

# IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 93-0028

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## APPROVAL OF LOCAL RULES OF THE DISTRICT COURTS OF GALVESTON COUNTY

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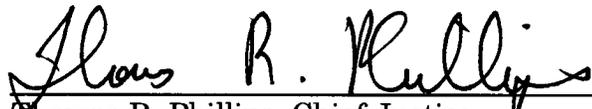
### **ORDERED:**

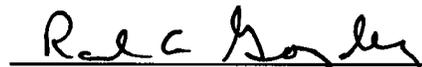
Pursuant to Rule 3a of the Texas Rules of Civil Procedure, the Supreme Court approves the following local rules, which have been previously approved by the presiding judge of the appropriate administrative judicial region and submitted to this Court:

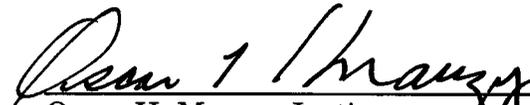
Local Rules of the District Courts of Galveston County, adopted by the district judges of Galveston County October 8, 1992, to become effective January 1, 1993.

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

SIGNED AND ENTERED this 27<sup>th</sup> day of October, 1992.

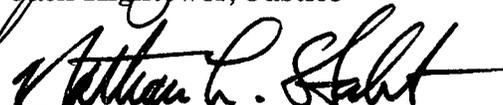
  
Thomas R. Phillips, Chief Justice

  
Raul A. Gonzalez, Justice

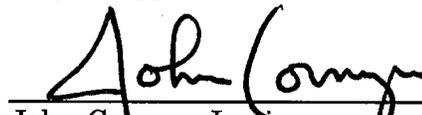
  
Oscar H. Mauzy, Justice

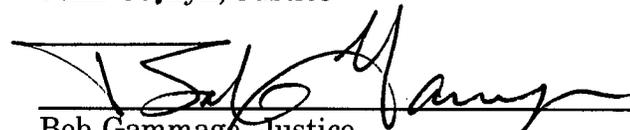
  
Eugene A. Cook, Justice

  
Jack Hightower, Justice

  
Nathan L. Hecht, Justice

  
Lloyd Doggett, Justice

  
John Cornyn, Justice

  
Bob Gammage, Justice

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EVELYN WELLS ROBISON  
CLERK DISTRICT COURT  
FILED  
10:00 A.M.  
OCT 08 1992  
GALVESTON COUNTY, TEXAS  
BY Ed Wells  
Deputy

Local Rules of the District Courts for  
Galveston County, Texas

Purpose

The Local Rules of Galveston County have as their primary purpose the management of the court dockets sensibly, efficiently and most important fairly. Their object is to be an understandable aid to the just disposition of cases without unnecessary delay or expense.

Rule 1

General

Rule 1.10 Time Standards for Case Disposition:

Pursuant to Article 5, Section 31 of the Texas Constitution, Sections 22.004, 72.002 (2) and 74.024 of the Texas Government Code, Title 3 of the Texas Family Code, Rule 6 of the Rules of Judicial Administration, and Rules [1, 3, 4 and 5] of the Regional Rules of Judicial Administration, time standards have been established to which reference is made for all purposes, as they now exist, or as they may be hereafter amended.

Rule 1.11 Court Sessions; Annual Calendars; Jury Weeks; Non Jury Weeks; Criminal; Civil; Weeks not in Session; Holidays:

The Courts shall publish a calendar for each year setting out the civil and criminal jury weeks and the non jury weeks within which they will be making their settings. The calendar will be published by September 1 of the preceding year and will be followed except when the court in its discretion deems it inappropriate.

## Rule 2

### Local Administrative Judge

#### Rule 2.10 Powers and Duties of Local Administrative Judge:

##### A. Election of the Administrative Judge.

1. Pursuant to Section 74.091 of the Texas Government Code a majority of the District Judges will elect a Local Administrative District Judge for a two year term at the January meeting in 1993 and at the January meeting of each second year thereafter.

2. The Local Administrative District Judge will have all the duties and the responsibility for attending to emergency and special matters of the District Courts pursuant to Rule 9 and 10(d) Rules of Judicial Administration.

##### B. Meetings of the Judges of the County.

1. The Local Administrative District Judge or a majority of the Judges will call meetings of the Judges at least once each month, and as needed.

