

LOCAL RULES OF THE DISTRICT COURTS OF FORT BEND COUNTY, TEXAS

1.0 OBJECTIVE

The objective of the rules of the District Courts of Fort Bend County is to comply with Rule 10 of the Texas Rules of Judicial Administration, to ensure a just, fair, equitable and impartial adjudication of the rights of litigants under established principles of substantive law and established rules of procedural law.

2.0 APPLICATION

These Rules apply to the District Courts of Fort Bend County. These rules supersede any and all previously published Local Rules of the District Courts of Fort Bend County.

- 2.1 Where attorney or counsel is used in these rules, the term shall also apply to a pro se party/party not represented by counsel.
- 2.2 Each party shall consult the applicable court's Rules of Practice/Policies and Procedures and state law(s) for additional specifics and time deadlines.

3.0 DEFINITIONS

The following definitions apply to these Rules:

- 3.1 "Board of District Judges" means the Board of Judges for District Courts.
- 3.2 "Local Administrative Judge" means the Local Administrative Judge for all District Courts in Fort Bend County, Texas. The terms "Local Administrative Judge" and "Administrative Judge" shall be used interchangeably to mean the Judge selected by the Board of Judges to be the Local Administrative Judge.
- 3.3 "Felony Judge" means Elected Judges of Fort Bend County Criminal District Courts and their Associate Judges.
- 3.4 "Presiding Judge" means Elected Judges of Fort Bend County.
- 3.5 "Regional Administrative Judge" means the presiding judge of the Eleventh Administrative Judicial Region.
- 3.6 "Assigned Judge" means a judge assigned in a manner provided by Rule 8 of the Texas Rules of Judicial Administration.
- 3.7 "Media" means any person or organization engaging in news gathering or reporting and includes any newspaper, radio or television station or network, news service, magazine, trade paper, in-house publication, professional journal, vlogger, blogger, or other news reporting or news gathering agency, whether the information is transmitted or disseminated by broadcasting, cable, satellite, internet, or other means.
- 3.8 "Recording" means photographing, audio recording, or video recording by any means.
- 3.9 "Broadcasting" means disseminating or transmitting to the public through newspapers, television, radio, internet, or other means.

- 3.10 "Attorney" or "counsel" means a licensed and in good standing attorney and/or pro se party/party not represented by counsel.
- 3.11 "Essential court matters" includes but is not limited to the following: determination of probable cause, setting of bail, appointment of counsel, pre-trial writs of habeas corpus, presentment of Motions for New Trial, Grand Jury proceedings, MOEPS and other protective orders, statutorily required deadlines, Chapter 33 hearings; and other matters if a Court determines good cause exists.

4.0 BOARD OF JUDGES

The Board of Judges for District Courts is composed of the elected Judges of the district courts as enabled by Texas law or assigned by the Local Administrative Judge to try cases in Fort Bend County, Texas.

- 4.1 Board of District Judges shall meet monthly upon the call of the Local Administrative Judge.
- 4.2 The Local Administrative Judge may call an emergency meeting at any time to dispose of time sensitive matters pending before the District Courts.
- 4.3 The Fort Bend County Courts Administrator or Court Coordinator of the Local Administrative Judge shall serve as Secretary to the Board of District Judges.
- 4.4 Board of District Judges will elect an Administrative Judge for the District Courts in Fort Bend County, Texas.
 - 4.41 The Local Administrative Judge shall serve a two-year term beginning in January of odd-numbered years. The election for the Local Administrative Judge shall be held during the preceding December Board of District Judges meeting as designated by the Local Administrative Judge.
 - 4.42 No judge may serve more than two consecutive full terms as Local Administrative Judge.
 - 4.43 If a vacancy occurs in the office of Local Administrative Judge, the Judges of the District Courts must hold an election at a monthly meeting to fill the vacancy for the pendency of the term.
- 4.5 Board of District Judges shall adopt Local Rules of the District Courts in Fort Bend County, Texas in accordance with applicable Texas statutes, the Texas Rules of Judicial Administration, the Eleventh Administrative Judicial Region of Texas, and local rules of the Board of Judges of all District Courts in Fort Bend County, Texas.
- 4.6 Board of District Judges shall adopt rules governing the deliberations of the Board of Judges District Courts in Fort Bend County, Texas.

5.0 AUTHORITY OF THE ADMINISTRATIVE JUDGE

- 5.1 The Local Administrative Judge shall preside over all matter before the Board of District Court and Council of Judges.
- 5.2 The Local Administrative Judge may call an Emergency Meeting at any time to dispose of time-sensitive matters pending before the Board of District Court and/or Council of Judges.
- 5.3 The Local Administrative Judge shall create sufficient committees to determine policy recommendations, oversee statutorily required duties of the Felony Division Courts, and provide monthly reports to Board of District Judges. The Local Administrative Judge shall appoint the members of each committee and shall assign one committee member to chair each committee.
 - 5.3.1 Standing committees are:
 - 5.3.1.1 Security
 - 5.3.1.2 Bail Bond
 - 5.3.1.3 Indigent Defense
 - 5.3.1.4 Specialty Courts
 - 5.3.1.5 Technology
- 5.4 The Local Administrative Judge shall oversee the approval of statutorily required amendments to Orders and Judgments in use by the Felony Division, unless a statute requires the full Felony Division Board, or some part thereof, to act.
- 5.5 The Local Administrative Judge shall have discretion to grant exceptions to the prohibition against dual operations among the District Courts.
- 5.6 The Local Administrative Judge shall appoint an elected judge of the Division to act for the judge when the Local Administrative Judge is absent or unable to act. The judge so designated shall have all the duties and authority granted by these Rules to the Local Administrative Judge during the period of the designation.

