

**IN THE SUPREME COURT OF TEXAS**

Misc. Docket No. 96- 9003

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**APPROVAL OF LOCAL CIVIL RULES  
JEFFERSON COUNTY, TEXAS**

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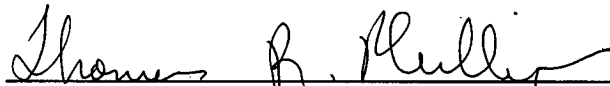
**ORDERED:**

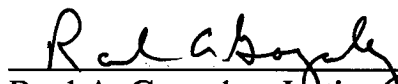
Pursuant to Rule 3a of the Texas Rules of Civil Procedure, the Supreme Court approves the following local rules, which have been submitted to this Court:

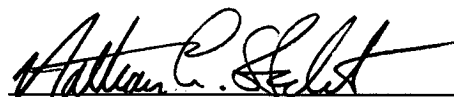
Local Civil Rules - District Court, Jefferson County, Texas, dated November 27, 1995

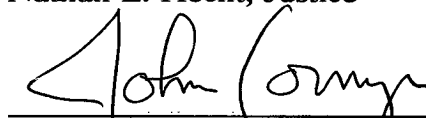
The approval of these rules is temporary, pending further orders of the Court.

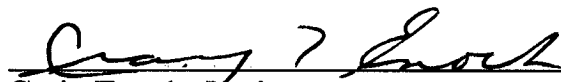
SIGNED AND ENTERED this 27<sup>th</sup> day of February, 1996


  
Thomas R. Phillips, Chief Justice


  
Raul A. Gonzalez, Justice


  
Nathan L. Hecht, Justice


  
John Cornyn, Justice

  
Craig Enoch, Justice

  
Rose Spector, Justice

  
Priscilla R. Owen, Justice

  
James A. Baker, Justice

  
Greg Abbott, Justice

LOCAL CIVIL RULES - DISTRICT COURTS

JEFFERSON COUNTY, TEXAS

EFFECTIVE MARCH 1, 1996

RULE 1 - SETTINGS OF CASES FOR TRIAL

- A. OBTAINING A SETTING (1) Cases will be set by the clerk for trial, upon written request by any party; the request must comply with the provisions of Rule 2(a) of the Amended Rules of the Second Administrative District. Written objection to the request must be made within 30 days of the request, or such objection may be considered waived. Older cases will be set by the Court, sua sponte, on a "Try or Dismiss" basis, meaning that the case will be dismissed for want of prosecution unless an announcement of "ready" is made by a party, as provided below, and the case is tried when called for trial.

(2) A case is considered to be trial-ready, as of its first trial setting. It may, and probably will, be re-set for trial automatically from time to time beginning the second month after the first setting, without further notice or request.

- B. SPECIAL SETTINGS The top five settings for any given month are automatically designated hereby as preferential settings.

A "top five" setting is obtained (a) from the clerk, upon agreement of all parties, or (b) from the Court, upon application by any party. In either case, the Rule 2(a) written request and certification must be made.

The clerk will attempt to comply with all-party requests for a particular month's setting, on a "first-come, first-served" basis.

A "top five" setting is a preferential setting, and takes priority over all other settings which counsel may have. Counsel are required to advise this Court as soon as they become aware of any actual or potential conflict of schedule, and are likewise required to advise promptly any other affected tribunal that the setting in this Court is extant and preferential.

- C. DOCKET CALL There will be no docket call, except in "Try or Dismiss" settings. It is presumed that all other cases are ready. Docket announcements on "Try or Dismiss" cases may be made by telephone call or letter, actually received by the

clerk at least 15 days in advance of the first business day of the month for which the case is set.

D. CONTINUANCE (1) A case which is not "Try or Dismiss" may be passed by agreement of all parties, in writing filed with the Court, no later than two weeks prior to the 1st day of the month of the docket on which the case is pending. The writing should state to whom the continuance is to be charged.

(2) In "Try or Dismiss" cases, or in cases where there is no unanimous agreement to pass, a written motion must be brought to the Court's attention for ruling as soon as practicable.