2. The Local Administrative District Judge shall preside over such meetings and in his absence a temporary Chairman may be elected by a majority of the quorum.

## Rule 3

### Civil Cases

#### Rule 3.10 Filing and Assignment of Cases:

Civil suits, except for Family Law Cases, are docketed in the 10th, 56th, 122nd, and 212th District Courts. Workers compensation cases, however, are also docketed in County Court

Number One, County Court Number Two, and the Probate and County Court in rotation with the District Courts.

All civil cases filed in the 10th, 56th, 122nd, and 212th District Courts shall be assigned randomly to the dockets of those Courts. Once assigned to a Court, a case will remain on the docket of that Court for all purposes unless transferred as hereinafter provided.

**Rule 3.12            Transfer of Cases; Docket Exchange; Bench Exchange:**

A.    After assignment to a particular Court a case may be transferred to another Court by order of the Judge of the Court in which the case is pending with the consent of the Judge of the Court to which it is transferred; or by order of the Local Administrative District Judge.

B.    The Courts may at any time exchange cases and Benches to accommodate their dockets or to specialize the court's trials.

C.    **Prior Judgment.** Any claim for relief based upon judgment shall be assigned to the court of original judgment.

D.    **Non Suit.** If a case is filed in which there is a substantial identity of parties and causes of action as in a non suited case, the later case shall be assigned to the court where the prior case was pending.

E.    **Consolidation.** A motion to consolidate cases shall be heard in the court where the lowest numbered case is pending. If the motion is granted, the consolidated case will be given the number of the lowest number case and assigned to that court.

F. **Severance.** If a severance is granted, the new case will be assigned to the court where the original case pends, bearing the same file date and the same number as the original case with a letter designation; provided, however, when a severed case has previously been consolidated from another court, the case shall upon severance be assigned to the court from which it was consolidated.

G. **Presiding for another.** In all cases where a judge presides for another court, the case shall remain pending in the original court. In any hearing on a motion for contempt, however, the judge who issued the order which is claimed to have been disobeyed must preside over the motion for contempt, except as otherwise provided in Sec. 21.002, Tex. Gov. Code.

H. **Fair Distribution.** The Administrative District Judge may transfer cases between courts in the manner provided above or may assign cases from one court to another court for hearing if he finds that a court has an inequitable burden due to illness, trial schedule, or other sufficient reasons.

I. **Improper Court.** If a case is on the docket of a court by any manner other than as prescribed by these rules, the Administrative District Judge shall transfer the case to the proper court.

Rule 3.13            **Request for Settings-Non-Jury:**

A. All requests for the scheduling of appearances for the Court for any purpose will be made by contacting the Court

Coordinator who will arrange an appropriate time to appear before the Court.

B. Requests for hearing shall be made to the Court in which the matter is pending, in accordance with these rules, and the attorneys making such request shall serve all other parties with notice of the date and hour set for hearing and of the particular matter which will be considered at such time.

**Rule 3.15 Request for Settings-Jury:**

A. Demand for a trial by Jury shall not be occasion for advancement or substantial delay of the trial or of any other proceeding in the case, nor for transfer of the case to another Court.

B. If the case is already set for non-jury trial when such demand is made, the Court may try the case with a jury on the same setting, add the case to the list of jury cases for the following week, or set it at some other convenient time.

C. All requests for the scheduling of appearances for the Court for any purpose will be made by contacting the Court Coordinator who will arrange an appropriate time to appear before the Court, and the attorneys making such request shall serve notice to all counsel for the date and hour set for hearing and of the particular matter which will be considered at such time.

**Rule 3.18 Setting and Assignment of Cases for Trial:**

Cases shall be set for trial by order of the court, upon request of a party, on the court's own motion or by docket control order.

Cases shall be set for trial for a date certain. If a case is not assigned to trial, whether because of a continuance or because it is not reached by the second Friday after the date it is set, the court shall reset the case to a date certain. Unless all parties agree otherwise, all settings must comply with all requisites of T.R.C.P. 245.

A case is assigned to trial when counsel are called to the court to commence the jury or non jury trial on the merits. For purposes of engaged counsel, no court may have more than one case assigned to trial at any one time.

