

**IN THE SUPREME COURT OF TEXAS**


**Misc. Docket No. 14-9081**


**APPROVAL OF AMENDED LOCAL RULES FOR  
DISTRICT COURTS OF TRAVIS COUNTY**


**ORDERED** that:

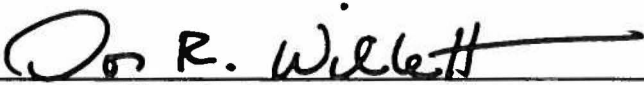
Pursuant to Texas Rule of Civil Procedure 3a, the Supreme Court approves the following amendments to the local rules for the District Courts of Travis County.


Dated: April 14<sup>th</sup>, 2014.

  
Nathan L. Hecht, Chief Justice

  
Paul W. Green, Justice


  
Phil Johnson, Justice

  
Don R. Willett, Justice

  
Eva M. Guzman, Justice

  
Debra H. Lehmann, Justice

  
Jeffrey S. Boyd, Justice

  
John P. Devine, Justice

  
Jeffrey V. Brown, Justice

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**CHAPTER 1**  
**GENERAL ORGANIZATION**

**1.1 District Courts & Cases Governed by These Local Rules**

These rules govern procedures in the District Courts hearing civil cases, family cases, and child abuse & neglect cases.

**1.2 Central Docket, Family Docket, and CPS Docket and specialized dockets**

The primary dockets are the Civil Docket, the Family Docket, and the CPS (DFPS) Docket. All civil cases, other than those on specialized dockets, and all jury trials are set on the Central Docket. See Chapter 21 regarding the setting of family cases and child abuse and neglect cases. The Court Administrator will instruct regarding specialized dockets.

**1.3 Any Judge May Conduct Hearing**

The District Clerk will file cases by distributing them equally, on a rotating basis, among the District Courts. However, hearings are assigned to available judges without regard to the court in which the case is filed. For all matters, therefore, the District Court identified in the style of the case does *not* mean the judge of that court will conduct the hearing. Unless a case is specially assigned to a particular judge, pursuant to these rules, each hearing in a case may be heard by any judge. For non-jury cases on the Short Central Docket, the Court Administrator assigns the hearings to available judges. For all other matters, the judge calling the docket assigns the hearings.

**1.4 Motions Challenging a Prior Ruling**

A request to be heard on a motion for new trial or any other motion challenging a prior ruling, except one by default, must be presented to the judge who made the ruling, including a visiting judge.

### **1.5 Local Administrative Judge**

By majority vote, the Judges of the District Courts of Travis County elect their Local Administrative Judge, who serves at their pleasure for a two-year term. The Local Administrative Judge has the general administrative responsibility and authority necessary for the proper functioning of the District Courts, including the authority to adjust the number, type and administration of dockets from time to time as required for the orderly disposition of cases.

### **1.6 Court Administrator**

All dockets are administered by the Court Administrator for the Civil District Courts, under the supervision of the Local Administrative Judge.

## CHAPTER 2

### SETTING CASES ON THE CENTRAL DOCKET

#### **2.1 Schedules for Jury/Non-Jury Weeks**

The Court Administrator will develop a schedule designating jury weeks and non-jury weeks for each calendar year. A copy of this schedule may be obtained from the Court Administrator's office and is posted at [traviscountycourts.org](http://traviscountycourts.org).

#### **2.2 Requesting a Setting**

A party must not request a setting until the party has filed the motion to be heard or is prepared to file it immediately after obtaining the setting.

The motion must include a certification that the movant has made a reasonable effort to confer with the opposing litigant about the date and time of the setting before obtaining it.

All jury and non-jury matters on the Central Docket will be set by the Court Administrator upon written request through [civilcourtsonline.org](http://civilcourtsonline.org) or upon oral request of any party, and will be placed on the docket for each week, day, or half-day in the order in which such requests are received.

Each request for a setting must include an estimate of the total time required for the entire hearing for all participants.

Judges should not be requested to sign orders setting cases except when a show cause order is necessary, or when some rule of law requires that an order for a setting be signed by a Judge and entered in the minutes by the Clerk. Any show cause or other order setting a case presented for signature to a Judge must be on a separate page and not combined with a pleading.

No setting will be accepted after the Friday preceding the announcement period except by agreement of all parties, unless it is governed by a statute

requiring a hearing prior to the next available week on which settings may be scheduled.

### **2.3 Jury Settings**

Each jury case will be set for 9:00 a.m. on Monday of a jury week and will be subject to begin trial during that week only.

### **2.4 Non-Jury Settings**

#### **(a) Non-Jury Long Docket Settings**

Each Non-Jury Long Docket matter will be set for 9:00 a.m. on Monday of a non-jury week and will be subject to trial or hearing at any time before noon on Thursday of the following week, but not thereafter. In the event of a Monday court holiday this docket will be set and called on Tuesday.

#### **(b) Non-Jury Short Docket Settings**

Each Non-Jury Short Docket may be set for either 9:00 a.m. or 2:00 p.m. on any day during a non-jury week except Friday. Such a matter will be subject to trial or hearing at any time during the half day in which it is set, but not thereafter.

#### **(c) Non-Jury Settings on Jury Weeks**

The following non-jury matters may be set on Thursdays of jury weeks:

- (a) Any matter that is required by law to be determined within a fixed time period; or
- (b) Any matter requiring 30 minutes or less.

Only matters that will require one day or less may be set pursuant to subparagraph (a); such matters will be given preference over those set pursuant to subparagraph (b).



## 2.5 Fridays

Only a contested or uncontested matter that in its entirety will require fifteen (15) minutes or less may be set on Friday mornings of jury and non-jury weeks.

## 2.6 Assignment of All or Part of Case to a Particular Judge

If a party or parties believe that a case, or part of a case, has unusual characteristics that make it particularly suitable for assignment to one judge, the party or parties jointly may request the Local Administrative Judge to assign the case to one judge. The request, explaining the unusual characteristics, must be submitted in writing to the Local Administrative Judge. Generally, the request should be made at the beginning of the case, and requests made after significant litigation are less likely to be granted because the benefit of one judge has diminished. In considering the request, the Local Administrative Judge will guard against forum-shopping and will maintain the integrity of the Central Docket system, wherein assignment is the rare exception. No request for assignment to a *particular* judge will be considered by the Local Administrative Judge except for reasons of judicial economy.

No party should ask a particular judge to accept assignment of a case or part of a case unless all parties have previously conferred and have agreed to jointly make the request.

Any judge may, *sua sponte*, self-assign a case, or part of a case, for reasons of judicial economy.

A setting before a particular Judge is in-order, not a preferential setting, unless the judge specifies that it is a preferential setting.

## 2.7 In-Order Settings

In-order settings are hearings to be held by a particular judge, identified by name in the docket, in the regular order of announcement. An in-order setting is made for all hearings in cases assigned to a particular judge, and, in unassigned

cases, any hearing in which the judge has authorized the setting before him or her. Before requesting the setting from the Court Administrator, the movant must confer with the judge's staff to determine the judge's availability. For visiting judges, the District Judges' Office serves as the judge's staff.

## **2.8 Preferential Settings**

Preferential settings are hearings to be heard before all other settings on that docket. Preferential settings are not available for civil jury trials. A request for a preferential setting of a non-jury matter will be granted by the Court only for good cause shown. No more than two non-jury preferential settings will be granted for any 9:00 a.m. or 2:00 p.m. docket.

After the beginning of the announcement docket, excluding the Friday docket, no request should be made for a preferential setting for the following week.

A preferential setting is not necessarily a setting before the Judge who granted it, or before any particular Judge, unless the matter is assigned to a particular judge pursuant to these rules. Any preferential setting assigned to a particular judge will be identified by name in the docket.

## **2.9 Notice of Setting to be Provided by Party Obtaining the Setting**

The Court Administrator does not send notices of settings. The party who obtained the setting must give notice to all parties of the time and date of a setting and the total time needed for the entire hearing for all participants. Notice must be given in the manner and within the time provided by the Texas Rules of Civil Procedure. Notice should be sent the same day the party obtains the setting, and any delay in sending notice may be argued by opposing counsel as a basis for continuance.

## **2.10 Settings that Must be Authorized by Court**

The Court Administrator is not authorized to grant any of the settings described by this Rule.

A request for any of the following settings must be presented to a Judge:

- (a) A setting before answer date.
- (b) A setting for a jury trial if a non-jury trial setting has been obtained after answer date and before a jury fee was paid, unless a written agreement to strike the non-jury setting is presented to the Court Administrator when the jury setting is requested.

## **2.11 Duty to Notify Court Administrator**

### **(a) Backup Settings**

When a matter is reached for trial or hearing, the parties must immediately notify the Court Administrator of all back-up settings that should be removed from the Central Docket.

### **(b) Agreement to Pass a Setting**

Parties must notify the Court Administrator of an agreement to pass a setting. Cases set for trial after entry of an order to retain may not be removed from the Central Docket by agreement.

## **2.12 Court Administrator Authorized to Strike Setting**

If the Court Administrator determines that any setting has been obtained in violation of these Rules, the parties will be notified and the Court Administrator is authorized to strike the setting.