#### RULE 2 - HEARINGS

A. SCHEDULING HEARINGS Hearings on motions shall be scheduled at least 10 days before the first business day of the month during which the case is set.

B. CANCELLING HEARINGS The parties shall notify the Court as soon as it is known that a hearing will be cancelled or will not take place. The party canceling the hearing shall be responsible for timely notice to the Court and to all other parties of the cancellation and costs may be assessed, upon motion and hearing, against the cancelling party for failure to timely notify the Court and all parties of the cancellation.

C. TELEPHONE HEARINGS A party appearing by telephone must make his own arrangements for conferencing with other parties, as the Court will take no action to effect a conference call. Each Court will determine whether a party may attend by telephone.

D. LENGTH OF HEARING The parties shall notify the clerk of the amount of time required for a hearing, and shall make every effort to remain within that time. Routinely, a hearing is scheduled for 15 minutes, and greater length is the exception.

E. CERTIFICATION REQUIRED Before any motion or other contested matter will be heard, the parties must make a good-faith attempt to resolve the disputed matter by agreement, and must file with the Court a written certification of that attempt, specifying when, where, how and by whom such attempt was made, and setting forth the specific proposals made by the parties (e.g. " I then offered to go to Dallas to take the deposition next Saturday..."). Agreements should be memorialized by an agreed order or a writing complying with Rule 11, TRCP.

- F. SUBMISSION Except as where required by rule or statute, the parties may agree in writing that the matter may be ruled upon by the Court without the need for a hearing.
- G. CITATION OF AUTHORITY Counsel are to be mindful of the ethical rules of conduct which require them to advise the Court of authority contrary to any position being taken.

### RULE 3 - ADR AND SPECIAL PROCEDURES

- A. ADR The Court strongly encourages the use of ADR, particularly mediation. Upon application of any party, the Court will give serious consideration to ordering mediation, and the use of the Dispute Resolution Center of Jefferson County is encouraged in cases where it is appropriate.
- B. STATUS CONFERENCES Upon application by any party, or sua sponte, the Court may hold a status conference, asking the parties to suggest fresh and innovative approaches to the handling of any cases, particularly complex or novel cases, or those involving numerous parties.
- C. SPECIAL PROCEDURES The Court will carefully consider any suggestions for special procedures and methods, which are not inconsistent with the Texas Rules of Civil Procedure.

### RULE 4 - PRE-TRIAL MATTERS

- A. MOTIONS IN LIMINE Motions in limine and other such preliminary matters must be scheduled for hearing at a time sufficiently in advance of scheduled jury selection to allow full consideration by the Court, without causing delay in the beginning of jury selection. Thus, if jury selection is scheduled for 9:00 a.m., the motions in limine should be scheduled for hearing with the clerk sufficiently in advance, so that actual jury selection can begin at 9:00. In some cases this will require that the motions in limine be scheduled for hearing on the preceding business day. It is the responsibility of the attorneys to have the motions heard and determined in such a fashion that jury selection is not delayed.
- B. PROPOSED JURY CHARGES Proposed jury charges shall be delivered to the Court prior to the beginning of jury selection, without prejudice to the parties' right to supplement the same during trial.
- C. EXHIBITS The parties are to mark and exchange exhibits, to agree upon authenticity and/or admission if possible, and to

bring objections to the Court's attention, before jury selection begins. Failure in this regard may result in waiver of objections.

- D. SPECIAL EQUIPMENT, MODELS, AND DISPLAYS (1) All special equipment, models, and displays shall be brought into the courtroom sufficiently in advance of trial to avoid disruption or delay. Attorneys will contact the clerk or bailiff to make arrangements for setting up any such equipment, models, or displays.

(2) Video equipment shall be set up and tested before Court convenes, and a monitor provided for the judge. VIDEO DISPLAY EQUIPMENT IS AVAILABLE FOR RENT (currently \$50.00/half-day) at the Jefferson County Bar Association Office on the 3rd floor of the courthouse, and can be brought to the courtroom easily.