**Rule 3.19            Conflicting Settings and Assignments of Counsel:**

A.    The Rules of Administration of the Administrative Region apply and control.

B.    Attorney already in trial in another court. It is the duty of the attorney to notify the court through its coordinator when the potential for this situation arises, when and where assigned when it does occur, and the attorney shall have a continuing duty to keep the court informed when release is anticipated and when it occurs.

C.    Attorney assigned to two courts for the same date.

(1) It is the duty of an attorney to call the affected Judges' attention to all dual settings as soon as they are known.

(2) Insofar as practicable, Judges should attempt to agree on which case has priority, otherwise, the following priorities shall be observed by the Judges of the respective courts:

a.    Criminal and Juvenile cases.

- b. Cases given preference by statute.
- c. Preferentially set cases.
- d. Case set at earliest date.
- e. Case with earliest filing date.
- f. Court in multi-judge counties should yield to courts in rural counties in all other instances of conflicting settings.

D. If any lawyer's caseload becomes a disruption to the orderly flow of a Jury Docket, the Court may limit the number of set cases in which the lawyer can be the attorney in charge and require designation of another attorney in charge for other set cases.

**Rule 3.22 Dismissal Docket; Involuntary Dismissals.**

A. All cases not set for trial or other hearing which have been on file for more than 24 months from the appearance date shall be placed on the Drop Docket by the District Clerk under the direction of the court.

B. All cases on file more than 12 months in which no answer has been filed shall be placed on the Drop Docket by the District Clerk under the direction of the court.

C. When a case has been placed on the Drop Docket as above provided, the District Clerk shall promptly send a notice of the Court's intention to dismiss for want of prosecution. Notice of the Court's intention to dismiss shall be sent by the Clerk to each attorney of record, and to each party not represented by an attorney and whose address is shown on the docket or in the

papers on file, by posting same in the United States Postal Service. A copy of such notice shall be filed with the papers of the cause with notation thereon made by the District Clerk showing the name and address of all counsel of parties to whom notice was mailed and the date of mailing.

D. Unless a written motion to retain has been filed prior to the expiration of thirty days after the mailing by the District Clerk of the notice of intention to dismiss such case shall be dismissed for want of prosecution. Notice of the signing of the Order of Dismissal shall be given as required by Rule 165a Texas Rules of Civil Procedure. Failure to mail notices as set out above shall not effect any of the periods mentioned in Rule 306a except as provided in that rule.

E. A motion for reinstatement after dismissal shall follow the procedure and be governed by the provisions of Rule 165a Texas Rules Proc. relating to reinstatement.

Rule 3.24            **Hearings on Pre-Trial, Motions, Exceptions, and Pleas:**

A. **Form.** Motions shall be in writing and shall be accompanied by a proposed order granting the relief sought. The proposed order shall be a separate instrument, unless the entire motion, order, signature lines and certificate of service are all on one page.

B. **Submission.** Motions shall state a date of submission which shall be at least 10 days from filing, except on leave of

complex and thereafter the Court will invoke such standards as it believes are necessary to safeguard the rights of litigants to the just processing of the cases, pursuant to Rule 7(4) of the Rules of Judicial Administration of the Supreme Court of Texas and Section 22.002, 72.002 and 74.024c(1) of Gov. Code.

**Rule 3.34            Alternate Dispute Resolution.**

In order to encourage the early settlement of disputes and to carry out the responsibilities of the courts set out in Section 154.003 of the Civil Practice and Remedies Code, appropriate alternative dispute resolution procedures will be encouraged and utilized.

**Rule 3.35            Pre Trial and Scheduling Conferences:**

**A.    Pre Trial Procedures**

1.    Rules 10(c) of Rules of Judicial Administration and, Rule 166 of the Texas Rules of Civil Procedure dealing with pre-trial procedures are incorporated herein by reference for all purposes and the following civil pre-trial rules and procedures apply to all civil cases.

**B.    Pre-Trial Conference**

1.    A pre-trial conference may be held at the request of the court or of an attorney in charge.

2.    If the pre-trial conference is set at the request of an attorney, it shall be held no later than ten days prior to the date set for trial, unless the Court, on timely request of one or more attorneys in charge, orders otherwise.

Court. The motion will be submitted to the Court for ruling on that date or later.

C. **Response.** Responses shall be in writing, and shall be filed at least two working days before the date of submission except on leave of Court. Failure to file a response may be considered a representation of no opposition.