## **2.13 When a Party is Incarcerated**

In all cases in which a party is incarcerated, the party wishing to set a hearing must communicate with the Court Administrator significantly in advance of the

proposed date for hearing. Upon receiving a request, the Court Administrator will confer with the parties and the facility to determine the date and time for a setting. The party requesting the setting must give notice to all other parties. If the setting has been requested by the incarcerated party, the Court Administrator will announce ready on his or her behalf. The Court Administrator will arrange for the incarcerated party's transportation if the court has issued a bench warrant or will arrange for the incarcerated party to participate by phone. Other parties wishing to participate must appear in person, unless otherwise authorized by the Court. The Court Administrator will advise the Court assigned and the Court will initiate the call to the incarcerated party. A record of an evidentiary hearing will be made if requested.

**CHAPTER 3**  
**ANNOUNCEMENT DOCKET AND THE ASSIGNMENT OF CASES**  
**FOR SETTINGS ON THE CENTRAL DOCKET**

**3.1 Announcement Required**

All matters, including in-order and preferential settings, on the Central Docket must be announced.

**3.2 Announcement**

**(a) Week to Announce**

Settings on Mondays through Thursdays must be announced the week prior to the hearing. Settings on Fridays must be announced the week of the hearing.

**(b) Days and Times to Announce**

Announcements will be taken beginning Monday at 8:00 a.m. and ending Wednesday at 5:00 p.m. During this period parties must give their announcement of ready and an updated estimate of time required for the entire hearing for all participants.

**(c) How to Announce**

Announcements may be made:

- (1) through [civilcourtsonline.org](http://civilcourtsonline.org)
- (2) by facsimile transmission to (512) 854-9174:
- (3) in person at the Office of the Court Administrator, Room 435 of the Courthouse; or
- (4) by telephone by calling (512) 854-2484.

**(d) Resolution of Announcement Conflict between Long/Short Non-Jury Docket**

Any time estimate controversy that would affect the assignment of a matter as between the Non-Jury Long or Short dockets will heard by the Duty Judge on Thursdays at 9:30 a.m. with the Continuance Docket.

**3.3 Motions for Continuance**

Motions for continuance should be set on the Central Docket. If a Central Docket setting cannot be obtained under these rules, the continuance may be heard by the Duty Judge each Thursday at 9:30 a.m. This Rule does not relieve a movant of the burden of delivering a copy of the motion and giving notice of the hearing in the manner and within the time provided by the Texas Rules of Civil Procedure.

The name and location of the Duty Judge designated to hear motions for continuance will be posted at the Courthouse and on the Travis County website at [traviscountycourts.org](http://traviscountycourts.org).

The party presenting the motion for continuance must obtain the docket sheet from the District Clerk's office and deliver it to the Duty Judge designated to hear motions for continuance, together with a copy of the motion, any response and a proposed order.

**3.4 Call of Jury and Non-Jury Long Docket**

All jury cases and all Non-Jury Long Docket matters will be called at 9:00 a.m. on Monday of the week in which they are set. **Jury** cases not assigned at the 9:00 a.m. docket call are subject to assignment at any time before noon on Wednesday of that week. **Non-Jury** Long Docket cases not assigned at the 9:00 a.m. docket call are subject to assignment at any time before noon on Thursday of the following week as Judges become available, and the parties must be ready to begin the trial or hearing when each case is reached.

The Court Administrator may excuse parties whose cases cannot be reached.

### **3.5 Call of Non-Jury Short Docket**

Non-Jury Short Docket matters will be called at 9:00 a.m. and 2:00 p.m. on Monday through Thursday. Assignments of Non-Jury Short Docket cases to a particular court or to the court designated to hear “unassigned” cases will be posted at the Courthouse and on the Travis County website at [traviscountycourts.org](http://traviscountycourts.org).

### **3.6 Notice of Visiting Judge Assignment and Procedure for Objection**

All or part of any case may be assigned for trial or hearing to any Judge eligible for assignment under the Court Administration Act (Visiting Judge). At or before noon each Thursday, the Court Administrator will post a notice naming the Visiting Judge(s) who will be assigned for the following two weeks. This notice will be posted at the Courthouse and on the Travis County website at [traviscountycourts.org](http://traviscountycourts.org). An objection to the assignment of a Visiting Judge to hear any case will be timely if the objection is delivered in writing to the Court Administrator before the case is called for hearing. Objections must not be filed with the District Clerk. After the receipt of such an objection, the Court Administrator will not assign the case to that Judge. No such objection will be urged before or ruled upon by any Visiting Judge assigned by virtue of the Court Administration Act.

### **3.7 Failure to Properly Announce**

A violation of these announcement rules may result in the case being moved to the bottom of the docket or reset to another docket. Unannounced cases will be heard only at the discretion of the court.

**CHAPTER 4**  
**MATTERS PRELIMINARY TO TRIALS ON THE MERITS**  
**ON THE CENTRAL DOCKET**

**4.1 No Pre-Trial Motions the Week Before Trial**

No pre-trial motions may be set during the week before a bench or jury trial, except for motions for continuance.

**4.2 Jury Trial Pre-Trial Scheduling Order & Motions in *Limine***

Standing orders, posted online, govern the pre-trial schedule for jury trials and motions in limine. Any motion in limine requesting additional limine or a modification of the standing order will be heard by the trial judge at the time of trial. Counsel should not repeat or otherwise address the subject matter contained in the standing order except to seek a modification of the standing order.

**4.3 Courtesy Copies**

Provide the judge with a courtesy copy of any pleading you wish the court to consider.



## CHAPTER 5

### NOTICE TO TRIAL JUDGE OF POST-TRIAL PLEADINGS

**WHEN TO NOTIFY:** Notice must be given to the trial judge when a party files one or more of the following post-trial pleadings:

- (1) Request for Findings of Fact and Conclusions of Law (TEX. R. CIV. PROC. 296);
- (2) Notice of Past Due Findings of Fact and Conclusions of Law (TEX. R. CIV. PROC. 296);
- (3) Request for Preparation of the Court Reporter's Record (TEX. R. APP. PROC. 34.6); or
- (4) Any affidavit of indigence filed in connection with an appeal (TEX. R. APP. PROC. 20.1).

**HOW TO NOTIFY:** Notice must be given to the trial judge by the party filing the pleading by:

- (1) delivery of a copy of the pleading to the attention of the trial judge at the Office of the District Judges at the Courthouse;
- (2) mail addressed to the trial judge at P.O. Box 1748, Austin, TX 78767-1748; or
- (3) email to the attention of the trial judge by name in the subject line at [notice.judge@co.travis.tx.us](mailto:notice.judge@co.travis.tx.us).

## CHAPTER 6

### MOTIONS TO WITHDRAW AS ATTORNEY OF RECORD AND MOTIONS TO SUBSTITUTE ATTORNEYS

This Chapter does *not* govern withdrawal from and substitution in a limited appearance; Chapter 20 governs withdrawal from a limited appearance.

#### **6.1 Certificate**

Each motion to withdraw must contain the attorney's certification that there are no rulings of the court that have yet to be reduced to writing.

#### **6.2 When No Hearing Required**

A motion to withdraw as attorney of record will not require a hearing only if the moving attorney:

- (a) files written consent to the withdrawal signed by all parties;
- (b) files a written consent to the withdrawal signed by the client, and
- (c) files a certificate stating the last known mailing address of the client.

If a motion to withdraw and to substitute another attorney includes an appearance by another attorney pursuant to the Texas Rules of Civil Procedure, that appearance will satisfy the requirements of subparagraphs (b) and (c) above, but such an appearance will not satisfy the requirement of subparagraph (a).

#### **6.3 When Hearing Required**

If all requirements of Local Rule 6.1 are not satisfied, a motion to withdraw or to substitute another attorney must be presented at a hearing after notice to the client and to all other parties.

#### **6.4 Discretion of Court**

Even if all parties and counsel agree to a motion to withdraw, the Court retains discretion to grant or deny a motion to withdraw.

## CHAPTER 7

### UNCONTESTED AND EMERGENCY MATTERS

#### 7.1 Uncontested Docket

On Monday through Friday of each week from 8:30 a.m. until 9:20 a.m. and from 1:30 p.m. until 2:20 p.m., a Duty Judge will be available to sign orders and to hear uncontested divorces, uncontested name changes, agreed orders in pending cases, orders concerning service of citation, notices of hearing for temporary orders prior to answer day, orders to appear, friendly suits, and other such uncontested matters. These matters will ordinarily be considered in the order in which the proposed orders are brought to the courtroom clerk. Notice of the location of the Duty Judge presiding at the uncontested docket will be posted at the Courthouse and at [traviscountycourts.org](http://traviscountycourts.org). All agreed orders or other uncontested orders submitted to the Duty Judge for signature must be presented to the Duty Judge only at the times allotted for the uncontested docket.

#### 7.2 Emergency Matters to be heard by Duty Judge and those to be heard by Judge Hearing CPS Docket

Requests for *ex parte* relief or any other emergency matter, except requests by the Department of Family Protective Services, must be presented to the Duty Judge. Requests for *ex parte* relief by the Department of Family & Protective Services must be presented to the Judge hearing the CPS Docket or that Judge's designee in the manner and at the times that Judge directs. Only when the Judge hearing the CPS Docket is unavailable to hear or designate a judge to hear an urgent matter may the Department seek *ex parte* relief from the Duty Judge.