6.0 JUDGE ON CALL

Each Fort Bend County District Judge and Associate Judge trying criminal cases shall be available to serve as Judge on call on a rotating basis. A Judge shall serve one week rotations as Judge on call. When an Associate Judge is the Judge on call, an Elected Felony Judge shall serve the same rotation for Special Warrants. The Judge on call term commences at 8:00 a.m. on the first Monday of the term of service. The schedule of Judges on call shall be published by the Fort Bend County Courts Administrator. The schedule will be created on or before December 1 of each year and approved by the Local Administrative Judge. The Judge on Call shall:

- 6.01 Be available to sign warrants 24 hours a day, seven days a week during Judge on Call term.
- 6.02 Be available to host magistration outside normal business hours, when necessary.
- 6.03 Trade rotation weeks among other Felony Judges and notify the District Attorney over intake and the Court Administrator of the trade.

7.0 JUDGES VACATION, ABSENCES AND DISQUALIFICATION

A Felony Division Judge shall notify the Local Administrative Judge of absences in excess of 5 consecutive days. A Judge may schedule a visiting judge by following the procedures as set by the Eleventh Administrative Judicial Region. A visiting judge may also be assigned by the Local Administrative Judge for service in Fort Bend County due to vacation, sick leave, attendance at conferences, or other matters or in the event of voluntary recusal or disqualification. The request shall follow the procedures as set by the Eleventh Administrative Judicial Region. No Felony Division Judge may request a visiting judge for dual operations, (i.e. Specialty Courts) unless approved by the Presiding Judge of the Eleventh Administrative Region.

8.0 DEAD WEEKS

Except with the consent of all parties, no court will not assign cases to jury trial.

- 8.1 The week of Thanksgiving and
- 8.2 The last two (2) weeks of December

9.0 SELECTION AND CONTROL OF JURIES

The Felony Division Courts will adhere to the jury plan as adopted by the Board of Judges for All District Courts in Fort Bend County.

- 9.1 The Felony Division Courts will empanel at least one Grand Jury during each term of the strict Courts in Fort Bend County.

10.0 COURT ADMINISTRATION AND LOCAL RULES

10.1 Cases

- 10.1.1 Civil Cases shall follow the rules outlined in the Local Rules For District Courts Trying Civil Cases.
- 10.1.2 Family Law Cases shall follow the rules outlined in the Local Rules For District Courts Trying Family Law Cases.
- 10.1.3 Criminal Cases shall follow the rules outlined in the Local Rules For District Courts Trying Criminal Cases.

10.2 INCLEMENT WEATHER- Emergency and Public Health Scheduling Procedures

In an effort to balance constitutionally protected due process rights during an emergency with public health and safety concerns of the citizens of Fort Bend County, the Board of District Judges have established the following

procedures for conducting court business as a result of inclement weather, emergencies, or other public health concerns:

10.2.1 COUNTY CLOSED

If the County Judge of Fort Bend County announces that County buildings will be closed, the District Courts will remain closed until the County Judge announces the reopening of the buildings. Essential court matters will be rescheduled or held at approved alternate locations. Check with your specific Court for more information on times and location.

10.2.2 SCHOOL DISTRICTS – CLASSES CANCELED

All nonessential matters in the District Courts will be canceled on the days classes are canceled. Should the school closure last more than seven (7) days, the District Courts will communicate an alternate schedule on their websites. An individual District Court may opt out of this portion of the protocol by providing the Fort Bend Court Administrator with written notice of the Court's decision.

10.2.3 Courts that decide to proceed with scheduled court matters must contact all parties and inform them that the scheduled proceedings will continue.

10.2.4 If a court decides to proceed with scheduled court matters, it must also provide the Fort Bend County Court Administrator with that information.

10.2.5 The Fort Bend County Court Administrator or designee will post court closures and schedules on the county website.

10.2.6 Essential court matters will go forward as scheduled unless the parties receive notice from the assigned individual court.

10.3 If the District Courts invoke these Inclement Weather, Emergency, and Public Health Scheduling Procedure, then all non-essential court matters will be continued and re-scheduled. Essential court matters will go forward as scheduled.

10.4 During times of inclement weather emergencies or public concern, all litigants are encouraged to: a. Submit contested motions on a submission docket where available; or b. contact assigned individual court to determine if telephone or video conferencing is an available alternative to an in-person hearing.

10.5 JURY SERVICE: In an effort to balance constitutionally protected due process rights during an emergency with public health and safety concerns, Fort Bend County District Courts will prioritize jury trials. Jury trials will be prioritized based on constitutional and statutory requirements.