D. **Oral argument.** The motion or response shall include a request for oral argument if a party views it as necessary. The Court shall grant that request or it may order oral argument on its own motion. A request for an oral argument is not a response under Rule 3.24 (C).

E. **Certificate of Conference.** Opposed motions and responses shall:

1. Be in writing.
2. Be accompanied by a separate form Order granting or denying the relief; and
3. Contain a Certificate that:
  - a. The Movant and Respondent have conferred with each other and in good faith attempted to resolve the matter; and
  - b. Identify the basis of the disagreement between counsel.
  - c. If no oral hearing has been requested, the Court, in the absence of counsel, shall examine the pleadings, authorities cited, and other papers and make such rulings as the Judge deems proper.

Copies of all Orders signed pursuant to this paragraph shall be forwarded to all counsel at the time they are entered by the Clerk.

F. A specific date or period of time may be assigned as a final date for the filing of motions, exceptions, and dilatory pleas and obtaining a hearing or submission date thereon in those cases deemed appropriate by the Judge.

**Rule 3.29 Continuances:**

A. Trial settings, whether or not made at a Docket Control Conference, will take into consideration the schedule of all attorneys in charge.

B. An attorney who fails to notify the Court of a known conflict in scheduling at the time the case is set, shall be precluded from seeking a continuance at a later time on the grounds of such conflict.

C. Any known ground for continuance of the trial setting shall be presented to the Court at least 14 days prior to the trial setting or at the pre-trial conference, if any, whichever shall occur first, or shall be waived.

D. Upon granting of a motion for continuance, the order granting such motion for continuance shall contain an order resetting the case for trial.

**Rule 3.33 Complex Case Designation:**

The Court may at any time, in the interest of Justice, determine that the case is complex or recognize the circumstances which, upon its declaration or order, will classify the case as

**C. Docket Control Orders and Conferences**

1. Docket Control Orders may be entered by the Court that are submitted by agreement, made on the Court's own motion or as a result of a Docket Control Conference. Such order when entered shall control the subsequent course of action, unless later modified by the Court.

2. Docket Control Orders may be required by the Court, and if so, the attorneys will be expected to submit an Agreed Docket Control Order the terms of which are established in consultation with the Court Coordinator concerning dates.

3. A request for a Docket Control Conference must contain a certificate that a good faith effort was made to reach agreement so that an Agreed Docket Control Order could be submitted.

**D. Telephone Docket Control Conference**

1. The Docket Control Conference may be held by telephone with approval of the Court.

2. An attorney requesting that the Docket Control Conference be held by telephone shall be responsible for arranging the conference call on the date and time scheduled by the Court Coordinator.

**E. Purpose of Docket Control Conference**

1. The Docket Control Conference shall be conducted informally, and shall be for the purpose of becoming acquainted with the nature of the case and the issues presented; determining the probable length of time required for trial; fixing deadlines

for joinder of additional parties, completion of discovery, or amendment of pleadings, to consider such other matters and make docket control orders as are necessary and proper under the circumstances in regard to handling of the case; and to arrive at a firm trial date.

**Rule 3.40 Settlements:**

A. All trial counsel are urged to make a bona fide effort to settle cases at the earliest possible date before trial.

B. The Court will expect counsel to confer with his client and with opposing counsel concerning settlement and to recommend an offer which is in his professional opinion reasonable, unless in his professional opinion the case is not such as to justify any offer whatsoever.

C. When an attorney settles or dismisses a case which is set for trial, he shall give notice to the Court Coordinator as soon as possible.

**Rule 3.42 Jury Charge Questions and Instructions:**

Each party shall prepare in proper written form and present to the Court prior to or at the time of the jury selection, all jury charge questions and instructions which are raised by the pleadings and upon which the party has an affirmative burden.

**Rule 4**

**Disposition of Family Law and Juvenile Cases**

**Rule 4.1           General**

All suits authorized under the Family Code shall be filed by Order of the 306th Family District Court. These rules shall be applicable to all family law cases filed in Galveston County.

**Rule 4.1.1       Time Standards for Family Law Case Disposition:**

**A.   Family Law Cases.**

1.   Contested Family Law Cases. Within 6 months from the appearance date or within 6 months from the expiration of the waiting period provided by the Family Code where such is required, whichever is later.