**7.3 Scheduling Appointment with Duty Judge for Emergency Matter**

For requests for *ex parte* relief or any other emergency matter to be presented to the Duty Judge, the applicant must schedule an appointment with the Duty Judge unless the request meets the exception stated in Local Rule 23.2.

**7.4 Fully Advise the Court**

A party presenting any application for an *ex parte* order must fully advise the Court of the circumstances, particularly as to whether there has been any previous application for the same or similar relief or whether the relief sought will conflict with any previous order.

**7.5 Request for Withdrawal of Minor's Funds**

When a request is to be made for withdrawal of funds maintained in the Registry of the Court for the benefit of a minor who has not yet reached legal age, the applicant must bring to the Court with the motion and proposed Order a Summary of Minor's Bank Account obtained from the District Clerk reflecting the status of the minor's account and indicating previous withdrawals, if any.

## CHAPTER 8

### DISMISSAL FOR WANT OF PROSECUTION BY THE COURT

#### **8.1 Case Selection**

The following cases are eligible for dismissal for want of prosecution *sua sponte* by the court:

- (a) cases on file for more than 180 days in which no answer has been filed;
- (b) cases that have been on file for more than 18 months that are not set for trial and have had no filings or settings within 180 days;
- (c) any other case designated by the Court.

#### **8.2 Copies to Court Administrator**

**A COPY OF NOTICES, MOTIONS, AND PLEADINGS REQUIRED TO BE FILED BY THIS CHAPTER MUST BE DELIVERED TO THE COURT ADMINISTRATOR FOR THE CIVIL DISTRICT COURTS.**

#### **8.3 Notice & Summary Dismissal if No Motion to Retain**

The Court Administrator will give notice that certain cases will be dismissed for want of prosecution. Such matters will be dismissed summarily without further proceedings on the dismissal date indicated in the notice of dismissal or thereafter unless at least one party files a motion to retain that complies with the requirements of this chapter.

#### **8.4 Docket Settings**

No Central Docket settings may be obtained in cases set for dismissal until the dismissal docket process is complete, except with leave of Court.

#### **8.5 Motions to Retain and Objections to Motions to Retain**

- (a) Motions to retain must set forth the factual and legal basis for retaining the case and must be filed at least 14 days prior to the dismissal date specified in the notice of dismissal.

- (b) Any objection to a motion to retain must be filed at least 7 days prior to the dismissal date specified in the notice of dismissal.
- (c) If a timely motion to retain is filed and no timely objection is filed, the court may grant the motion or may set it for hearing.
- (d) If a timely motion to retain and a timely objection are both filed, the court will set the motion to retain for hearing.

#### **8.6 Objection to ADR**

- (a) Parties filing motions to retain must file any objection to ADR simultaneously with a motion to retain.
- (b) Parties receiving notice of a motion to retain must file any objection to ADR at least 7 days prior to the dismissal date specified in the notice of dismissal.
- (c) Objections to referral to ADR, will be taken on submission without hearing.

#### **8.7 No Discovery**

No further discovery may be conducted in cases retained by the Court and ordered to complete an ADR procedure unless permitted by Court order. **Further discovery will not extend the deadlines prescribed in this chapter unless ordered by the Court.**

## CHAPTER 9

### HEARINGS CONDUCTED BY TELEPHONE

#### 9.1 Matters Eligible for Telephone Hearing

Except for hearings involving incarcerated persons (see Rule 2.13), no hearings requiring testimony of a witness or presentation of documentary evidence during the course of the hearing may be conducted by telephone.

Any party may request that a short non-evidentiary hearing (30 minutes or less) be conducted by telephone conference call or that a party be allowed to participate in the hearing by telephone. Any party objecting to a telephone hearing must advise the Court Administrator. The Court Administrator will refer any objection to a Judge.

#### 9.2 Party to Initiate Call

All arrangements for a conference call must be made by the party requesting a telephone hearing.

#### 9.3 Day and Time

Subject to all other provisions of these Rules and except for hearings involving incarcerated persons, telephone hearings must be set on Tuesday at 2:00 p.m. The assigned judge's staff will call one designated party for each phone hearing to notify the parties of the precise time to initiate the conference call. **WARNING: Conference calls will not be permitted in any case in which parties fail to comply with Local Rule 3.2 (duty to announce).**

#### 9.4 No record

Except for evidentiary hearings involving incarcerated persons, no record of a phone hearing will be made.



## 9.5 Discretion of Court

The assigned judge may, at any time, determine that a hearing by telephone is not appropriate and may require an in-person hearing upon notice to all parties.

## CHAPTER 10

### JUDICIAL REVIEW OF ACTIONS OF ADMINISTRATIVE AGENCIES

#### **10.1 Applicability**

This Chapter applies to proceedings for judicial review of a final decision in a contested case by a state agency, with the exception of cases requiring a trial *de novo*. Such proceedings are referred to as “administrative appeals.” This Chapter also applies to all actions challenging a pending contested case or agency rulemaking proceedings, including injunction, mandamus, and declaratory judgment actions including challenges to agency rules, and to all declaratory judgment proceedings involving a state agency brought pursuant to the Administrative Procedure Act. This Chapter does not apply to proceedings brought by the state to enforce agency orders, commissions, or subpoenas, except in appropriate circumstances upon order of the Court.

#### **10.2 Assignment of Cases**

A party who files a case subject to this chapter, must notify in writing the Local Administrative Judge. The notification must contain a list of all parties to the case, their attorneys of record, the attorneys’ addresses, telephone numbers, facsimile numbers, and electronic mail addresses, if applicable. The letter must note any case arising from the same or a related agency docket, whether it has been assigned, and if so, to whom. The Local Administrative Judge will assign the case, generally on a rotating basis; provided, however, that the Local Administrative Judge may assign a case out of rotation, in the interest of judicial economy, on either the Local Administrative Judge’s own motion, a written request signed by all the parties, or, if all parties do not agree to such a request, upon a written motion that sets forth reasons why in the interest of judicial economy a particular Judge should be assigned. The Local Administrative Judge will inform the parties by letter when a case has been assigned.

### **10.3 Hearings**

The Judge to whom a case is assigned will hear all matters relating to the case. A final hearing on the merits of an administrative appeal as defined above should be scheduled by arrangement with the office of the assigned judge. Before setting the final hearing, all counsel must confer regarding the date of any hearing, the amount of time to be requested for the hearing and, if there are multiple parties, the order of presentation. The time to be allotted to argument is in the discretion of the Court.

Hearings on dilatory motions, pleas to the jurisdiction, summary judgments or declaratory judgments, including agency rule challenges, must be set on the Central Docket before the assigned judge, unless otherwise instructed by the assigned judge. (See Chapter 2, In-Order settings.) Failure to brief an issue for the merits hearing waives the issue, but failure to argue an issue at the merits hearing does not waive the issue. Matters set on the Central Docket, either Preferentially or In-Order, must be scheduled through the office of the assigned Judge and the Court Administrator. The parties must announce at docket call in the usual manner for all proceedings before the assigned Judge set on the Central Docket.

### **10.4 Applications for Temporary Restraining Order**

An application for a temporary restraining order in a case not yet assigned may be heard by the Duty Judge, but the applicant must immediately thereafter notify in writing the Local Administrative Judge that the case is subject to this chapter requiring assignment.. If a temporary restraining order is sought, the applicant must provide advance notice in writing by facsimile and notice by telephone to the party or parties to the agency proceeding, to counsel if the party was represented at agency proceeding and, if notice was not provided, a statement of the reason for any failure to provide notice.

The applicant must also comply with any specific notice requirements imposed by law or rule. In all cases, prior notice must be given to counsel for a

governmental entity of any application to restrain governmental action. Notice of any hearing to restrain agency action must be provided to the Office of the Attorney General of Texas.

### **10.5 Briefs**

Administrative appeals must be briefed by the parties in advance of the hearing on the merits. The parties must attempt to establish a briefing schedule by agreement and must notify the Judge to whom the case is assigned of the agreed dates.

Briefs must conform to the "Requisites of Briefs," including the limits on length, in the Texas Rules of Appellate Procedure as they apply to an administrative appeal in the courts of appeal, *except*:

- 1) Do not include a statement regarding oral argument;
- 2) Do include a glossary of technical terms, which is not counted in determining the limit on the length of the brief

Each party must deliver a copy of each brief to the assigned judge.

### **10.6 Required & Optional Appendices for Convenience of Judge**

In addition to providing the assigned judge with a copy of its brief, the Plaintiff *must* deliver to the judge a **separately bound** and clearly labeled appendix with:

- (a) a copy of the agency's final order, including any report or recommendation incorporated or adopted by reference in the order; and
- (b) a copy of the Plaintiff's motion for rehearing filed with the agency, or that portion of the motion necessary to show that the points of error briefed were included in the motion.

Any party *may* also provide to the judge a **separately bound** and clearly labeled appendix with:

- (a) copies of material excerpts from the administrative record pertinent to the points briefed;
- (b) copies of material statutes, rules, regulations, and other law sources that may not be readily accessible; and
- (c) copies of authorities that the party's attorney considers to be particularly material to the argument.