10.6 Special procedures for each court are to be communicated using official means of communication, namely the website for each individual court.

10.7 Board of District Judges may enact any temporary measures deemed necessary to deal with an emergency.

11.0 SUPPLYING INFORMATION

The Fort Bend Court Administrator may provide to the State Office of Court Administration, and others, such information regarding court activity and docket management systems of the courts as the Presiding Judge approves.

12.0 RECUSAL

All recusals shall be conducted in accordance with the Texas Rules of Civil Procedure Rules 18a and 18b and the procedures set by the Eleventh Administrative Judicial Region.

12.1 Upon denial of a motion to recuse, the District Judge shall promptly notify the Fort Bend Court Administrator who shall refer the matter to the Presiding Judge of the Eleventh Administrative Judicial Region.

12.2 The Local Administrative Judge shall maintain a system for transferring cases in which District Judges have been recused or disqualified. The system shall not be published to prohibit forum shopping.

12.3 Upon recusal or disqualification of a District Judge, the Fort Bend Court Administrator shall transfer the case in which the Judge was recused to the next Court in line to receive a case in accordance with the system for transferring cases under this Rule.

13.0 RECORDING AND BROADCASTING PROCEDURES

13.1 The Fort Bend County District Judges have inherent power to control proceedings to maintain the dignity, decorum, and impartiality of court proceedings.

13.2 No photographs, video recordings, audio recordings, live streaming, tweeting, or broadcasting of any nature is allowed of any proceeding a District Court without express permission from the Court.

13.3 A person wishing to broadcast, televise, record, or photograph a court proceeding must file with the court clerk a request to cover the proceeding

13.4 Any party may file a response to the request submitted. If a party objects to coverage of the argument, the response should state the injury that will allegedly result from coverage.

13.5 In deciding whether to allow coverage, the District Court may consider information known ex parte to the Court. The Court may allow, deny, limit, or terminate coverage for any reason the Court considers necessary or appropriate, such as protecting the parties' rights or the dignity of the Court and ensuring the orderly conduct of the proceedings.

13.6 If a person is granted permission to record, photograph, or broadcast proceedings, the District Court shall specify the placement of personnel and equipment to permit reasonable coverage without disrupting the proceedings.

14.0 CONFLICTING ENGAGEMENTS

For conflicting engagements of attorneys already in trial and/or assigned to two courts for the same date, the Fort Bend County District Courts shall follow Rule 13 of the Eleventh Administrative Judicial Region of Texas Regional Rules of Administration. It is the duty of the attorney to call the affected Judge's attention to all dual settings as soon as they are known.

14.1 In addition, the Fort Bend County District Courts set the following order of precedence for conflicting settings in Fort Bend County District Courts;

14.1.1 Trial cases take precedence over conflicting non-trial settings

14.1.2 A preferential trial setting takes precedence over a conflicting trial setting

14.1.3 Trial settings in which a Defendant is in custody take precedence over trial settings in which the defendant is on bond

14.1.4 Trial settings with the oldest pending matter take precedence if the Defendant is not in custody.

14.2 Trial settings with the oldest filing date take precedence if the Defendant is not in custody.

14.3 Trial settings where counsel states he is in trial elsewhere will first be verified upon request of opposing counsel. The case will be placed on "hold" or reset, depending upon when the attorney will be released.

14.3.1 If the attorney is not in trial as represented by the attorney or agent, the case will be tried without further notice.

14.4 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:

14.4.1 Criminal Cases.

14.4.2 Cases given preference by Statute.

14.4.3 Preferentially set cases.

14.4.4 Case set at earliest date.

14.4.5 Case with earliest filing date.

14.4.6 Courts in metropolitan County areas should yield to Courts in rural County areas in all other instances of conflicting settings. In the event of unresolved conflict between the two judges, the Local Administrative Judge or the Regional Presiding Judge will decide the issue

14.5 LEAD COUNSEL. This rule operates only where lead counsel, as defined by T.R.C.P. 8, is affected, unless the court expands coverage to other counsel.

15.0 VACATIONS OF COUNSEL

The Fort Bend County District Courts shall follow Rule 14 of the Eleventh Administrative Judicial Region of Texas Regional Rules of Administration¹.

15.1 DESIGNATION OF VACATION.

An attorney may designate not more than four weeks of vacation during a calendar year as vacation, during which that attorney will not be assigned to trial or required to engage in any pretrial proceedings. This rule operates only where lead counsel, as defined by T.R.C.P. 8, is affected, unless the trial court expands coverage to other counsel. It is within the court's discretion to grant a continuance in matters scheduled prior to the filing of the vacation letter.

16.0 COURTROOM DECORUM

16.1 All attorneys, litigants, and witnesses shall be expected to act in a manner calculated to promote decorum, respect for the judicial system, and the prompt and fair administration of justice.

16.2 Attorneys shall be responsible for advising their clients and witnesses of the formalities of the courts.

16.3 All officers of the court are expected to be prompt, prepared, and appropriately dressed in business attire.

16.4 All counsel shall conduct themselves according to the standards of professionalism as described in THE LAWYER'S CREED – A MANDATE FOR PROFESSIONALISM as adopted by the Supreme Court of Texas and the Court of Criminal Appeals.