#### RULE 5 - TRIAL MATTERS

- A. VIDEO DEPOSITIONS AND PRESENTATIONS Video depositions shall be edited for brevity and to remove extraneous material and abandoned objections. Research has shown that the optimum length of time for a video presentation is 12 minutes, 20 minutes maximum, for jury effectiveness; any length greater than that is discouraged by the Court.

Video depositions and presentations, in final edited form, shall be made available to the opposing party or parties sufficiently in advance of presentation so that any objections may be brought to the Court's attention and a ruling secured, without any delay in the progress of the trial. Failure to furnish the edited version of a video to opposing counsel as required hereby may result in its exclusion; failure to make objections thereto prior to Court's convening, as required hereby, may result in a waiver of objections.

Line and page designations must be furnished along with the edited version of any video deposition.

- B. NON-VIDEO DEPOSITIONS Line and page designations must be furnished to opposing counsel, to the court reporter, and to the Court, before a deposition is read. In addition, the proponent shall furnish the court with a copy of a deposition to be read, for the purpose of ruling on objections. It is highly desirable to arrange in advance for a separate person to read the answers to a deposition, rather than have the same person read both question and answer.
- C. SCHEDULE OF TRIALS Punctuality is expected of the attorneys,

in trial, as in other matters.

- D. COURTROOM DECORUM (1) There will be no gum chewing, eating, drinking, or use of tobacco products, in the courtroom; this prohibition includes snuff and chewing tobacco. Beverages and food items may not be brought into the courtroom.

(2) Attorneys, parties, witnesses, and others, will be neat clean, and conservatively dressed. There will be no thong-type shoes, no tank top shirts, or other such informalities. Male attorneys shall wear coat and necktie.

(3) Attorneys shall be civil, dignified, and courteous in dealing with the Court, court personnel, witnesses, and {particularly} with each other. The provisions of TRCP 269, particularly sections (e), (f), (g), and (h), will be zealously observed. Attorneys shall be careful to permit others to finish speaking before they begin, remembering that interrupting is not only discourteous, but abuses the court reporter, as well.

(4) Attorneys shall address and refer to veniremen, jurors, counsel, court personnel, and witnesses (except their own clients and children under 12 years of age), by proper title and last name (e.g. Mr. Baize, Dr. Jones, Rev. Patterson, Lieutenant Gordon, Miss. Hopkins, etc.), and never by first name or nickname, or by last name alone.

(5) No TV or video cameras, or sound or image reproducing equipment of any kind, will be permitted in the courtroom during any court proceeding, and no court proceeding may be filmed or recorded in any manner.

#### RULE 6 - GENERAL

- A. COLLEGIALITY AND DISCOVERY The resolution of discovery dispute(s) will be expedited, to a substantial extent, by a good-faith attempt to resolve the problem before Court intervention. Attorneys shall certify each such attempt in accordance with Rule 2(E) hereof.
- B. CONSOLIDATION OF CASES All consolidations of cases shall be into the earliest-filed case, and shall remain pending on the docket of the court in which that case was originally filed. Any and all motions for consolidation shall be heard and decided only by the presiding judge of the court in which the earliest-filed case was filed.
- C. KEEPING THE COURT INFORMED Settlements, cancellations, and all other matters materially affecting the Court or the Court's schedule, shall be promptly reported to the court clerk. The Court shall be kept fully and accurately apprised

of conflicting settings and calls to trial, and when another conflicting matter settles, or the conflict is resolved in any fashion, the attorney shall notify this Court as soon as possible.