**Appendices are not to be filed with the Clerk.**

### **10.7 Briefing in Other Administrative Matters**

Upon agreement of the parties or by order of the Court, other actions subject to this Chapter may be briefed in accordance with this section.

### **10.8 Administrative Record**

In administrative appeals, the party or parties challenging the agency action are responsible for having the administrative record in the courtroom at the time and date designated for the hearing on the merits. The Attorney General must cooperate with and provide reasonable assistance to the party or parties challenging the agency action in having the administrative record in the courtroom at the time and date designated for the hearing on the merits. This section does not affect the agency's statutory duty to file the administrative record with the District Clerk. If the administrative record has not been filed in advance of the designated hearing date, counsel for the agency is responsible for having the administrative record in the courtroom at the time of the hearing.

### **10.9 Dismissal for Want of Prosecution**

Upon notice and hearing on a motion of any party or the Court's own motion, a case may be dismissed for failure of the party or parties bringing the suit to prosecute the suit with reasonable diligence.

### **10.10 Alternative Dispute Resolution**

A case subject to this Chapter will not be referred for alternate dispute resolution pursuant to Chapter 13 of these Rules.

**CHAPTER 11**  
**DRAFTS OF JUDGMENTS, DECREES, AND ORDERS**  
**TO BE SIGNED BY JUDGE**

**11.1 Approval as to Form**

So far as practicable, every draft of a judgment, decree, or order to be signed by a Judge or Associate Judge should be signed by all parties evidencing approval as to form before it is presented to the Judge.

**11.2 Presentation of Orders After Hearing**

Draft orders approved as to form must be presented to the judge who decided the matter unless he or she has instructed counsel to present it to any judge.

**11.3 Orders to be on Separate Page**

A draft of an order must not be typed on the same page with a pleading, motion, certificate of service, or any part thereof, and each such draft must have a heading showing the cause number, the style of the case, and the court in which it is pending.

**11.4 Date of Signing Only**

The word “entered” should not be used to show the date on which a judgment, decree, or order is signed.

**CHAPTER 12**  
**RULES OF DECORUM**

**12.1 Conduct of All Persons**

All persons entering the courtroom must be dressed appropriately. In the courtrooms, there must be:

- no talking or other noise that interferes with court proceedings
- no use of cellular telephones
- no chewing of gum
- no tobacco use
- no edibles
- no reading of newspaper or magazines
- no bottles, cups or beverage containers except court water pitchers and cups
- no propping of feet on tables or chairs
- no other behavior that is disrespectful of court proceedings

When the Court is called to order, complete order must be observed.

When the judge or jury enters or exits the courtroom, all persons must stand.

**12.2 Conduct of Litigants**

- (a) Attorneys must advise their clients and witnesses of these rules; *pro se* litigants must familiarize themselves and their witnesses with these rules
- (b) All litigants must promptly enter the courtroom before the scheduled time for each court session.
- (c) All objections, arguments, and other comments by counsel must be directed to the judge or jury and not to opposing counsel;
- (d) While another litigant is addressing the judge or jury, a litigant must not stand for any purpose except to claim the right to interrupt the litigant who is speaking;



- (e) Litigants must not approach the bench without leave of court and must never lean on the bench;
- (f) Unless otherwise instructed by the court, litigants must remain seated at the counsel tables at all times except:
  - (1) when the judge enters or exits the courtroom;
  - (2) when addressing the judge or jury; and
  - (3) whenever it may be proper to handle documents, exhibits, or other evidence, or to approach a witness. (Leave of court is not required.)
- (g) Litigants should anticipate any need to move furniture, appliances, or easels, and should make advance arrangements with the Court. Tables should not be moved during court sessions.

## CHAPTER 13

### REFERRAL OF CASES TO ALTERNATE DISPUTE RESOLUTION

#### **13.1 Purpose and Scope**

This chapter governs the referral of cases to nonbinding alternate dispute resolution (ADR) procedures in the Travis County District Courts as authorized by statute. Where applicable, this Chapter applies to: (a) the mandatory referral to ADR; (b) the mandatory referral to ADR of cases set on the dismissal for want of prosecution docket, as set forth in Chapter 8 of these Local Rules; and (c) the discretionary referral of other cases to ADR by a Judge, on the Court's own motion, on a motion by a party, or by agreement of the parties. Matters related to alternate dispute resolution are confidential in accordance with applicable rules and/or statutes.

#### **13.2 Policy for Referral of Cases by District Courts**

It is the policy of the Travis County District Courts to encourage the peaceable resolution of disputes and the early settlement of pending litigation by identifying cases appropriate for referral to nonbinding ADR. Parties are also encouraged to attempt to settle their cases without ADR.

#### **13.3 Cases to be Referred to ADR**

- (a) All cases set for trial on the merits on the jury docket or on the Non-Jury Long Docket [Local Rule 2.4(a)], including cases set before an Associate Judge, are automatically referred to pre-trial mediation, except as provided in section 13.4 below.
- (b) All cases in which notice of dismissal for want of prosecution has been given are automatically referred to ADR, if retained on the docket pursuant to Local Rule 8.8 (a).
- (c) Any other case deemed appropriate, in the discretion of a Judge, may be referred to ADR. In determining whether to refer a case to ADR, the Court

may give consideration to such factors as the subject matter of the case, the amount in controversy, the complexity of the case, the number of parties, the interest of the parties in pursuing ADR procedures, the availability of ADR, and the likelihood of settlement by ADR.

- (d) Nothing in this chapter prevents a case from being submitted to ADR at any time by the agreement of the parties, by motion of one of the parties or on the Court's own motion.

#### **13.4 Cases Exempt or Excused from Referral to ADR Procedures**

- (a) The following types of cases are exempt from automatic referral to ADR pursuant to this rule: 1) administrative appeals challenging an agency order or a challenge to agency rule; 2) cases brought by the Department of Family Protective Services under the Family Code; or cases brought by the Travis County Attorney's office under Title 4 of the Texas Family Code. Although a case is exempt from automatic referral, a party may elect to file a motion to refer the case to ADR.
- (b) Cases are excused from automatic referral to ADR when a party files a notice that the dispute was submitted to mediation or another ADR process prior to the date the setting was obtained.
- (c) A party to a case may file a motion objecting to the automatic referral to ADR. Any objection to ADR will be decided by the Court in the exercise of its discretion. Special consideration may be given to whether or how cases are mediated when there are allegations of domestic violence.

A hearing on the objection must be set and heard before the beginning of the docket announcement period for the date of trial or the objection to the referral is deemed waived. If an objection to the referral is waived or denied, parties must complete ADR before the announcement period for the date of trial to avoid being moved to the bottom of the list of cases set for the same date.

### **13.6 Discovery to Continue**

The setting of a case and the corresponding referral to pre-trial mediation or other ADR procedure does not automatically stay discovery. Upon agreement of the parties or order of the court after notice and hearing, discovery may be stayed.

### **13.7 General Procedure**

#### **(a) Authority to Settle at Mediation and Parties Required to Participate**

- (1) All parties participating in mediation pursuant to this chapter must be prepared to negotiate openly and knowledgeably in a mutual effort to reach a fair settlement.
- (2) Each party, or a person with authority to settle the case on a party's behalf, must be present during mediation, unless upon motion the presence of such a person or party has been excused by order of the Court.
- (3) If a party is the state or a political subdivision, the party must have present an agent whose position is commensurate with the premediation demand or offer and whose recommendation to approve a mediated settlement will be meaningful to the person or body whose approval of the mediated settlement is required.
- (4) If a party thinks it unreasonable to have a person at the mediation as required by (2) or (3), a premediation conference must be held with the mediator to negotiate who will be present at the mediation. If a party thinks that some other party has not designated an agent in compliance with this section, a premediation conference must be held with the mediator to negotiate who will be present at the mediation. If attendance cannot be negotiated, a motion may be filed with the court to resolve the issue. The time committed to mediation excludes travel time to or from the place that mediation is to occur.

(b) **Before the Mediation**

- (1) The parties and their attorneys are responsible for designating a date and time for the mediation.
- (2) At least 14 days before the mediation, unless otherwise agreed, the Plaintiff must provide the mediator and all other parties a brief letter outlining Plaintiff's premediation demand and designating an agent for purposes of ADR.
- (3) After receiving the premediation demand letter, and at least 7 days before the date of mediation, unless otherwise agreed, all other parties must provide the mediator and other parties with a brief letter outlining their offer and disclosing their agents.
- (4) The parties must agree in advance upon the minimum amount of time they will commit to mediation or the parties may agree in advance to place that decision in the hands of the mediator. The minimum amount of time must be commensurate with the dispute. All mediators and parties are expected to commit sufficient time. If the parties cannot agree, a premediation conference will be held with the mediator to negotiate the time. If time cannot be negotiated, a motion may be filed with the court to resolve the issue. Travel time is outside the time committed to mediation.

(c) **Termination of the Mediation**

The mediation must be terminated: 1) by settlement; 2) by declaration of the mediator of an impasse; or 3) by the passage of the time agreed upon in advance for mediation, although the parties can agree to extend the time.