16.5 The attorneys, the Judge, and all other officers of the court shall be prompt at all sessions and in the dispatch of all court business.

16.6 All attorneys are admonished to respect the letter and the spirit of all canons and ethics, including particularly those dealing with discussion of cases with representatives of the press or electronic media and ex parte communications. The court shall enforce the same by appropriate action.

17.0 DUTIES OF ATTORNEYS

ATTORNEY ADDRESSES

17.1 Attorneys are required to notify the District Clerk of any change in address, telephone, fax number or e-mail address. Any notice or communication directed to the attorney at the address, telephone, fax

¹ <https://www.justex.net/JusticeDocuments/0/11th%20Admin/11th%20AJR%20Regional%20Rules.pdf>

number or e-mail address indicated in the records of the District Clerk will be deemed received.

17.2 Appointed Attorneys are additionally required to notify the office of Indigent Defense of any change in address, telephone, fax number or e-mail address.

18.0 POLICIES AND PROCEDURES

The district judges of Fort Bend County shall establish common policies and procedures on pertinent court business. Such policies and procedures shall be made available on each Court's website, and to the Fort Bend Courts Administrator.

18.1 Each court may additionally establish policies and procedures particular to that court.

CIVIL CASES

1.0 TIME STANDARDS FOR CIVIL CASES.

Follow the MTS unless otherwise noted. Generally:

1.1 CIVIL JURY CASES. Within 18 months of appearance date.

1.2 CIVIL NON-JURY CASES. Within 12 months from appearance date.

1.3 COMPLEX CASES: It is recognized that especially complex or special circumstances it may no be possible to adhere to these standards.

2.0 FILING AND ASSIGNMENT

On being filed, a case shall be assigned randomly to the docket of one of the courts. Once assigned to a court, a case will remain on the docket of that court for all purpose unless transferred.

3.0 TRANSFER

3.1 PRIOR JEDGMENT. Any claim for relief based upon a prior judgement shall be assigned to the court of original judgment.

3.2 PRIOR FILING. Any matter filed after a non-suit, dismiss for want of prosecution, or other disposition f a previous filing involving substantially-related parties and claims shall be assigned to the court where the prior matter was pending.

4.0 CONSOLIDATION:

4.1 CONSOLIDATION OF CASES. A motion to consolidate cases must be heard in the court where the first filed case is pending. If the motion is granted, with the consent of the transferring court the consolidated case will be given the number of the first filed case and assigned to that court.

4.2 CONSOLIDATION DISCOVERY. A motion to consolidate discovery in separate cases must be heard in the court where the first filed case is pending. If the motion to consolidate discovery is granted, the case will

not transfer, but the consolidating court will conduct the discovery management.

- 4.3 SEVERANCE. If a severance of a claim or defendant 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, that 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.
- 4.4 AGREEMENT. Any case may be transferred from one court to another court by written order of the judge of the court from which the case is transferred; provided, however, that the transfer must be with the written consent of the court to which the case is transferred.
- 4.5 PRESIDING FOR ANOTHER. In all cases where a judge signs an order on behalf of another court, the case shall remain in the original court.

5.0 MOTIONS

- 5.1 FORM. Motions shall be in writing and shall be accompanied by a certificate of service and 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.
- 5.2 RESPONSE. Responses shall be in writing and shall be accompanied by a proposed order. Failure to file a response may be considered a representation of no opposition.
- 5.3 SUBMISSION.
Motions may be heard by written submission. Motions shall state a Monday date at 8:00 a.m. as the date for written submission, unless otherwise instructed by the presiding Judge. This date shall be at least 10 days from filing, except on leave of court. Responses shall be filed at least three days before the date of submission, except on leave of court.
- 5.4 ORAL HEARING. Settings for oral hearings should be requested from the court coordinator. The notice of oral hearing shall state the time and date and be provided to all adverse parties or their counsel, by the requestor.
- 5.5 UNOPPOSED MOTIONS.
Unopposed motions shall be labeled "Unopposed" in the caption.
- 5.6 DISCOVERY MOTIONS. All motions for discovery sanctions, requests for ruling on discovery objections, and motions to compel discovery shall set out within the body of the motion, the interrogatory or request which is in dispute, and the objection and answer or response which is in dispute, so that all matters necessary for the Court's consideration are set out in one concise document.

- 5.7 WITHDRAWAL. Any motion to withdraw must comply with Rule 10 of the Texas Rules of Civil Procedure.
- 5.8 DISMISSAL. Any dismissal or non-suit shall be accomplished by notice with a court order.
- 5.9 CERTIFICATE OF CONFERENCE. Opposed motions shall contain a certificate that:
 - 5.9.1 States that the movant and respondent have conferred with each other and in good faith have attempted to resolve the matter and
 - 5.9.2 Identifies the basis of disagreement between counsel; or
 - 5.9.3 States that the parties have not been able to confer, and states in detail all efforts made to confer, including dates and methods of attempted communication.
 - 5.9.4 The provisions of subparagraph 5.1 do not apply to motions for summary judgment, default judgments, motions for voluntary dismissal or non-suit, and motions involving service of citation.