2.   Uncontested Family Law Cases. Within 3 months from the appearance date or within 3 months from the expiration of the waiting period provided by the Family Code where such is required, whichever is later.

**B.   Juvenile Cases.**

In addition to the requirements of Title 3, Texas Family Code:

1.   Detention Hearings. On the next business day following admission to any detention facility.

2.   Adjudicatory or Transfer (Waiver) Hearings.

a.   Concerning a juvenile in detention facility:  
Not later than 10 days following admission to such a facility, except for good cause shown of record.

- b. Concerning a juvenile not in a detention facility:

Not later than 30 days following the filing of the petition, except for good cause shown of record.

3. Disposition Hearing. Not later than 15 days following the adjudicatory hearing. The court may grant additional time in exceptional cases that require more complex evaluation.

4. Nothing herein shall prevent a judge from recessing a juvenile hearing at any stage of the proceeding where the parties are agreeable or when in the opinion of the judge presiding in the case the best interests of the child and of society shall be served.

C. Complex Cases.

It is recognized that in especially complex cases or special circumstances it may not be possible to adhere to these standards.

**Rule 4.1.2 Juvenile Disposition Provisions**

No provision is made in these rules for the disposition of juvenile cases other than setting out time standards as provided by Rule 4.10 hereof, since juvenile cases are heard by the 306th Family District Court, and the County Courts at Law No. One and Two. Rules for the disposition of juvenile cases will be adopted by the aforementioned courts.

**Rule 4.2 Financial Information Statements:**

In all domestic relations cases related to divorce or modification of support, the following shall be included in all orders granted ex parte setting a hearing on temporary orders involving any support or alimony or setting a hearing on support modification:

All parties to this action shall file with the Clerk and deliver a copy to the judge and all counsel or pro se parties a Statement of Income and Expense, pay receipts for one month and/or statement of income from employer.

**Rule 4.2.1**

The Clerk shall attach a copy of the Statement of Income and Expense form to each Notice of Temporary Hearing or Citation on Modification which is served on a party and shall furnish a copy of same to each counsel or pro se party not served with the Order. All parties are required to file Statement of Income and Expense as set out in these rules.

**Rule 4.2.2**

Statement of Income and Expense shall be verified, by the party and signed by counsel for such party. Counsel and parties are encouraged to prepare such statements of Income and Expense in such manner that they can be presented as evidence in lieu of direct testimony. Counsel and parties are encouraged to offer the same as evidence in such proceeding.

Rule 4.2.3

Compliance with this rule may be by the completion of a Statement of Income and Expense in the form attached hereto. Counsel are responsible for accuracy and timeliness.

Rule 4.3           **Inventory and Appraisement:**

Within seventy-five days of filing of each divorce or annulment case, each party shall file with the Clerk, a copy being furnished to the Judge, opposing counsel and pro se parties, a sworn inventory and appraisement of all property (both separate and community) of the parties, including any property belonging to children of the parties. In the event of a substantial disparity in property evaluation filed by parties to a proceeding, within ten days after the filing of the original inventories and appraisements, the parties shall file a sworn statement setting forth the reason for the evaluations assigned by each such party. In the event a dispute as to character of property, each party's contention shall be supported by affidavit and documents, if any, filed at least ten days prior to trial.

Rule 4.3.1

In the event of the filing of a written agreement completely settling the property of the parties to such action and all custody and support matters, it shall not be necessary to file such inventories and appraisements.

Rule 4.3.2

The failure to timely file such inventories and appraisements, affidavits or statements set out in these rules may result, in addition to sanctions provided by law, in the continuance of temporary alimony and/or support or the discontinuation of same, or dismissal of the case for want of prosecution.

Rule 4.4           **Ex Parte Restraining Orders and Protective Orders:**

Except as otherwise provided by law, ex parte protective orders shall be granted only when presented by attorney accompanied by client (306th District Court only).

Rule 4.4.1

No ex parte restraining order shall evict a party from the home unless filed in conjunction with Chapter 71 T.F.C.

Rule 4.4.2

No ex parte order shall restrain a parent from having access to that person's child(ren) except upon affirmation showing that the interest of the children require such restraint.

Rule 4.5           **Possession of and Access to a Child:**

Possession of and access to a child, including temporary orders, shall be pursuant to T.F.C. Section 14.03-14.04.