**13.8 Timing and Announcing of ADR**

- (a) The mediation or other ADR procedure must be completed prior to the docket call announcement period. (b) When making an announcement for either a jury setting or a non-jury long docket setting during the announcement period, all parties must include in their announcement of

time a statement as to whether or not mediation or another approved ADR procedure has been completed.

## CHAPTER 14

### APPLICATION FOR INITIAL AUTHORITY TO SERVE CIVIL PROCESS IN TRAVIS COUNTY (RULE 103 ORDERS)

#### **14.1 Compliance with Supreme Court Rules Required**

All persons seeking authority to serve process in Travis County, Texas must comply with the certification requirements for Persons Authorized to Serve Process as promulgated by the Texas Supreme Court and administered by the Texas Process Service Review Board.

#### **14.2 Process for Application**

The District Clerk will provide to any person upon request (1) an application in the form set forth in this chapter for authority to serve process in Travis County, Texas, and (2) a copy of this chapter. Completed applications must be submitted to the Local Administrative Judge.

#### **14.3 Action by Local Administrative Judge**

If the Local Administrative Judge finds the applicant qualified, an order in the form set forth in this chapter authorizing the applicant to serve process will be signed and filed with the District Clerk. When signing such an order, the Local Administrative Judge is authorized to act for each and every court. The District Clerk will maintain all such applications and orders in a central file. The orders will be numbered chronologically.

#### **14.4 Requirements for Return of Service**

When a return is required, a person authorized to serve process must 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 process. The return must also state the number of such blanket written order.

#### **14.5 Authority of Local Administrative Judge**

A person authorized to serve citation and other notices has no right to or interest in continued authorization. This chapter may be amended or repealed at any time. The Local Administrative Judge may vacate any order made under this chapter at any time.

#### **14.6 Expiration of Authorization**

All orders for blanket authority expire when the applicant or person authorized is no longer certified or approved by the Texas Process Service Review Board, or on vacation of the order by the Local Administrative Judge.





**APPLICATION TO SERVE CIVIL PROCESS  
IN TRAVIS COUNTY**

Name

---

Business Address

---

Business Telephone

---

Business Telecopier

Business electronic mail address

---

**AFFIDAVIT**

STATE OF TEXAS           §

COUNTY OF TRAVIS       §

I am a person not less than eighteen years of age. I have personal knowledge of the facts stated herein and they are true and correct. I have been certified as a Private Process Server by the Texas Process Service Review Board. My private Process Server Identification Number is \_\_\_\_\_. (A copy of the current list of approved Private Process Servers is attached to this application.) I will serve all process in compliance with the law. I have read and understand Chapter 14 of the Local Rules of the District Courts of Travis County.

---

Affiant's Signature

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing affidavit, who being by me first duly sworn, upon oath stated that the statements contained therein are true and correct.

SUBSCRIBED AND SWORN TO before me this \_\_\_\_ day of \_\_\_\_\_,  
20\_\_.

(Notary Seal)

---

Notary Signature

**CHAPTER 15**

SAVED FOR EXPANSION

## CHAPTER 16

### RULES GOVERNING THE RECORDING AND BROADCASTING OF COURT PROCEEDINGS

The following Rules govern the recording, broadcasting, televising or photographing of court proceedings before the Civil District Courts of Travis County, and their Masters (Associate Judges) and Referees.

#### **16.1 Definitions**

- (1) **Court.** "Court" means the particular Judge, Master, Associate Judge or Referee before whom the proceeding will be held.
- (2) **Media Coverage.** "Media coverage" means any visual or audio coverage of court proceedings by a media agency.
- (3) **Media or Media Agency.** "Media" or "Media agency" means any person or organization engaging in news gathering or reporting and includes, but is not limited to, any newspaper, radio or television station or network, news service, magazine, trade paper, in-house publication, professional journal, or other news reporting or news gathering agency or individual.
- (4) **Visual Coverage.** "Visual coverage" means coverage by equipment that has the capacity to reproduce or telecast an image, and includes still and moving picture photographic equipment and video equipment.
- (5) **Audio Coverage.** "Audio coverage" is coverage by equipment that has the capacity to reproduce or broadcast sounds, and includes digital, tape and cassette sound recorders, and radio and video equipment.

#### **16.2 Media Coverage Permitted**

##### **16.2.1 Investiture or Ceremonial Proceedings**

If media coverage is of investiture or ceremonial proceedings, permission for, and the manner of such coverage, are determined solely by the Court, with or without guidance from these Rules. If media coverage is desired for other than investiture or ceremonial proceedings, the provisions of these Rules shall govern.

### **16.2.2 Written Order Required**

Media coverage is permitted only on written order of the Court. A person wishing to broadcast, televise, record or photograph a court proceeding must file with the District Clerk a request to cover the proceeding. The request must state:

- (A) the case style and number;
- (B) the date and time when the proceeding is to begin;
- (C) the name of the requesting person or organization;
- (D) the type of coverage requested (for example, televising, recording or photographing); and
- (E) the type and extent of equipment to be used.

The request shall be filed with the District Clerk, with a copy delivered to the Court, Court Administrator, all counsel of record and all parties not represented by attorneys. Such request shall be made in time to afford the attorneys and parties sufficient time to confer, to contact their witnesses and to be fully heard by the Court on the questions of whether media coverage should be allowed and, if so, what conditions, if any, should be imposed on such coverage. Whether or not consent of the parties or witnesses is obtained, the Court may in its discretion deny, limit or terminate media coverage. In exercising such discretion the Court shall consider any relevant factors.

### **16.3.3 Consent Forms**

If media coverage is sought with consent, consent forms adopted by the Court shall be used to evidence the consent of the parties and witnesses. Original signed consent forms of the parties shall be attached to and filed with the request for order. Consent forms of the witnesses shall be obtained in the manner directed by the Court. No witness or party shall give consent to media coverage in exchange for payment or other consideration, of any kind or character, either directly or indirectly. No media agency shall pay or offer to pay any consideration in exchange for such consent.

#### **16.3.4 Coverage without Consent**

If media coverage is sought without consent, the decision to allow such coverage is discretionary and will be made by the Court on a case-by-case basis. Objections to media coverage should not be conclusory but should state the specific and demonstrable injury alleged to result from media coverage. If the Court denies coverage, it shall set forth in its order the findings upon which such denial is based. In determining an application for coverage, the Court shall consider all relevant factors, including but not limited to:

- a) the type of case involved;
- b) whether the coverage would cause harm to any participants;
- c) whether the coverage would interfere with the fair administration of justice, advancement of a fair trial, or the rights of the parties;
- d) whether the coverage would interfere with any law enforcement activity;
- e) the objections of any of the parties, prospective witnesses, victims, or other participants in the proceeding for which coverage is sought;

- f) the physical structure of the courtroom and the likelihood that any equipment required to conduct coverage of proceedings can be installed and operated without disturbance to those proceedings or any other proceedings in the Courthouse;
- g) the extent to which the coverage would be barred by law in the judicial proceeding of which coverage is sought; and
- h) the fact that any party, prospective witness, victim, or other participant in the proceeding is a child, to which fact the Court shall give great weight.

#### **16.4 Media Coverage Prohibited**

Media coverage of proceedings held in chambers, proceedings closed to the public and jury selection is prohibited. Audio coverage and close-up video coverage of conferences between an attorney and client, witness or aide, between attorneys, or between counsel and the Court at the bench is prohibited.

#### **16.5 Coverage of Jurors Prohibited**

Visual coverage of potential jurors and jurors in the Courthouse is prohibited except when in the courtroom the physical layout of the courtroom makes it impossible to conduct visual coverage of the proceedings without including the jury, and the Court so finds. In such cases visual coverage is allowed only if the jury is in the background of a picture of some other subject and only if individual jurors are not identifiable.

#### **16.6 Equipment and Personnel**

The Court may, among other things:

- (a) require that a person seeking to cover a proceeding demonstrate or display the equipment that will be used;
- (b) prohibit equipment that produces distracting sound or light;

- (c) prohibit signal lights or devices showing when equipment is operating, or require their concealment;
- (d) prohibit moving lights, flash attachments, or sudden light changes;
- (e) require the use of courtroom's existing video, audio, and lighting systems, if any;
- (f) specify the placement of personnel and equipment;
- (g) determine the number of cameras to be allowed in the courtroom;
- (h) require pooling of equipment if more than one person wishes to cover a proceeding;
- (i) require that operators not move equipment or enter or leave the courtroom while the Court is in session, or otherwise cause a distraction. All equipment shall be in place in advance of the proceeding or session; and
- (j) require that identifying marks, call letters, words and symbols shall be concealed on all equipment. Media personnel shall not display any identifying insignia on their clothing.

#### **16.7 No Delay of Proceedings**

No proceeding or session shall be delayed or continued for the sole purpose of allowing media coverage, whether because of installation of equipment, obtaining consent, conduct of hearings related to the media coverage or other media coverage questions. To assist media agencies to prepare in advance for media coverage, and when requested to do so: (i) the Court will attempt to make the courtroom available when not in use for the purpose of installing equipment; (ii) counsel (to the extent they deem their client's rights will not be jeopardized) should make witness lists available to the media; and, (iii) the Court Administrator on request will inform the media agencies of settings or proceedings.



