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- (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.

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

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- (F) 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.

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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

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2. CONFLICTING SETTING IS NOT TIMELY PROVIDED, THE COURT MAY CHOOSE TO REFUSE A MOTION FOR CONTINUANCE.
 3. 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 3.08 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 IMMEDIATELY TELEPHONING THE COURT COORDINATOR AND, WITHIN THREE DAYS OF ANY BANKRUPTCY FILING, TO PROVIDE WRITTEN NOTICE TO THE AFFECTED COURTS AND 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.

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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

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- 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;

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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. 166 (c) 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 Tex.R.Civ.P. Rule 166 a (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 IN 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.

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- (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 3.14 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,

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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 3.17 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.

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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.