Rule 4.6           **Child Support:**

The setting of child support, including temporary child support, shall be pursuant to T.F.C. Section 14.05-14.08, and 14.061.

**Rule 4.7 Temporary Orders:**

All temporary orders shall be presented to the Court within seven (7) days of the hearing or the case shall be subject to dismissal. Such orders need not be submitted to other counsel for approval, but a copy of the order delivered to the Court shall be forwarded to opposing counsel in a timely fashion.

**Rule 4.8 Final Hearings:**

**Rule 4.8.1**

Notice of all first settings shall be pursuant to Rule 245 of the Texas Rules of Civil Procedure. (i.e. 45 days notice)

**Rule 4.8.2 Jury Trials: (306th)**

Due to the crowded non-jury docket, jury trials shall be set as follows: Upon proper request and payment of a jury fee pursuant to Rule 216 T.R.C.P., cases shall be set for jury trial on the first available calendar opening corresponding to a scheduled jury week. Cases shall be called in the order in which they are requested. If not reached, the case shall be reset by the court for the next calendar opening corresponding to a scheduled jury week.

**Rule 4.8.3 Docket Control Orders:**

Upon the payment of the jury fee and submission of a jury request, the Court will complete a docket control order and forward to each party who will be bound thereto. Any objection to dates set out shall be by motion and hearing thereon.

**Rule 4.8.4 Non-Jury Trials:**

Requests for settings for final hearings in all contested family law cases shall be in writing and directed to the Judge's office with copies to opposing counsel and the Clerk of the Court. In all cases where there is community property, a sworn inventory and appraisal must be filed with the District Clerk's office before the case will be set for trial. If a party fails to file an inventory, the one filed will be taken as uncontested. Such request shall, in addition to the requirements set forth in these rules, certify that all parties have fully complied with Rule 4.3 (inventories) and shall contain a general statement of the contested issues (i.e. property, conservatorship, support) as well as an estimate of the time required to hear the entire matter.

**Rule 4.8.5 Alternative Dispute Resolution:**

A. In all child custody cases, the parties shall view the film, "Don't Forget the Children" which is on file in the County Law Library. After viewing film, parties shall certify same to Court by filing proof thereof with the District Clerk on a form provided by the librarian.

B. In all child custody cases, the parties shall first attend mediation unless objection made pursuant to Civil Practice and Remedies Code 154.022 is sustained.

Subsequent to A and B above, the parties may request setting of final hearing.

**Rule 4.8.6 Uncontested Matters:**

Uncontested matters are heard in County Court No. 2 from 8:00 - 9:00 a.m., and in 306th District Court from 8:30 - 9:00 a.m. Monday through Friday or later in the day, at the Court's discretion.

**Rule 4.8.7 Default Judgments:**

No default judgments in cases involving children or property shall be granted without proof of attempted notice of final hearing to opposing party.

**Rule 4.8.8 Exhibits:**

All exhibits shall be premarked prior to beginning of hearing or trial.

**Rule 4.9 Continuances:**

No continuances shall be granted, in any case, except upon good cause shown, in writing, signed by the attorneys and the clients and approved by the Court, and in accordance with T.R.C.P. Rule 251.

**Rule 4.10 Dead Week:**

The week of the Advanced Family Law Course (usually in August) shall be a dead week for family law.

**Rule 4.11 Entry Date:**

Entry date for all final orders and decrees is no later than 21 days post hearing at 9:00 a.m. unless granted an extension by the Court. Failure to appear may subject case to be dismissed for want of prosecution.

**Rule 5**

**Collection Cases-Reserved for Future Use**

**Rule 6**

**Criminal Cases**

**Rule 6.11 Filings/Return of Indictments:**

**Assignment of Cases After Indictment**

A. Except as otherwise provided in this Article, the Clerk shall randomly assign every criminal case filed by indictment pending on or filed after December 31, 1992 to the 10th, 56th, 122nd and 212th District Court.

B. After random assignment, the Clerk shall assign any new indictment against a defendant to the Court having a lower pending cause number on that same defendant.

C. The Clerk shall assign any reindictment of the same cause to the same Court in which the prior indictment was assigned.

D. The Clerk, after random assignment of an indictment to a Court shall assign any co-defendant(s) subsequently indicted to the same Court in which the first co-defendant's indictment was assigned.

