

**IN THE SUPREME COURT OF TEXAS**

Misc. Docket No. 98- 9087

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**APPROVAL OF LOCAL RULES  
FOR THE DISTRICT COURTS OF COLLIN COUNTY, TEXAS  
CIVIL AND FAMILY LAW CASES**

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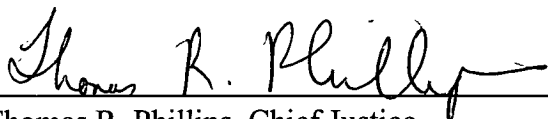
**ORDERED** that:

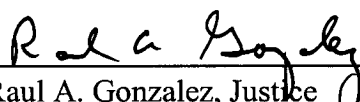
Pursuant to Texas Rule of Civil Procedure 3a, the Supreme Court of Texas approves the following local rules:

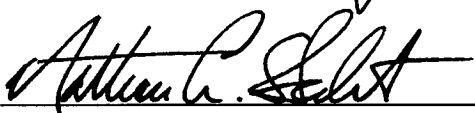
Local Rules for the District Courts of Collin, County, Texas, for civil and family law cases.

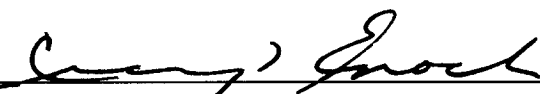
The approval of these rules is temporary pending further orders of the Court.

SIGNED AND ENTERED this 29<sup>th</sup> day of May, 1998.


  
Thomas R. Phillips, Chief Justice

  
Raul A. Gonzalez, Justice

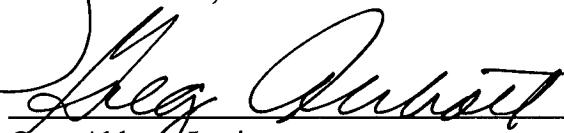
  
Nathan L. Hecht, Justice

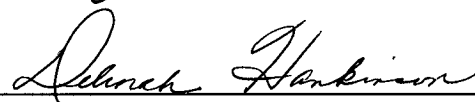
  
Craig T. Enoch, Justice

  
Rose Spector, Justice

  
Priscilla R. Owen, Justice

  
James A. Baker, Justice

  
Greg Abbott, Justice

  
Deborah Hankinson, Justice

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**RULES OF PRACTICE  
DISTRICT COURTS OF COLLIN COUNTY, TEXAS  
CIVIL AND FAMILY LAW CASES**

*Part One (Conduct and Decorum)*

1.1 COUNSEL

All counsel shall conduct themselves according to the standards of professionalism as described in the TEXAS LAWYERS CREED - A MANDATE FOR PROFESSIONALISM as adopted by the Supreme Court of Texas and the Court of Criminal Appeals, November 7, 1989.

1.2 LITIGANTS AND SPECTATORS

All litigants and spectators shall wear appropriate attire and conduct themselves in a dignified and courteous manner. Each Court may post Standards of Conduct in or near its chambers.

*Part Two (Filing and Assignment of Cases)*

2.1 FILING

All civil cases shall be filed in rotating order.

2.2 TEMPORARY ORDERS

a. Except in emergencies when the District Clerk's Office is not open for business, no application for immediate or temporary relief shall be presented to a Judge until it has been filed and assigned to a Court. If the Judge of the Court to which such case is assigned is absent or is occupied with other matters, any District Judge may sit for the Judge of the Court to which the case has been assigned and shall make all writs and process returnable to that Court. Hearings on application for temporary injunctions, temporary receiverships and the like shall be set in the Court to which the case has been assigned.

b. Whenever immediate action of a Judge is required in an emergency when the Clerk's Office is not open for business, the case shall nevertheless at the earliest practicable time be docketed and assigned to a Court, and all writs and process shall be returnable to that Court. If the Judge of such Court is not available to hear the application for temporary relief at the time set, any District Judge may preside in the case.

1 2.3 EX PARTE ORDERS

2  
3 a. All applications for ex parte orders shall be presented in accordance with Rule  
4 2.2.

5  
6 b. Counsel presenting any application for an ex parte order shall, before presenting  
7 any such application to any District Judge, determine whether there has been any previous  
8 application for the same or similar relief, or whether the relief sought will conflict with any  
9 previous order. Where there has been any previous application for the same or similar  
10 relief, or where the relief sought will conflict with any previous order, counsel shall so  
11 inform the Judge to whom the application for an ex parte order is presented. Depending  
12 on the circumstances, the Judge may decline to act and/or refer the entire case to the  
13 Judge of the appropriate Court.