**16.8 Official Record**

Any product of media coverage of a proceeding pursuant to these Rules shall not be considered as part of the official court record.

NO. \_\_\_\_\_

(Name)	§	IN THE DISTRICT COURT OF
Plaintiff	§	
vs.	§	TRAVIS COUNTY, TEXAS
	§	
(Name)	§	
Defendant	§	_____ JUDICIAL DISTRICT

REQUEST FOR ORDER TO ALLOW MEDIA COVERAGE  
WITH CONSENT OF PARTIES OR WITNESSES

Pursuant to Rule 18c of the Texas Rules of Civil Procedure and the Rules Governing the Recording and Broadcasting of Court Proceedings in the Civil District Courts of Travis County (Chapter 16 of the Local Rules of Civil Procedure and Rules of Decorum for the District Courts of Travis County) (Local Rules), I request permission to install equipment for the purpose of media coverage of the above described case as follows:

1. Case Style and Number: \_\_\_\_\_
2. Courtroom: \_\_\_\_\_
3. Date and Time proceeding is to begin: \_\_\_\_\_
4. The type of coverage requested (for example, televising, recording or photographing) \_\_\_\_\_
5. The type and extent of equipment to be used: \_\_\_\_\_

I, individually, and on behalf of the personnel of the media agency I represent and all media personnel who participate in media coverage through any pooling agreement, understand and agree that:

1. All media personnel covering the proceedings will comply with applicable provisions of the Texas Rules of Civil Procedure and the Local Rules.

2. Written consent of each party has been obtained, and true copies of all completed consent forms are attached to this request.
3. There will be no audio or visual coverage of the testimony of any witness unless consent of that witness has been obtained in the manner required by the Court and filed with the District Clerk, with a copy delivered to the trial court.
4. Permission may be withdrawn by the Court at any time pursuant to the Local Rules, at which time media coverage will immediately cease.

The original of this request was filed with the District Clerk, with a copy delivered to the trial court and the Court Administrator, on \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ .m.

\_\_\_\_\_  
Individual - signature

\_\_\_\_\_  
Individual - printed

\_\_\_\_\_  
Name of Media Agency

\_\_\_\_\_  
Position

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

	NO. _____	
(Name)	§	IN THE DISTRICT COURT OF
Plaintiff	§	
vs.	§	TRAVIS COUNTY, TEXAS
	§	
(Name)	§	
Defendant	§	_____ JUDICIAL DISTRICT

CONSENT OF PARTY OR WITNESS

Pursuant to Rule 18c of the Texas Rules of Civil Procedure and the Rules Governing the Recording and Broadcasting of Court Proceedings in the Civil District Courts of Travis County (Chapter 16 of the Local Rules), I \_\_\_\_\_(name) a \_\_\_\_\_(party) (witness) in the above captioned matter, consent to media coverage of my participation in the Court proceedings in this case. I certify that I have not given this consent in exchange for payment or other consideration, of any kind or character, either directly or indirectly. No media agency has paid or offered to pay any consideration in exchange for this consent.

\_\_\_\_\_  
Signature of Party or Witness

\_\_\_\_\_  
Printed Name

## CHAPTER 17

### LOCAL RULES OF ADMINISTRATION FOR THE DISTRICT AND STATUTORY COUNTY COURTS

#### **17.1 Authority of Court**

As provided in the Texas Government Code, any civil case filed in the District Courts or the County Courts-at-Law of Travis County may be heard by any Judge of a District Court or a County Court-at-Law of Travis County.

#### **17.2 Authorization of Court Administrator**

When assigning cases, the Court Administrator of the District Courts is authorized to assign each available Judge of the County Courts-at-Law to hear any matter.

#### **17.3 Assignment of Case to County Court at Law**

The Local Administrative Judge may assign all or part of a District Court case to a particular County Court-at-Law Judge pursuant to Rule 2.6 of the Local Rules of the District Courts.

## CHAPTER 18

### INTERPRETERS

#### **18.1 Arrange in Advance**

When a party needs an interpreter or plans to call a witness who needs an interpreter, the party must arrange in advance of the setting for an interpreter to be present. A party who needs an interpreter for the deaf must make arrangements directly with Travis County Services for the Deaf, which will provide an interpreter free of charge. A party who needs a foreign language interpreter may make arrangements directly with a qualified interpreter at the party's expense or may seek to qualify for appointment of an interpreter under the Travis County Civil District Courts Limited English Proficiency (LEP) Plan posted online at [traviscountycourts.org](http://traviscountycourts.org).

#### **18.2 Judge May Appoint**

The Judge may appoint an interpreter of the Judge's own selection.

#### **18.3 When Certified or Licensed Court Interpreter Required**

If a party files a motion for the appointment of an interpreter or a witness requests an interpreter, for sign-language interpretation the court must appoint a certified court interpreter and for foreign-language interpretation the court must appoint a licensed court interpreter, as those terms are defined in Chapter 5 of the Texas Government Code.

## CHAPTER 19

### PROCEEDINGS BEFORE TAX MASTERS IN DELINQUENT PROPERTY TAX COLLECTION CASES

#### **19.1 Reference to Tax Master**

Pursuant to statute the District Courts have appointed Tax Masters to hear certain matters specified by these Rules and by these Rules do refer such matters to the Tax Masters.

#### **19.2 Authority of Tax Master**

A Tax Master may hear all matters relating to delinquent property tax suits over which the District Courts have jurisdiction.

#### **19.3 Settings Before Tax Masters**

Matters set before a Tax Master will be set on the days and times reflected on a docket schedule published from time to time by the Court Administrator. The current docket schedule may be obtained from the Court Administrator. Notice of the location of the docket calls and hearings will be posted at [traviscountycourts.org](http://traviscountycourts.org).

#### **19.4 Delivery of Request for *De Novo* Hearing**

A person requesting a *de novo* hearing before a District Judge shall deliver a copy of the request to the Court Administrator on the same day that the request is filed with the District Clerk.

## CHAPTER 20

### LIMITED APPEARANCE, WITHDRAWAL, & SUBSTITUTION

Consistent with Texas Disciplinary Rule of Professional Conduct 1.02(b), an attorney may limit the scope, objectives and general methods of representation if the client consents after consultation. This rule addresses the responsibilities to the court of an attorney who wishes to make a limited appearance in court. It also addresses the responsibilities of opposing counsel regarding service.

#### **20.1 Scope of Limitation**

An attorney who files a Notice of Limited Appearance has no responsibility to the Court for any matter outside the scope of the Notice except as provided in this rule.

#### **20.2 Notice of Limited Appearance**

An Attorney making a limited appearance shall file a Notice of Limited Appearance. The Notice shall state the hearing to which the limited appearance pertains, and, if the appearance does not extend to all issues to be considered at the hearing, the Notice shall identify the discrete issues covered by the appearance. An Attorney may file a Notice of Limited Appearance for more than one hearing in a case.

#### **20.3 Ruling and Order**

If, pursuant to a Notice of Limited Appearance, an attorney appears at a hearing, the attorney's obligation to the court continues on the matters within the scope of the Notice of Limited Appearance until an order is filed that rules on those matters, except as follows. If the hearing was on a preliminary or temporary issue and the Court defers its ruling until final hearing, the attorney's obligation to the court ends with the hearing at which the attorney appeared.



The fact that an order is subject to review by the trial court at a later date does not extend the attorney's obligation to the court.

#### **20.4 Responsibilities of Opposing Counsel regarding service**

Whenever service is required or permitted to be made upon a party represented by an attorney who has filed a Notice of Limited Appearance, service regarding matters outside the scope of the Notice of Limited Appearance must be made on the party. Any notice upon an attorney regarding matters outside the scope of the Notice of Limited Appearance is not effective notice on that party. Service upon a party shall be at the address listed for the party in the Notice of Limited Appearance.

#### **20.5 Withdrawal & Substitution**

A motion to withdraw from representation or from a limited appearance must be presented at a hearing after notice to the client and to all other parties *unless* the moving attorney:

- (a) files written consent to the withdrawal signed by all other parties;
- (b) files a written consent to the withdrawal signed by the client;
- (d) files a certificate stating the last known mailing address of the client;
- and
- (e) files a certificate stating that he or she has completed all the tasks required by a Notice of Limited Appearance, if any, including obtaining a ruling and filing an order on any matter presented.

If a motion to withdraw and to substitute another attorney includes an appearance by another attorney pursuant to the Texas Rules of Civil Procedure, that appearance will satisfy the requirements of subparagraphs (b) and (c) above but will not satisfy the requirement of subparagraph (a).

If an attorney is substituting in a limited appearance, the certificate required by paragraph (d) must state that the substituting attorney has assumed responsibility for all uncompleted matters within the scope of the Notice of Limited Appearance, and it must be signed by both the withdrawing and the substituting attorney.

Even if all parties and counsel agree to a motion to withdraw, the Court retains discretion to determine, but only to determine, whether the attorney has fulfilled the attorney's responsibilities to the Court pursuant to the Notice of Limited Appearance and this rule and whether any substituting attorney has assumed any remaining responsibilities.