E. The Criminal District Attorney shall note on a non-substantive part of the indictment the following information:

- a. whether there are other pending indicted causes on the defendant;
- b. whether the indictment is a reindictment; and
- c. the names of any co-defendants.

F. When it is made known to the Clerk that a defendant intends to enter a plea of guilty to a felony information

pursuant to a plea bargain agreement, the Clerk shall file the felony information in the Court assigned to conduct initial appearances provided that if a defendant waives his right to indictment and enters a plea of not guilty to a felony information, then the felony information shall be assigned according to subsections A, B, and D of Rule 6.11.

G. The Clerk shall file any motion to revoke probation or any post-conviction application for writ of habeas corpus in the Court having granted probation or entered the Judgment in the case.

A person accused of a felony in custody in the Galveston County Jail should be taken before the Local Administrative District Judge or a Judge designated by him for the accused's initial appearance on or before the third business day following his receipt at the Jail.

The purpose of the initial appearance shall be to present the accused before the District Court at the earliest practicable time for the possible disposition of his case before indictment (whether by plea of guilty, dismissal, or no charges filed), for his formal arraignment or magistration if required by law, for setting or reducing his bail, for appointment of counsel, and for such other preliminary matters as may aid the prompt disposition of the case.

**Rule 6.23 Motion-Pre-Trial Hearings/Pre-Trial Matters:**

1. Each Court shall determine its own settings for pre-trial and trial.

2. The defendant shall appear at each scheduled pre-trial hearing.

3. All pre-trial motions, including motions in limine, must be filed by the set deadline, if any, unless an extension of time is granted by the Court for good cause shown.

4. Each pre-trial motion that is set for hearing must succinctly state the relief sought, the facts pertinent to the motion, and supporting argument with authorities; must be signed by counsel and, where required, by the defendant; must be sworn to when required; must contain a certificate of service and consultation with opposing counsel and a statement that the matter raised in the motion was not resolved, or, if no consultation was accomplished, an explanation thereof; must contain a notice that the motion will be presented to the Court at the pretrial hearing with or without evidence; and must contain a proposed order granting or denying the motion in full or in part.

5. The Court may refuse to consider any pretrial motion that fails to comply with these rules.

6. A waiver of pretrial hearing by the defendant shall contain a declaration by the defendant and his attorney that no motions have been or will be thereafter filed, or that any motions previously filed and not heard are withdrawn or waived and that no necessity for a pretrial hearing exists, and that the defendant is ready for trial.

7. Motions for continuance, whether by the State or the Defendant, must comply with the applicable law contained in the Code of Criminal Procedure and must be presented to and considered by the Court on or before the Friday before the scheduled trial date, unless agreed to by the parties and approved by the Court.

8. Except for good cause shown and upon compliance with these rules, the Court shall not consider any motion for continuance on the scheduled trial date.

9. Criminal cases are to be filed, docketed, assigned, and processed pursuant to Rule 3 hereof when not in conflict with specialized setting rules.

#### **Rule 7**

##### **Jury Management**

Rule 7.10 **Jury Plan.** The Galveston County Jury Plan III and Addendum, approved by the Commissioners Court and entered in the Minutes on February 25, 1981 and July 7, 1982, respectively, is on file in the District Clerk's Office.

Rule 7.11 **Empaneling Juries.** The Local Administrative District Judge, or a Judge designated by him, shall preside over the qualification of petit jurors and the assignment of jury panels to the various courts.

## **Rule 8**

### **Judges vacations, absences and disqualification.**

#### **Rule 8.10 Vacations.**

The Judge of each Court shall receive thirty days vacation time each year. Notice of vacation periods shall be provided the Local Administrative District Judge and the District Clerk in advance. Judicial Conferences and Educational Events are official duties and not to be considered as vacation; but notice shall be provided as above.

## **Rule 10**

### **Attorneys**

#### **Rule 10.13 Attorney Vacations**

Each attorney who desires to assure himself a vacation for a period not to exceed four weeks may do so automatically by designating the four weeks, in writing, addressed and mailed or delivered to the District Clerk and County Clerk, thirty days in advance, except that in the event an attorney already has a setting at the time the vacation notice is filed, there is no automatic assurance, and a motion for continuance needs to be filed and a ruling obtained.

