELECTRONIC FILING:**

ANY PARTY MAY PETITION THE COURT AT ANY TIME TO IMPLEMENT ELECTRONIC FILING OF PLEADINGS, MOTIONS, ORDERS AND OTHER LEGAL DOCUMENTS IN CIVIL CASES MAINTAINED BY THE DISTRICT CLERK OF EL PASO COUNTY.

*\*RULE 11.16 APPROVED AND AMENDED BY THE COUNCIL OF JUDGES ON SEPTEMBER 24, 1998.*

*\*APPROVED BY THE SUPREME COURT OF TEXAS ON APRIL 27, 1998.*

*\*RULE 11.01 - 11.16 APPROVED BY SUPREME COURT OF TEXAS ON APRIL 27, 1998.*

ADOPTED THIS 30<sup>TH</sup> DAY OF MARCH 1998 BY ALL THE UNDERSIGNED  
DISTRICT COURT JUDGES, COUNTY COURT AT LAW JUDGES, AND PROBATE  
JUDGE OF EL PASO COUNTY, TEXAS. /S/  
JUDGE WILLIAM E. MOODY  
LOCAL ADMINISTRATIVE  
JUDGE

APPROVED THIS 7<sup>TH</sup> DAY OF APRIL 1998. /S/JUDGE STEVEN ABLES REGIONAL