14  
15 *Part Three (Continuances and Conflicts)*

16  
17 3.1 MOTIONS FOR CONTINUANCE AND REQUESTS FOR POSTPONEMENT

18  
19 a. An agreed continuance is not automatic and must be approved by the Court.

20  
21 b. No continuance shall be granted unless counsel for all parties involved give  
22 consent, or unless upon motion timely filed with notice to all parties and after a hearing, or  
23 unless upon the Court's own motion.

24  
25 c. No motion for continuance shall be considered as having been timely filed  
26 unless such filing is made and a hearing upon such motion is held before the date of the  
27 setting for which a continuance is requested, except on good cause shown.

28  
29 3.2 CONFLICTING ENGAGEMENTS OF COUNSEL

30  
31 a. Where counsel has more than one case set for trial in the District Courts in  
32 Collin County in the same week, the Court in which a case is first reached for trial shall  
33 have priority, except that if the cases are reached in more than one court for jury trial on  
34 Monday morning, the older case shall have priority. However, this Rule is subject to the  
35 discretion of the District Judges after conferring with each other.

36  
37 b. Where counsel for either party has a conflicting trial setting in another county,  
38 upon prior written notice to the Court and opposing counsel of such conflicting setting,  
39 the Court may hold the Collin County case until trial in the other county is completed.

40  
41 c. Where counsel has a conflicting engagement in any Court of the United States  
42 or in the Supreme Court of Texas, the Court of Criminal Appeals or any Court of

1 Appeals, upon prior written notice to the Court of such conflicting setting, the case in  
2 Collin County may be held until such engagement has been completed.

3  
4 d. Nothing in this Rule shall imply that any Judge of a District Court in Collin  
5 County acquiesces in any other Court's claim of priority to the appearance of counsel.

6  
7 *Part Four (General Provisions)*

8  
9 4.1 SUITS ON PROMISSORY NOTES

10  
11 In any case involving a suit on a promissory note, the original of the note sued on  
12 must be offered and admitted into evidence before any judgment thereon will be rendered,  
13 subject, however, to good cause shown and pursuant to Rule 1003, Texas Rules of Civil  
14 Evidence. The original of the promissory note shall thereafter remain in the custody of the  
15 Court.

16  
17 4.2 DISMISSAL FOR WANT OF PROSECUTION

18  
19 a. A case may be dismissed for want of prosecution for any of the following  
20 reasons:

21  
22 (1) Failure of Plaintiff to request a setting or take other appropriate action  
23 after notice from the Clerk that the case has been pending without action  
24 for more than sixty (60) days.

25  
26 (2) Failure of Plaintiff's counsel to appear for pretrial, docket conference,  
27 or other preliminary hearing, especially where there has been a previous  
28 failure to appear or where no amendment has been timely filed to meet  
29 exceptions previously sustained.

30  
31 (3) Failure of Plaintiff to make an announcement of "ready" when a case is  
32 called for trial or hearing of any preliminary matters.

33  
34 (4) For any other reasons provided for by these Rules, Texas Rules of  
35 Civil Procedure, or the general law.

36  
37 b. Subject to other provisions of these Rules, the Clerk shall mail a written notice  
38 of such dismissal to all parties or their counsel of record.

39  
40 4.3 ORDERS, JUDGMENTS, AND DECREES

41  
42 Within thirty days after rendition or an announced settlement by counsel, counsel  
43 shall cause, unless ordered otherwise, all judgments, decisions, and orders of any kind to

1 be reduced to writing approved as to form by opposing counsel, and as to contents, if an  
2 agreed order, judgment, or decree, and delivered with copies required to the Court Clerk  
3 for signature of the trial Judge. Upon failing to furnish the Court Clerk with such a  
4 judgment or order finally disposing of case, the Court shall presume that counsel wishes  
5 the Clerk to present for Judge's signature an Order of Dismissal with prejudice with costs  
6 taxed at the Judge's discretion.