## CHAPTER 21

### SETTING CASES ON THE FAMILY & CPS DOCKETS

#### **21.1 Long Docket Cases**

All longer than ½ day settings in family cases must be set on the Family Docket on any Monday at 8:30 a.m. Long Docket cases must be announced pursuant to Chapter 3.

#### **21.2 Short Docket Settings**

All shorter than ½ day settings in family cases must be set on the Family Docket at 8:30 a.m. on any Wednesday, Thursday, or Friday.

#### **21.3 Continuances**

Continuances for settings on the Family Docket are heard every Thursday at 1:30 p.m. Continuances of longer than ½ day merits settings are heard the Thursday one week before the setting. All others are heard the Thursday before the next week setting. This Rule does not relieve a movant of the burden of delivering a copy of the motion and giving notice of the hearing in the manner and within the time provided by the Texas Rules of Civil Procedure.

#### **21.4 CPS Docket**

The Judge hearing the CPS Docket will instruct litigants regarding the setting of hearings. The available written instructions and related documents are posted at: [www.co.travis.tx.us/courts/files/documents\\_civilCPS.asp](http://www.co.travis.tx.us/courts/files/documents_civilCPS.asp). All contested termination merits trials must be set on the Central Docket. Agreed terminations must be set in accordance with the written instructions referred to above.

**CHAPTER 22**  
**PROCEEDINGS BEFORE ASSOCIATE JUDGES IN FAMILY LAW CASES**

**22.1 Appointment of Associate Judges**

Pursuant to statute, the District Courts have appointed Associate Judges to hear certain matters specified by these Local Rules and by these Local Rules do refer these matters to the Associate Judges.

**22.2 Authority of Associate Judges**

An Associate Judge may hear all matters relating to suits over which the District Courts have jurisdiction under TEX. FAM. CODE. ANN. Titles 1, 4 and 5.

**22.3 Objections to Associate Judges.**

(a) A party may file an objection to the assignment of an Associate Judge to hear any trial on the merits. A trial on the merits is any trial in which a party seeks a final adjudication from which an appeal may be taken to a Court of Appeals. The objection must be in writing. The time for filing an objection shall be:

(1) on or before ten days from receipt of a notice of setting on the Family docket; or

(2) on or before ten days from receipt of notice that a Judge referred a specific case to an Associate Judge for a trial on the merits.

(b) A person filing an objection shall deliver a copy of the objection to all parties and to the Court Administrator on the same day the objection is filed with the District Clerk.

(c) A party may file a motion to have any other matter heard originally before a Judge instead of an Associate Judge. The motion must be in writing and must specify the grounds in support of the motion. The party filing the motion must set the motion for hearing by a Judge with notice to all parties as required by the applicable rules of civil procedure.

#### **22.4 Settings Before Associate Judges**

Matters set before an Associate Judge will be set on the days and times reflected on the docket schedule published by the Court Administrator from time to time, and may include specialty dockets such as uncontested terminations of parental rights, adoptions and confirmations of foreign adoptions, and Domestic Relations Office cases, child protection cases, and County Attorney family violence cases. The current docket schedule may be obtained from the Court Administrator.

#### **22.5 Request for *De Novo* Hearing**

Any person requesting a *de novo* hearing before a Judge shall also deliver a copy of the request to the Court Administrator on the same day that the request is filed with the District Clerk.

## CHAPTER 23

### PRE-TRIAL PROCEDURE IN FAMILY LAW CASES

#### **23.1 Standing Pre-Trial and Discovery Order**

The parties in any divorce suit or suit affecting the parent-child relationship filed in Travis County are subject to the Travis County Standing Order regarding Children, Property and Conduct of Parties. This order may be found on the Travis County website at [traviscountycourts.org](http://traviscountycourts.org). When requesting a temporary restraining order or temporary injunction, counsel should not repeat or otherwise address the subject matter contained in the standing order except to seek a modification of the standing order.

#### **23.2 Application for TRO to be Served with Citation**

Notwithstanding Chapter 7, in a family law case, a request for a TRO to be served with citation may be presented *ex parte* at the uncontested docket if supported by an affidavit *and* if the relief would not affect the possession of or access to a child. All other emergency relief is governed by Chapter 7.

#### **23.3 Pre-Trial Procedure Before a Final Trial on the Merits**

Before the final trial on the merits in any divorce suit, suit affecting the parent-child relationship, or suit to modify an order affecting the parent-child relationship, each party shall prepare and deliver pre-trial forms and any amended pleadings as follows:

##### **(1) Forms Required Depend on Type of Suit and Issue at Trial**

- (a) In a divorce suit, each party shall prepare and deliver a Proposed Property Division using the form posted at [traviscountycourts.org](http://traviscountycourts.org), fully completed and signed by the party, or a single agreed Proposed Property Division, signed by both parties.
- (b) In any suit requiring a determination of child support or spousal

maintenance, each party shall prepare and deliver a Proposed Support Decision using the form posted at [traviscountycourts.org](http://traviscountycourts.org), fully completed and signed by the party, or single agreed Proposed Support Decision signed by both parties.

(c) In any suit requiring a determination of conservatorship, or possession and access to a child, each party shall prepare and deliver a Proposed Parenting Plan, pursuant to TEX.FAM.CODE.ANN. §153.603, fully completed and signed by the party, or single agreed Proposed Parenting plan, signed by both parties. The form parenting plan posted on the Travis County website at [traviscountycourts.org](http://traviscountycourts.org) is acceptable, and other forms may also be acceptable.

(d) In any suit subject to Section 3.3, each party shall also prepare and deliver a Proposed Disposition of Other Issues, which shall state separately in brief complete sentences each trial decision that is sought by the party that is not covered by the Proposed Property Division or Proposed Support Decision or Proposed Parenting Plan.

**(2) Where to File**

Each party shall file the required forms with the District Clerk and deliver a copy to the opposing party.

**(3) When to File**

(a) Each party shall file the required pre-trial forms and any amendment to pleadings before 5:00 p.m. on the Monday two weeks before the week of the trial setting. (The Rule 166 Standing Order in Family Law Cases alters the pleading deadlines in Rule 63.)

(b) Amendments to pre-trial forms and amendments to pleadings may be filed after the deadline above only upon leave of court, which leave shall be granted unless there is a showing that the filing will operate as a surprise to the opposite party.

**23.4 Pre-Trial Procedure Before a Temporary or Interim Orders Hearing**

Before any hearing on temporary or interim orders in any divorce suit, suit affecting the parent-child relationship, or suit to modify an order affecting the

parent-child relationship, each party shall prepare and deliver pre-trial forms as follows:

**(1) Forms Required Determined by Issues at Hearing**

In a hearing to determine child support or spousal maintenance, each party shall prepare and deliver and Proposed Support Decision using the form posted at [traviscountycourts.org](http://traviscountycourts.org), fully completed.

**(2) To Whom Form Is Delivered**

Each party shall deliver the required form to the opposing party and to the Judge hearing the case.

**(3) When Form Is Delivered**

Each party shall deliver the required form before the case is called for hearing.

**23.5 Not Required In DRO, DFPS, AG or County Attorney Protective Order Hearings**

Pre-trial forms are not required for any hearing where the Travis County Domestic Relations Office, the Texas Department of Family and Protective Services, the Texas Attorney General’s Office or the County Attorney Protective Order Division appear.

**23.6 No Extensions or Waivers by Court Administrator or by Agreement**

The Court Administrator is not authorized to extend the time for delivering pretrial forms. The parties may not by agreement waive or modify the provisions or requirements of these rules.

**23.7 Use as Evidence**

Subject to applicable rules of evidence, the pre-trial forms required by these rules may be used during the trial or hearing and may be marked as exhibits and offered in evidence.



### **23.8 Consequences for Failure to Comply**

#### **(1) All Parties Fail to Comply**

If all parties in a case fail to deliver pre-trial forms as required by these rules, the case will be required to be reset or will be moved to the bottom of the list of cases set for the same time and will be heard only after all announced cases are heard and only if time permits.

#### **(2) A Party Fails to Comply**

If it appears that any party in a case failed to deliver pre-trial forms as required by these rules, the Court may conduct a pre-trial conference and the Court may impose one or more of the sanctions authorized by TEX. R. CIV. PROC. 215 against any party or attorney responsible for such failure.

#### **(3) Issues Waived**

All issues not stated in pre-trial forms as required by these procedures will be deemed waived except upon a showing of good cause for failure to comply with these rules.

### **23.9 Motion to Confer with a Child**

Litigants are discouraged from bringing a child to the courthouse, thereby removing the child from his or her daily routine, before the court decides whether and when to confer.

### **23.10 No Limitation on Texas Rules of Civil Procedure**

These rules shall not be construed as a substitute for, or as any limitation on, any pre-trial or discovery provision(s) pursuant to the Texas Rules of Civil Procedure.

## CHAPTER 24

### CHILD SUPPORT AND SPOUSAL MAINTENANCE ORDERS

#### **24.1 Place of Payment.**

All child support required by any court order must be paid directly to the Texas Child Support State Disbursement Unit, P.O. Box 659791, San Antonio, Texas, 78265-9791.