6.0 TRIALS.

- 6.1 Manner of Setting. Cases shall be set for trial by order of the court upon it's own motion or upon the written request of any party.
- 6.2 Date of Setting. Cases shall be set for trial for a date certain. If a case is not assigned to trial by the Friday after the date it was set, the case will be reset. Unless all parties agree otherwise, the original setting must comply with all requisites of Rule 245 T.R.C.P.
- 6.3 Assignment to Trial. 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. All cases set are expected to be "ready" regardless of the order of cases on posted docket sheets.
- 6.4 ADR. In the discretion of the court, preference in setting trials shall be given to matters in which the parties have participated in alternate dispute resolution procedures.

7.0 AGREEMENTS TO PASS

- 7.1 No setting shall be passed except by:
 - 7.1.1 Settlement; or
 - 7.1.2 Written agreement of all parties with approval of the court; or
 - 7.1.3 Verbal agreement announced to the court, followed by a memorandum, timely filed, evidencing the agreement signed by at least one attorney; or
 - 7.1.4 A motion for continuance granted by the court.
- 7.2 When a case is settled the attorneys shall immediately notify the court.

8.0 DISMISSAL DOCKET

- 8.1 At least once each year cases shall be dismissed for want of prosecution. Notice of intention to dismiss shall be given in accordance with Rule 165a, T.R.C.P., to all attorneys of record, and to pro se parties whose addresses are shown on the docket or in the papers of the file.
- 8.2 Cases eligible for dismissal for want of prosecution are:
 - 8.2.1 Cases on file for more than 120 days in which no answer has been filed or is required by law;
 - 8.2.2 Cases which have been on file for more than eighteen months and are not set for trial;
 - 8.2.3 Cases in which a party or his attorney has failed to take any action specified by the court.
- 8.3 Without good cause shown, such cases will be dismissed on or after the date stated therein. Postcard notification of the dismissal order shall be given in accordance with Rule 306d, T.R.C.P.

9.0 EX PARTE MATTERS

- 9.1 Except in emergencies or when the clerk's office is not open for business, no application for immediate or temporary relief shall be presented to the Judge until it has been filed.
- 9.2 All applications for ex parte relief shall state whether or not, within the knowledge of the applicant and his or her attorney, the opposing party is represented by counsel, and if so, the name of such counsel.
- 9.3 Whenever possible, the party making the affidavit required for granting relief without a formal hearing shall appear when the matter is presented to the Judge for his or her determination. The party requesting ex parte relief shall be prepared to present additional testimony in support of the request, when required by the Judge.

FAMILY CASES

- 1.0 **TIME STANDARDS FOR FAMILY CASES.** Follow the MTS unless otherwise noted. Generally:
 - 1.1 **CONTESTED FAMILY LAW CASES.** Within 6 months from 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.
 - 1.2 **UNCONTESTED FAMILY LAW CASES.** Within 3 months from appearance date or within 3 months from the expiration of the waiting period provided by the Family Code where such is required, whichever later.
 - 1.3 **COMPLEX CASES:** It is recognized that in especially complex or special

circumstances it may not be possible to adhere to these standards.

2.0 FILING & ASSIGNMENT. On being filed, a case shall be assigned randomly to the docket of one of the courts. Once assigned to a court, a case will remain on the docket of that court for all purposes unless transferred.

3.0 TRANSFER OF CASES

3.1 MULTIPLE SUITS. When a suit is filed in a Family Division of the District Courts of Fort Bend County (referred to as Family District courts) and is in any way terminated (by non-suit or otherwise), a subsequent suit or cause of action involving substantially the same parties or the same subject matter shall be filed in, or transferred to, the court that first had jurisdiction of the parties or subject matter. This rule applies to all controversies, including divorce, support, conservatorship and all matters incident to them, whether sought by original proceedings or by modification, clarification or enforcement of a former order, judgment or settlement agreement. When such a situation is disclosed for the first time after the hearing begins, the judge of the court shall immediately order the suit transferred to the court in which the prior suit was filed.

3.2 ENFORCEMENT OF CONSENT DECREE OR CONTRACT.

Any action for the enforcement of a consent decree or contract arising out of or in conjunction with any action previously filed in any of the family District Courts shall be filed in the same court.

3.3 CONTINUING, EXCLUSIVE JURISDICTION.

All provisions of the Texas Family Code ("Tex. Fam. Code") regarding continuing, exclusive jurisdiction and transfer shall take precedence over these rules.

3.4 SEVERANCE. If a severance is granted, the new case remains assigned to the court where the original case is pending, bearing the same file date and the same number as the original case with a letter suffix.

3.5 PRESIDING FOR ANOTHER. In all cases where a judge signs an order on behalf of another court, the case shall remain in the original court.

3.6 IMPROPER COURT. If called to the attention of the court that a case is improperly placed on the docket of one Family District Court, the judge of that court shall transfer the case to the proper court.

4.0 FLOW OF CASES

4.1 APPEARANCE OF COUNSEL. Any attorney representing a party or a pro se party in a case shall file an appropriate initial pleading with the court, be it a Petition, Answer, Notice of Appearance as Attorney of Record, or Motion and Order for Substitution of Counsel and promptly furnish a true copy thereof to opposing attorney or pro se party, as

applicable. The pleading shall contain all information required under the Texas Rules of Civil Procedure ("T.R.C.P.") Rule 57.