## **Rule 13**

### **Adoption, Amendment, Notice**

Rule 13.10 These rules may be amended by majority vote of the District Judges, provided:

1. that any proposed rule or amendment shall not be inconsistent with rules adopted by the Supreme Court of

Texas or with any rule of the Administrative Judicial District in which the Court is located; and,

2. any proposed rule or amendment shall not become effective until it is submitted and approved by the Supreme Court of Texas; and,
3. any proposed rule or amendment shall not become effective until at least thirty days after its publication in a manner reasonably calculated to bring it to the attention of attorneys practicing before the court or courts for which it is made; and
4. all rules adopted and approved in accordance herewith are made available upon request to members of the Bar and the public.

#### **Adoption**

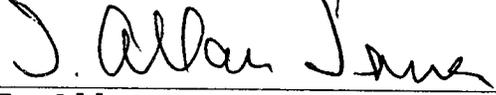
Subject to approval by the Supreme Court of Texas, these rules shall become effective January 1, 1993, and so long thereafter until amended, repealed or modified by order of the District Courts. All existing Local Rules previously governing the management of the Court dockets shall be repealed on the effective date of these rules. Each numbered or lettered paragraph of these rules shall be considered to be separate and distinct from all other portions hereof, and if any portion should be declared by a higher Court to be improper, such declaration will not affect any other portion not so declared to be improper.

The District Clerk is directed to furnish a copy of these rules to the Supreme Court of Texas, pursuant to Rule 3a of the Texas Rules of Civil Procedure, and to record these rules in the Civil Minutes of the 10th, 56th, 122nd, 212th and 306th District Courts.

Adopted this 8th day of October, 1992, to become effective on January 1, 1993 or upon approval by the Supreme Court of Texas, whichever is later.

  
Ed J. Harris  
10th Judicial District Court

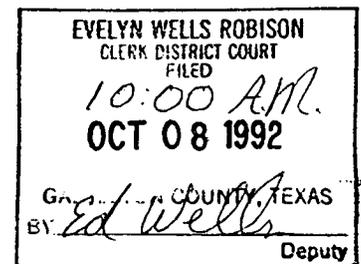
  
Roy Engelke  
212th Judicial District Court

  
I. Allan Lerner  
56th Judicial District Court

  
Susan Baker Olsen  
306th Judicial District Court

  
Henry G. Dalehite  
122nd Judicial District Court

LOCRUL.2





**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**

**October 13, 1992**

**Hon. Nathan L. Hecht, Justice  
Supreme Court of Texas  
P. O. Box 12248  
Austin, TX., 78711**

**Re: Local Rules, Galveston County**

**Dear Justice:**

**A cursory perusal of the enclosures will indicate that the Island Kingdom has labored long and produced some new rules! The original submission is not enclosed, since you already have enough to read. The revised copy (and some incidental correspondence) is enclosed and is approved by me as a good step forward. I hope you will consider preliminary approval, so they may become effective January 1, 1993.**

**The troops do get restive, at times, and these new rules may prove to be oil on troubled waters.**

**Best wishes to you and The Court in these difficult times.**

**Drive Friendly,**

A handwritten signature in cursive script, appearing to read "Tom".



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

P.O. BOX 12248 AUSTIN, TEXAS 78711

TEL: (512) 463-1312

FAX: (512) 463-1365

CLERK  
JOHN T. ADAMS

JUSTICES  
RAUL A. GONZALEZ  
OSCAR H. MAUZY  
EUGENE A. COOK  
JACK HIGHTOWER  
NATHAN L. HECHT  
LLOYD DOGGETT  
JOHN CORNYN  
BOB GAMMAGE

EXECUTIVE ASST.  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T.  
MARY ANN DEFIBAUGH

October 27, 1992

Ms. Evelyn Wells Robison  
District Clerk  
County Courthouse, Rm 404  
Galveston, Texas 77550

Dear Ms. Robison,

Please find a copy of the order of this Court of October 27, 1992, that approves local rules for the district courts of Galveston County.

Please note that the Supreme Court has been approving local rules provisionally. The Court believes that the Uniform Local Rules Committee is nearing completion of its task. You may therefore be asked to further amend your local rules in the future.

Sincerely,

SIGNED

John T. Adams  
Clerk

Encl.

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

County Clerk

Mr. Ray Judice  
Office of Court Admin

State Law Library

Chmn Supreme Ct Adv Committee