- D. NON-SUITS AND REILING If a case is non-suited, then refiled, it must be reassigned to the same Court. The clerk is to take all steps to effectuate this rule, and any party may move to enforce the same.
- E. AD LITEMS The Court will maintain a list of approved ad litem, from which appointments will be made on a rotation basis. Appointment of ad litem must be requested sufficiently in advance of proceedings that the ad litem will have time to investigate and prepare therefor. Attorneys will be placed on the approved list upon request, assuming they meet the standards of good character, proper training, and competence, as determined by the Court. Ad litem will be expected to furnish reports in a format approved by the Court.
- F. WITHDRAWAL OF COUNSEL Motions by counsel to withdraw shall state whether or not the client has agreed to the withdrawal, and, if so, the motion shall be signed by the client evidencing such agreement. In such agreed withdrawals, the Court will consider the motion without hearing, but in all other cases the withdrawing attorney must provide evidence that the client has received a copy of the motion and notice of a hearing thereon at least 30 days in advance thereof. Counsel must also provide, in the motion, the client's full address and telephone number, and certify that the same are, as of the time of filing of the motion, still those of the client. All motions should comply with Rule 10, TRCP.
- G. PRO SE PARTIES The Court will attempt to accommodate pro se parties, consistent with the rights of other parties. Accordingly, every effort should be made to ensure that pro se parties are fully notified and informed of all proceedings, so as to avoid expensive and time consuming rescheduling. The Court's indulgence of pro se parties' unsophistication will generally require a high degree of caution by attorneys to see that their own positions are procedurally defensible.

Provisions should be made for a record in all proceedings involving a pro se, and adequate time scheduled therefor.

- H. THE JURY We should never forget that the jury is the focal point in the relationship between the legal community and the community as a whole. The jury is, in a real sense, the larger community looking at us and at what we do.

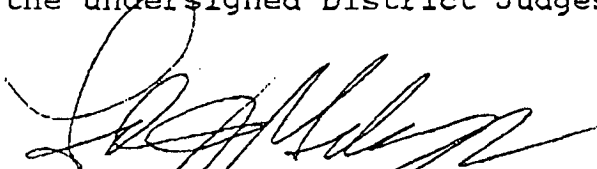



We should, of course, be courteous to and considerate of the jurors. More importantly, we should make every effort to demonstrate to them that their efforts and sacrifices are not in vain, and that the legal system is worthy of their contributions.

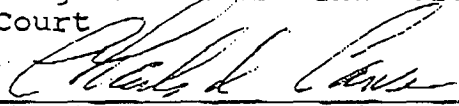
Attorneys shall, accordingly, conduct jury trials with punctuality and dispatch, doing the utmost to make the trial presentation as cogent, as concise, and as coherent as possible.


- I. FACSIMILE FILING The Civil District Court chambers may have facsimile copiers from time to time; however, the chambers facsimile machine will not be used for the filing of pleadings, and no pleadings received at chambers will be filed. Any facsimile filing must be made through the District Clerk's office. The chambers facsimile machine may be used only for communications with the court coordinator concerning the scheduling of matters for hearing and trial.
- J. These rules shall apply only to civil cases, as distinguished from criminal, domestic, or juvenile cases.

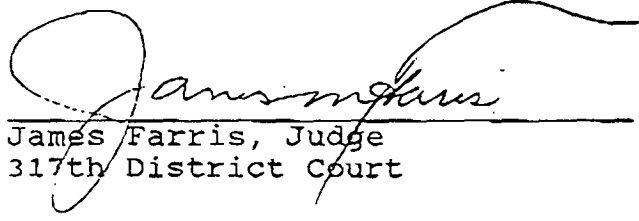
Adopted this 29 day of JANUARY, 1996, by all the undersigned District Judges of Jefferson County, Texas.