4.2 DOCKET CALL PROCEDURES.

4.2.1 Attorneys who will be late for court must give the court and opposing side notice of their estimated time of arrival at court and the reason for the delay. If the attorney is late because he or she must appear in another court at the same time, the clerk must be notified not only that the attorney will be late (as above) but also the specific court(s) in which the attorney will be appearing.

4.2.2 If an attorney does not appear in the courtroom or virtually, depending on the Notice of Hearing, within thirty (30) minutes of docket call, that party's motion may be ruled upon by the court and/or sanctions issued consistent with the Texas Rules of Civil Procedure.

4.3 Remote Proceedings. Use of remote hearings (teleconferencing, videoconferencing, or other means) is encouraged for non-evidentiary matters. Remote hearings shall be scheduled through the court coordinator pursuant to the court's Rules of Practice/Policies and Procedures.

4.4 INTERVIEW OF CHILD/CHILD'S TESTIMONY. In all cases in which the court deems testimony of a child to be necessary or required by statute, the attorney wishing to have the child interviewed shall arrange a specific time through the court coordinator for the court to interview the child if the motion is granted. No party is to bring a child to the courthouse to testify without prior arrangement pursuant to this rule, unless the child's attendance is required by court order including a writ of habeas corpus or attachment. The attorney who is responsible for the child's attendance at court shall immediately notify the court coordinator of the child's presence in the courthouse. The child shall not be brought into the courtroom without the express consent of the judge or associate judge.

4.5 SCHEDULING ORDERS. It shall be the duty of an attorney or pro se party entering a pending case to ascertain from the court whether a Scheduling Order has issued and if so, to obtain a copy of the Scheduling Order from the District Clerk's office. Notwithstanding the foregoing, it shall also be the duty of the Petitioner or Movant in a pending case in which a Scheduling Order has been issued to provide a copy of the Scheduling Order to each party, including pro se parties, who has made or makes a general appearance in the pending case.

4.6 PARENT EDUCATION. All parties required to attend a parent education course referenced in 8.0 below and shall file with the court a certificate verifying the party's attendance at such course. The certificates shall be filed no later than the date the case is set for final hearing.

5.0 DISCLOSURE OF PROPERTY AND FINANCIAL INFORMATION

- 5.1 TEMPORARY ORDERS. In any hearing for temporary orders in which child support or spousal support is an issue, completion and exchange of Financial Information Statements, copies of income tax returns for the past two years, and the three most recent payroll stubs shall be exchanged prior to the commencement of the hearing regardless of whether the time period to make Initial Disclosure has expired under T.R.C.P. Rule 194.2. This rule providing for the exchange of information shall constitute a discovery request and failure to comply with this rule may be grounds for sanctions, as provided by T.R.C.P. Rule 215. Sanctions shall not issue if the judge or associate judge determines that the failure to comply was not willful.
- 5.2 FINAL INFORMATION. A party's final sworn Inventory and Appraisal, Financial Information Statement and financial information required under the Family Code (including, but not limited to, the party's income tax returns for the past two years and the party's three most recent payroll stubs), as well as suggested findings regarding child support and a proposed division of property shall be exchanged prior to the commencement of trial pursuant to the court's Rules of Practice/Policies and Procedures. If children are involved in the proceeding, the inventory shall contain sufficient information so the court may render a qualified medical child support order regarding health insurance for the children. This rule providing for the exchange of information shall constitute a discovery request and failure to comply with this rule may be grounds for sanctions.
- 5.3 INVENTORY. Each inventory shall list each item of property and its fair market value, and shall also list each liability, together with the amount of the liability, the number of periodic payments in arrears, if any, the property securing its payment, and the name of the creditor. Any property or liability shall likewise be characterized as separate or community. All beneficial interests in insurance and all benefits arising from a party's employment (such as pensions, profit sharing plans, savings or thrift plans, whether vested or non-vested) shall be identified. Each party shall incorporate, as an exhibit to the inventory, the last information furnished to the employee about to the employee's rights and monetary interest in the retirement and savings plans. Each party shall also furnish sufficient information so the court may render a qualified domestic relations order, if applicable. The inventory shall list and total, in columnar format, the property values and liabilities. Each inventory shall show the net worth of the community estate.
- 5.4 DUTY OF DISCLOSURE. Without waiting for a discovery request, each party to a suit for divorce, annulment, or a suit in which child or spousal support is in issue, has a duty of disclosure of certain information to the other party. "Disclosure" includes providing for

inspection and copying the information in the party's "possession, custody or control," as that phrase is defined in Rule 166b(2)(b) of the T.R.C.P.. Different types of suits require disclosure of different information.

5.4.1 DISCLOSURE IN DIVORCE OR ANNULMENT. Each party to a suit for divorce or annulment shall, without waiting for a discovery request, provide to the other party the following information about property in which the party claims an interest:

5.4.2 All documents pertaining to real estate;

5.4.3 All documents pertaining to any pension, retirement, profit-sharing, or other employee benefit plan, together with the most recent account statement for any plan;

5.4.4 All documents pertaining to any life, casualty, liability, and health insurance;

5.4.5 The most recent account statement pertaining to any account located with any financial institution including, but not limited to, banks, savings & loans, credit unions, and brokerage firms.