7  
8 **4.4 WITHDRAWAL OF COUNSEL**

9  
10 No attorney of record shall be permitted to withdraw from any case without  
11 presenting a motion and obtaining from the Court an order granting leave to withdraw.  
12 When withdrawal is made at the request of or on agreement of client such motion shall be  
13 accompanied by the client's written consent to such withdrawal or a certificate by another  
14 lawyer that he has been employed to represent the client in the case. In the event the  
15 client has not consented a copy of such a filed motion shall by certified mail and regular  
16 first class mail be mailed to the client at his last known address, with a letter advising that  
17 the motion will be presented to the Court on or after a certain hour not less than ten (10)  
18 days after mailing the letter and that any objection to such withdrawal should be made to  
19 the Court in writing before such time, and a copy of such letter shall be attached to the  
20 motion. A copy of the motion shall be delivered or mailed to the opposing counsel.  
21 Unless allowed in the discretion of the court, no such motion shall be presented within  
22 thirty (30) days of the trial date or at such time as to require delay of the trial. After leave  
23 is granted, withdrawing attorney shall send the client a letter by regular mail notifying him  
24 of the withdrawal, stating any settings for trial or otherwise, and advising him to secure  
25 other counsel, and shall send a copy of such letter to opposing counsel and to the Clerk of  
26 the Court in which the case is pending.

27  
28 **4.5 NOTICE BY THE CLERK**

29  
30 a. All parties desiring mail notice of any setting by the Court or receipt of any  
31 correspondence from the Clerk of the Court shall furnish the Court Clerk return envelopes  
32 properly addressed and stamped. Counsel desiring conformed copies shall conform same  
33 and only ask the clerk to affix Judge's facsimile stamp. Except as provided elsewhere in  
34 these re rules, no conformed copies shall be made or furnished nor shall searches or  
35 research be performed for counsel or the public, free of charge. All mail received with  
36 postage due will be returned to sender.

37  
38 b. Counsel seeking entry of an interlocutory judgment, judgment or order involving  
39 final disposition shall furnish the Court Clerk a stamped envelope addressed to all other  
40 parties or counsel. Immediately upon the signing of such an order the Clerk shall mail a  
41 conformed copy thereof to the party against whom the order was rendered. Failure to  
42 comply with the provisions of this rule shall not effect finality of the order or judgment.  
43

1 c. The Court Clerk shall limit response to telephone requests for information to  
2 the following:

- 3 (1) If answer has been filed;  
4  
5 (2) Existence and setting of a case;  
6  
7 (3) Return of service and date; and  
8  
9 (4) Correct style of a case when correct case number is supplied.  
10

11  
12 The Court Clerk shall not receive and relay personal messages and/or telephone  
13 calls, read pleadings to attorneys, their secretaries or the public.  
14

#### 15 4.6 WITHDRAWAL OF FILE

16  
17 a. No pleading or paper belonging to the files of the Court shall be taken from the  
18 office or custody of the Clerk except that any file of the Court may be taken to the Judge  
19 thereof by an attorney of record as shown by the file or by a party appearing pro se as  
20 shown by the file.  
21

22 b. A receipt shall be given to the Clerk by the party withdrawing a Court's file.  
23

#### 24 4.7 DISCOVERY MOTIONS

25  
26 All motions for discovery sanctions, requests for rulings on discovery objections,  
27 and motions to compel discovery shall set out within the body of the motion, the  
28 interrogatory or request which is in dispute, and the objection and answer or response  
29 which is in dispute, so that all matters necessary for the Court's consideration are set out in  
30 one concise document.  
31

### 32 *Part Five (Family Law Matters)*

#### 33 5.1 HEARINGS ON TEMPORARY ORDERS

34  
35 Each party present at any hearing on temporary orders shall be limited to twenty  
36 (20) minutes total to present its evidence, cross-examine, rebut, and argue its case, unless  
37 the Judge affirmatively orders otherwise.  
38

#### 39 5.2 SEMINAR FOR DIVORCING PARENTS

40  
41 The Court may require the parties to a suit affecting the parent-child relationship  
42 to successfully complete the "For Kids' Sake" Seminar (972-519-8722).  
43

*Part Six (Miscellaneous Provisions)*

6.1 AUTHORITY FOR RULES

These rules are adopted under and by virtue of Articles 200b and 209ef, Vernon's Texas Civil Statutes and Rule 3a, Texas Rules of Civil Procedure, and the constitutional statutory and inherent powers of the courts to regulate proceedings before them and to provide for the orderly and efficient dispatch of litigation.