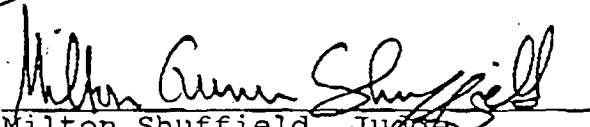
  
Leonard Giblyn, Admin. Judge and  
Judge 252nd Criminal District  
Court


  
James W. Mehaffy, Judge  
58th District Court


  
Charles Carver, Judge  
Criminal District Court  
of Jefferson County

  
Gary Sanderson, Judge  
60th District Court

  
James Farris, Judge  
317th District Court

  
Milton Shuffield, Judge  
136th District Court

  
Robert P. Walker, Judge  
279th District Court

  
Donald Floyd, Judge  
172nd District Court



*Lee Paroley*

**SECOND ADMINISTRATIVE JUDICIAL REGION  
OF TEXAS**

**THOMAS J. STOVALL, JR.  
PRESIDING JUDGE**

**JUDY MAPLES GEIGER  
ADMINISTRATIVE ASSISTANT**

**VIKKI NELSON  
REGIONAL DOCKET MANAGER**

**P.O. BOX 40, SEABROOK, TEX. 77586  
PHONE (713) 471-3911**

**OFFICE LOCATED: HARRIS COUNTY  
COURTHOUSE, LA PORTE ANNEX  
117 E. AVE. A, LA PORTE, TEXAS**

**January 31, 1996**

**Hon. Thomas R. Phillips, Chief Justice  
Hon. Nathan L. Hecht, Justice  
Supreme Court of Texas  
P. O. Box 12248  
Austin, Tx., 78711**

**Re: Jefferson County Civil Rules,  
Revised**

**Your Honors,**

**A fax from Buddy Low sent me a copy of the Revision sent to you of these Rules (I have another fax from Judge Mehaffy containing the revisions) and asked for my approval. This I give, since the Judges and Bar are in agreement and want your approval.**

**Sincerely,**

*Tom*

JAMES W. HAMBRIGHT  
GILBERT I. LOW  
J. HOKE PEACOCK II  
JOHN CREIGHTON III  
JAMES H. CHESNUTT II  
J. B. WHITTENBURG  
GARY NEALE REGER  
JOHN W. NEWTON III  
D. ALLAN JONES  
HOLLIS HORTON  
LOIS ANN STANTON  
ROBERT J. HAMBRIGHT  
HOWARD L. CLOSE  
CURRY L. COOKSEY  
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January 30, 1996

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BENNY H. HUGHES, JR.

CLEVE BACHMAN (RETIRED)

WILL E. ORGAIN (1882-1965)  
MAJOR T. BELL (1897-1969)

FAX

Chief Justice Thomas R. Phillips  
Supreme Court Building  
P. O. Box 12248, Capitol Station  
Austin, Texas 78711


Dear Chief Justice Phillips:

This will acknowledge our conversation concerning the proposed local rules for the district courts of Jefferson County, Texas. The rules that were submitted had a provision about the Lawyer's Creed which was objectionable to the court. I am submitting a revised set of rules which has only two changes. First, the provision about the Lawyer's Creed is omitted. The second change pertains to Rule 6B - Consolidation of Cases. We have added a sentence that any motion to consolidate shall be heard and decided only by the presiding judge in which the earlier filed case was filed. We put that provision in because without it lawyers have a choice as to which court they ask to consolidate. We think the provision inserted is a more equitable situation.

Judge Mehaffy of the 58th District Court is mailing directly to you the original rules. Judge Stovall has already approved these rules as they were written but I am faxing him a copy of the changed rules and ask that if he has any objections that he let you know. Otherwise, I assume that the rules are still all right and that you will present the rules to the court for approval. Upon approval we will need to have the original rules back so they can be filed with the district clerk. If there is any problem with this, please let me know.

Thanks.

Sincerely,

  
Gilbert I. Low

GIL:cc

Enclosure

cc: Administrative Judge Tom Stovall - FAX



# THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

POST OFFICE BOX 12248      AUSTIN, TEXAS 78711

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NADINE SCHNEIDER

JUSTICES  
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NATHAN L. HECHT  
JOHN CORNYN  
CRAIG ENOCH  
ROSE SPECTOR  
PRISCILLA R. OWEN  
JAMES A. BAKER  
GREG ABBOTT

February 27, 1996

Hon. Leonard J. Giblin, Jr.  
252nd Criminal Dist. Court  
Post Office Box 3707  
Beaumont, Texas 77704

Dear Judge Giblin,

Please find enclosed, a copy of the order of the Supreme Court that approved local civil rules for the 58th, 60th, 136th and 172nd District Courts.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

Encl.

cc: Hon. Thomas J. Stovall, Jr.  
2nd Admin Judicial Rgn

District Clerk

County Clerk

Supreme Court Adv Committee

Mr. Jerry Benedict  
Office of Court Admin

State Law Library