5.5 DISCLOSURE IN SUIT IN WHICH CHILD OR SPOUSAL SUPPORT IS AN ISSUE. Each party to a suit in which child support or spousal support is in issue shall, without waiting for a discovery request, provide to the other party the following information:

5.5.1 all policies, statements, and description of benefits which reflect any and all medical and health insurance coverage that is or would be available for the child or the spouse;

5.5.2 Unless the information has previously been exchanged in connection with a temporary hearing (Rule 4.1), a Financial Information Statement for the party, together with that party's previous two years income tax returns and two most recent payroll check stubs, or, if no payroll check stubs are available, the party's latest Form MT-2.

5.6 FAILURE TO COMPLY. This rule providing for the duty of disclosure shall constitute a discovery request under T.R.C.P., and failure to comply with this rule (or any of its subparts) may be grounds for sanctions, as prescribed by Rule 215 of T.R.C.P..

5.7 METHOD OF DISCLOSURE

5.7.1 Timing of Disclosure. Disclosure required under this rule shall be made as follows:

5.7.2 by a Petitioner or Movant within 30 days after the Respondent files Respondent's first pleading or makes a general appearance in the case;

5.7.3 by a Respondent within 30 days after he or she files Respondent's first pleading or makes a general appearance in the case,

whichever occurs first.

- 5.8 DELIVERY OF DISCLOSURE. The disclosures required under this rule shall be made by furnishing the information to the opposing party's attorney of record or, if the opposing party is pro se, by furnishing the disclosures to the opposing party at the party's address. Each party making a disclosure shall promptly file a notice with the court advising that the required disclosure has taken place.
- 5.9 DUTY TO SUPPLEMENT. After disclosure is made pursuant to this rule, each party shall be under a duty to reasonably supplement or to amend the information if the party obtains information on the basis of which he or she knows that the information disclosed was either incomplete or incorrect when made, or is no longer complete or true.
- 5.10 RULE 11. The provisions of this rule may be modified by agreement pursuant to Rule 11 of T.R.C.P.

6.0 REFERRAL TO ASSOCIATE JUDGE

- 6.1 Referral. All pending cases and cases filed after the date of the adoption of these rules are hereby referred to the associate judge of each court pursuant to T. F. C. section 201.006, subject to limitations imposed by chapter 201.
- 6.2 Order of Referral. This Rule shall constitute the Order of Referral required by TFC section 201.006(a)(2), to any pending or future cases under Title 1, 2, 4, or 5.

7.0 ALTERNATE DISPUTE RESOLUTION

- 7.1 TEMPORARY HEARING. In cases involving dispute conservatorship, rights and duties, possession and access, custody or visitation issues, the court shall make referrals for mediation to the Dispute Resolution Center or private mediators, or as agreed upon by the parties and attorneys and approved by the court. Additional issues may be mediated by agreement of the parties and attorneys. Attorneys of record must attend all mediations. Except for good cause shown, no temporary hearings involving disputed conservatorship, rights and duties, or possession and access, will be conducted until the issues have been mediated.
- 7.2 FINAL TRIAL. Unless waived by the court for good cause shown, all cases shall be submitted for alternate dispute resolution procedures before trial.

8.0 PARENT EDUCATION COURSE

- 8.1 In all contested cases, except for good cause shown, all parents or other individuals requesting appointment as a conservator shall attend a parent education course, as directed by the court, regardless of

whether the suit is an original suit or a modification. In its discretion, the court may also refer parents involved in modification or enforcement litigation, or a child involved in any type of custody litigation, to an education course or for counseling. In protective order cases authorized by Chapter 85, Tex. Fam. Code. the court may refer a party to a batterers' treatment program.

CRIMINAL CASES

1.0 TIME STANDARDS FOR DISPOSITION OF CASES

Felony Judges in Fort Bend County should, as far as reasonably possible, ensure all cases are brought to trial following the Model Time Standards for State Courts¹ (MTS).

1.1 Within 12 months of arrest or indicted whichever is earlier.

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

1.3 Reports shall Reports shall be generated by the District Clerk on a monthly basis and provided to all Felony Judges showing information concerning the number of filings, dispositions, trials, and other judicial activities in each court.

2.0 **FILING & ASSIGNMENT.** On being filed, a case shall be assigned randomly to the docket of one of the courts. Once assigned to a court, a case will remain on the docket of that court for all purposes unless transferred.

2.1 The Felony District Courts should be staggered, when possible, to alleviate crowded conditions in the Fort Bend County Justice Center.

2.2 The Court Administrator for Fort Bend County shall publish docket times for all Felony District Courts, Felony District Courts Specialty Courts, and Felony District Courts dockets.

2.3 INTERPRETERS. Cases needing an interpreter shall follow the County Language Access Plan².

3.0 **TRANSFER:** In criminal actions, cases shall be transferred according to the Direct Filing Order.