All spousal maintenance required by any court order must be paid through the Travis County Domestic Relations Office, P.O. Box 1495, Austin, Texas 78767.

#### **(2) DRO as Registry.**

The Travis County Domestic Relations Office is hereby designated as the Registry of the Court for all District Courts for the purpose of receiving all spousal maintenance payments and for the establishment and custody of records of child support payments.

#### **(3) Duty to Establish Account.**

At the time any spousal or child support is ordered, the party who is to receive the support must provide to the Domestic Relations Office a "Request To Establish An Account" containing the information required by that office. After the order or decree is signed, that party must deliver to the Domestic Relations Office a signed copy of the order or decree.

## CHAPTER 25

### ADOPTIONS AND TERMINATIONS

#### **25.1 Confidential Records**

The District Clerk will maintain the files, docket sheets, and minutes as confidential records:

- (a) In every suit in which the petition includes a prayer seeking adoption of a child;
- (b) In every suit in which any authorized agency seeks termination of the parent-child relationship.

#### **25.2 Non-Confidential Records**

In all other suits seeking termination but not adoption, the files, docket sheets, and minutes will not be confidential or sealed unless otherwise ordered by the Court.

All pre-adoptive home screening and post-placement adoptive reports will be maintained as confidential records.

#### **25.2 Procedures**

The District Courts have determined that the following procedures concerning the preparation of pre-adoptive home screenings and post-placement adoptive reports, and the appointments of guardians *ad litem* are necessary for the orderly disposition of suits seeking termination of the parent child relationship or adoption, or both. These procedures are subject to any order that may be made in a particular case.

- (a) In every suit in which the petitioner seeks to terminate a parent-child relationship or seeks to adopt a child, the Clerk shall forward a copy of the petition as soon as practicable to the Manager of the Family Court Services Unit of the Travis County Domestic Relations Office (Family Court Services Manager).

(b) In each suit seeking adoption of a child placed for adoption by the Texas Department of Family and Protective Services (the Department), the pre-adoptive home screening and post-placement adoptive report shall be made by the Department.

(c) In each suit brought by a child placing agency (other than the Texas Department of Family and Protective Services) that seeks to terminate the parent-child relationship, and in each suit that seeks adoption of a child placed by a child placing agency, the child placing agency shall prepare the pre-adoptive home screening and post-placement adoptive report.

(d) In every other suit seeking termination of the parent-child Relationship or adoption of a child, the Family Court Services Manager shall prepare the pre-adoptive home screening and post-placement adoptive report. The Domestic Relations Office may designate private providers to prepare the pre-adoptive home screening and post-placement adoptive report. The fees for preparation of a pre-adoptive home screening and post-placement adoptive report shall be paid as directed by the Family Court Services Manager.

(e) In any case, any party or the Family Court Services Manager may request the appointment of the Family Court Services Manager as guardian *ad litem*, or the court on its own motion may appoint a guardian *ad litem*.

(f) In any case, the Family Court Services Manager may request that the case is set for trial or pretrial hearing.

#### **25.4 Criteria**

Each pre-adoptive home screening and post-placement adoptive report made pursuant to Section 25.3 (d) shall be prepared according to criteria established by the Family Court Services Manager under the supervision of the District Judges.

**25.5 Pre-trial Information Form**

In every termination suit, except those brought by the Texas Department of Family and Protective Services, and in all adoption suits, the petitioner shall file a completed pretrial information form with the District Clerk and serve a copy on the Family Court Services Manager fourteen days before the final hearing. Petitioner’s Pretrial Form in Suit for Termination and Adoption, posted on the Travis County website at [www.traviscountycourts.org](http://www.traviscountycourts.org), is acceptable.

**Date/Time of Hearing:** \_\_\_\_\_

**NOTE: THIS FORM MUST BE FILED IN THE DISTRICT CLERK’S OFFICE A MINIMUM OF 14 DAYS PRIOR TO HEARING.**

Guardian ad Litem:

\_\_\_\_\_

Telephone: \_\_\_\_\_

Opposing Counsel:

\_\_\_\_\_

Telephone: \_\_\_\_\_

CAUSE NO. D-1-FM-\_\_\_\_\_

IN THE INTEREST OF

\_\_\_\_\_  
\_\_\_\_\_

§  
§  
§  
§  
§

IN THE DISTRICT COURT

\_\_\_\_\_ JUDICIAL DISTRICT

TRAVIS COUNTY, TEXAS

**PETITIONER'S PRETRIAL FORM**

**IN SUIT FOR TERMINATION AND/OR ADOPTION**

**TO THE HONORABLE JUDGE OF SAID COURT:**

COMES NOW \_\_\_\_\_, Petitioner(s), and respectfully file(s) this pretrial form with the Court and would show the Court the following:

TYPE OF PROCEEDING:

\_\_\_\_\_ Adoption Only  
Date child(ren) placed in home \_\_\_\_\_

\_\_\_\_\_ Termination only

\_\_\_\_\_ Termination and adoption  
Date child(ren) placed in home \_\_\_\_\_

CHECK ALL THAT ARE APPLICABLE:

\_\_\_\_\_ Relative  
\_\_\_\_\_ Step-parent  
\_\_\_\_\_ Grandparent  
\_\_\_\_\_ Other \_\_\_\_\_

\_\_\_\_\_ CPS

\_\_\_\_\_ Agency \_\_\_\_\_

\_\_\_\_\_ Foreign  
\_\_\_\_\_ Recognition

\_\_\_\_\_ (Re)Adoption

\_\_\_\_\_ Other Private \_\_\_\_\_

\_\_\_\_\_ ICWA (Indian Child Welfare Act, U.S.C.A. Title 25)  
\_\_\_\_\_ Title IV-D / Office of the Attorney General

**I hereby certify that the following documents are on file in this cause:**

\_\_\_\_\_ Written confirmation from BVS re: court of continuing jurisdiction  
(§ 155.101)

\_\_\_\_\_ Birth Certificate(s) for child(ren)

**If termination, check as applicable:**

\_\_\_\_\_ Affidavit of Relinquishment of Parental Rights (§ 161.103)  
\_\_\_\_\_ Mother  
\_\_\_\_\_ Father

\_\_\_\_\_ Affidavit of Status (§ 161.105)

\_\_\_\_\_ Affidavit of Waiver of Interest (§ 161.106)  
If more than one, indicate number \_\_\_\_\_

\_\_\_\_\_ Certificate of Paternity Registry Search (§ 161.109)

\_\_\_\_\_ Medical History Report (§ 161.2021)

**If adoption, check as applicable:**

\_\_\_\_\_ Pre-Adoptive Home Screening (aka Home Study) (§§ 107.0511,  
.054; § 162.003)

\_\_\_\_\_ Post-Placement Adoptive Report (aka Social Study) (§§ 107.052,  
.054; § 162.003)

\_\_\_\_\_ ICPC Affidavit of Compliance (Subchapter B) (§§ 162.002,  
162.101 et seq.)

\_\_\_\_\_ Criminal History Report(s) (§ 162.0085)  
\_\_\_\_\_ FBI  
\_\_\_\_\_ DPS  
\_\_\_\_\_ Central Registry (CPS)

\_\_\_\_\_ Consent to Adopt by Managing Conservator (§§ 162.010[a])

\_\_\_\_\_ Consent to Adopt by Child 12 Years of Age or Older (§ 162.010[c])

\_\_\_\_\_ HSEGH Report (§§ 162.008[a], [b][1])  
\_\_\_\_\_ Certificate from BVS (§162.008[b][2])

\_\_\_\_\_ Order(s) of Termination/Death Certificates

If applicable:

\_\_\_\_\_ Citation by Publication Verification (§ 102.010; TRCP 109, 114, 117))

\_\_\_\_\_ Statement of Evidence (TRCP 244)

\_\_\_\_\_ Petitioner's Sworn Affidavit of Due Diligence to Locate (§§ 161.002[e], [f])

\_\_\_\_\_ AG (Title IVD) Consent

\_\_\_\_\_ Certificate of Last Known Address (default judgment) (TRCP 239[a])

\_\_\_\_\_ Other \_\_\_\_\_

**Respectfully submitted,**

\_\_\_\_\_  
Attorney for Petitioner(s)  
SBN \_\_\_\_\_  
Telephone \_\_\_\_\_



## CHAPTER 26

### FAMILY LAW NOTICES AND ORDERS TO APPEAR

#### **26.1 Notice of Hearings for Appearance after Answer Day**

Notices of Hearing for Temporary Orders that require appearance after answer day do not require an order and should not be presented to a judge for signature.

#### **26.2 Orders to Appear**

Orders to Appear before answer day must be on a separate page and must contain the following language:

“It is ordered that the Clerk shall issue notice to Respondent, \_\_\_\_\_, to appear, and the Respondent is hereby ordered to appear in court on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ .m.” At that time, the dockets posted at the courthouse will display the courtroom of the District Judge or Associate Judge assigned to hear the case, and the respondent is ordered to appear in that courtroom before that judge. The District Court number that appears at the top of the first page of the court documents (“in the \_\_\_\_ District Court of Travis County”) is not necessarily the court that will hear the case. Rely on the docket displays and/or guidance from the Office of the Court Administrator at the courthouse.