6.2 TITLE AND CITATION

These rules shall be known as the "Rules of Practice in the District Courts of Collin County, Texas", and particular rules may be cited thus: "District Court Rule 3.2"

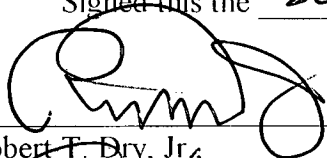
6.3 PARTIAL CIVIL INVALIDITY

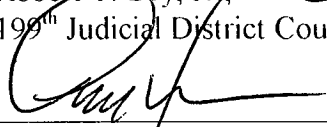
In the event any of the foregoing rules or any part thereof is held to be invalid for any reason, such invalidity shall not affect the validity of the remaining rules and parts of rules, all of which have been separately considered and adopted.

6.4 PUBLICATION OF AMENDMENTS AND RULES APPROVED FOR SPECIFIC COURTS

Local rules approved by the Supreme Court of Texas pursuant to Rule 3a, Texas Rules of Civil Procedure, which supplement or amend these rules may be published together with these rules.

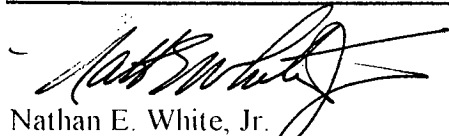
Signed this the 20 day of May, 19 98

  
\_\_\_\_\_  
Robert F. Dry, Jr.  
199<sup>th</sup> Judicial District Court

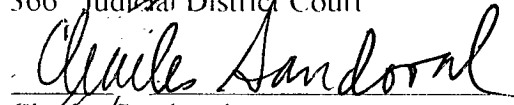
  
\_\_\_\_\_  
Curt B. Henderson  
219<sup>th</sup> Judicial District Court

  
\_\_\_\_\_  
Betty Catch  
296<sup>th</sup> Judicial District Court





Nathan E. White, Jr.  
366<sup>th</sup> Judicial District Court



Charles Sandoval  
380<sup>th</sup> Judicial District Court

Approved by the Presiding Judge of the First Administrative Region on the \_\_\_\_\_  
day of \_\_\_\_\_, 199\_\_.

\_\_\_\_\_  
Judge Pat McDowell  
Presiding Judge, First Administrative Judicial Region

Approved by the Supreme Court of Texas on the \_\_\_\_\_ day of  
\_\_\_\_\_, 1998.

\_\_\_\_\_  
Clerk  
Supreme Court of Texas



*J. Hecht*

# *First Administrative Judicial Region*

**PAT McDOWELL**

*Presiding Judge*

133 N. Industrial Blvd., LB 50

Dallas, Texas 75207

*Administrative Assistant*

**SANDY HUGHES**

*Office Manager*

**GEORGE COWART**

Telephone

(214) 653-2943

Fax (214) 653-2957

February 17, 1998

Honorable Tom Phillips  
Chief Justice  
Supreme Court of Texas  
Clark Office Bldg.  
Austin, Texas

Re: Local rules Collin County

Dear Chief:

I am enclosing an approved copy of the local rules adopted in Collin County, which I would appreciate the Court formally approving.

Judge Curt Henderson, Local Administrative Judge for Collin County, has reviewed the rules with me and is receiving a copy of this letter.

Thank you for your help.

Sincerely,

A handwritten signature in black ink, appearing to read "Pat McDowell".

Pat McDowell

Presiding Judge, First Administrative Region



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

TEL: (512) 463-1312

FAX: (512) 463-1365

CLERK  
JOHN T. ADAMS

EXECUTIVE ASS'T  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

JUSTICES  
RAUL A. GONZALEZ  
NATHAN L. HECHT  
CRAIG T. ENOCH  
ROSE SPECTOR  
PRISCILLA R. OWEN  
JAMES A. BAKER  
GREG ABBOTT  
DEBORAH G. HANKINSON

May 29, 1998

Hon. Robert T. Dry, Jr.  
Admin. Judge and Judge  
199th District Court  
Collin County Courthouse #434  
McKinney, Texas 75069

Dear Judge Dry,

Please find enclosed, a copy of the order of the Supreme Court that approved local rules for the district courts of Collin County.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

Encl.

cc: Hon. Pat McDowell  
1st Admin Judicial Rgn

District Clerk

County Clerk

Supreme Court Adv Committee

Mr. Jerry Benedict  
Office of Court Admin

State Law Library