4.0 APPEARANCE OF DEFENDANT AND COUNSEL/COURT ATTENDANCE

² <https://www.fortbendcountytexas.gov/government/departments/districtcourts/FB-Courts-Language-Access-Plan-LA>

- 4.1 Defendant and defendant's attorney must be present during docket call. The attorney prior to the setting must obtain permission for the defendant not to be present. Attorney must notify the Judge or Court Coordinator at least 30 minutes prior to the time the case is set if the attorney anticipates not being present or late at docket call.
- 4.2 Attorneys wishing to have defendants transferred from the jail to the courthouse for an appearance must notify the bailiff at least two days before such appearance. Approval of such requests is within the discretion of the Presiding Judge.
- 4.3 Attorneys must announce "ready" or "not ready" upon call of the trial or motion docket.
- 4.4 **CONTINUANCES AND RESETS**
When a case is to be rescheduled, the future date must be obtained from the Coordinator or Judge prior to leaving the courtroom. The future date is within the discretion of the Judge. The reset agreement must be submitted for approval to the Court and subsequently filed with the Fort Bend County District Clerk, unless the court requires e-filing of resets.
- 4.5 **OFF DOCKET.** Off-docket resets must be handled in accordance with the guidelines outlined by the Judge or the court where the case is pending. A reset agreement must be prepared by the attorneys and approved by the Court where the case is pending.

5.0 APPOINTMENT OF COUNSEL FOR INDIGENT DEFENDANTS

The Fort Bend County District Courts shall appoint counsel for indigent defendants in accordance with Texas Code of Criminal procedure Art. 26 and the Fort Bend County District Courts Standards and Procedures Appointment of Counsel for Indigent Defendants

- 5.1 The appointment of counsel for indigent defendants is handled individually with the office of Indigent Defense
- 5.2 Each District Court, District Court Specialty Court, or District Court Docket may appoint of counsel outside the wheel on a case by case basis
- 5.3 The appointments for appeals are made at the time a pauper's oath is filed with the District Clerk.

6.0 WITHDRAWAL OR SUBSTITUTION

- 6.1 If, prior to the disposition of a case, an appointed or retained attorney wishes to withdraw as attorney of record, the attorney must file a written motion to withdraw at least 15 days prior to a trial setting.
- 6.2 An attorney retained to replace existing counsel must file a written motion to substitute counsel, naming both the attorney substituting in and the attorney being relieved.

- 6.3 A retained attorney of record at the time of trial will be considered the attorney of record in the event of an appeal unless the attorney files a written motion withdraw when notice of appeal is given

7.0 DUTIES OF ATTORNEYS

7.0 Attorney Vouchers

- 7.1 Each person appointed by a judge for which any type of fee may be paid shall file the designated attorney voucher within 60 days of any plea, dismissal or other disposition of the case.
- 7.2 Appointed Attorneys shall submit Attorney Fee Vouchers for hours/work they performed on a case. Cases will be paid in accordance with the current Indigent Fee Schedule for the District Courts. Any additional expenses (i.e. experts, investigators, etc.) must be pre-approved by the Presiding Judge of the court where the case is pending. Reasonable case expenses (i.e. printing of photos for trial, etc.) which total less than \$500 do not require pre-approval, however proper documentation must be included at the time the Attorney Fee Voucher is filed.
- 7.3 Failure to submit the voucher timely could result in reduction of payment.

The foregoing are hereby Ordered and Adopted as the District Courts of Fort Bend County Local Rules and the District Clerk is hereby directed to record a copy of this order in the minutes of each said Judicial Courts.

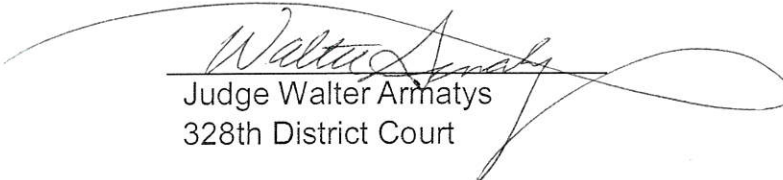
These rules were APPROVED AND ADOPTED by the District Court Judges of Fort Bend County, Texas SIGNED this 28 day of December, 2022.



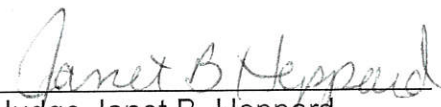
Judge Frank J. Fraley
240th District Court



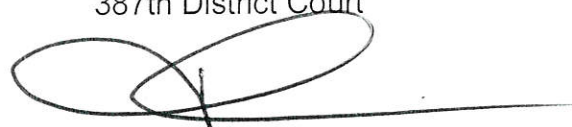
Judge R. O'Neil Williams
268th District Court



Judge Walter Armatys
328th District Court



Judge Janet B. Heppard
387th District Court



Judge J. Christian Becerra
434th District Court



Judge Tameika Carter
400th District Court



Judge Kali Morgan
505th District Court



Judge Robert Rolnick
458th District Court

FILED
2022 DEC 28 PM 12:24
Rebecca M. Deane
CLERK, DISTRICT COURT
FORT BEND COUNTY, TEXAS
DM

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