

**Rule 3.01: Disposition of Civil Cases**

(a) On its own motion or by agreement of the parties, the Court will refer a case for resolution by an alternative dispute resolution procedure under Chapter 154, Civil Practice and Remedies Code. Any party may move for such referral if agreement cannot be reached.

(b) Pre-trial hearings or orders will not be required in every case, but upon request of any party or on its own motion the Court may set a hearing under Rule 166, Texas Rules of Civil Procedure, to consider such matters as might aid in the disposition of the action.

(c) Cases will be set for trial by the Court upon written request and representation of any party that the case will be ready for trial. The request may ask for a setting on a specific trial week, but not sooner than 75 days from the date of the request for the initial trial setting. All further trial settings may be set at a time deemed reasonable by the Court. Other parties will file a written response to the request within seven (7) days after receipt stating any objection to the request for setting. Unless the Court determines that the case is not ready for trial, the case will be set for trial on the date requested or the nearest date that the docket of the Court will permit. The parties will be notified in writing of the date that the case is set for trial and any party having any known objection to the setting should inform the Court of the objection within seven (7) days after receiving the notice.

(d) Upon receipt of a trial setting any party should immediately notify the Court in writing if they believe that the case is not ready for trial or if they want to suggest alternative trial dates.

(e) An objection to a trial setting under paragraphs (c) and (d) of this rule is ineffective unless the objecting party requests a hearing on the objection.

**Rule 3.02: Motion for Continuance**

A trial date cannot be postponed or changed without the consent of the Court. Except as hereinafter provided and unless otherwise set by the Court, any motion for continuance will be filed no later than the Wednesday preceding the trial date and will be heard by the Court in the courtroom at 2:00 p.m. on the Thursday preceding the trial date. Any motion for continuance based upon facts which occur on or after the Wednesday preceding the trial date will be filed as soon as possible and will be heard at a time to be set by the Court.

**Rule 3.03: Trial Procedure**

(a) Any party filing special exceptions, pleas in abatement or other dilatory pleas shall request and obtain a hearing on them at least 30 days prior to the trial date or as soon as possible after the pleading is filed within 30 days of the trial date. Any such matters not heard

are waived.

(b) As soon as practical before the trial date, parties will be notified by the Court to report for trial during the trial week and parties need not appear until called. However, all parties and their attorneys are expected to be available for trial upon short notice during the week that the case has been set for trial. Any case not reached during the week that it is set for trial will be reset by the Court after consultation with the parties.

(c) At the time the parties report for trial they will deliver to the Court and the other parties a witness list, exhibit list, any motion in limine and any requested instructions and questions if a jury trial and proposed findings of fact and conclusions of law if a non-jury trial. Any witnesses and exhibits not shown on such list can be used at the trial only upon leave of the Court. Prior to commencement of trial all exhibits will be marked, exchanged and examined by counsel so that the trial will not be delayed by such examination.

(d) Unless otherwise expressly agreed to by the parties or ordered by the Court, counsel intending to offer videotaped depositions, or other films or videotapes at trial, except those offered solely for impeachment, must make such videotapes and films available to opposing counsel, and serve opposing counsel with page and line designations for videotaped depositions, not later than fourteen (14) days prior to trial for all depositions or other films taken forty-five (45) days or more in advance of trial. Opposing counsel shall then serve the proffering attorney with page and line designations of any portion of the videotape deposition they intend to introduce at trial not later than ten (10) days prior to trial. The proffering attorney shall then serve opposing counsel with page and line designations of any portion of the videotape deposition they further intend to introduce at trial not later than seven (7) days prior to trial. All videotaped depositions and other films taken within forty-five (45) days of trial must be made available, and the aforementioned designations made, as soon as possible to opposing counsel and sufficiently in advance of trial so that a hearing on any objections can be held before commencement of trial. Any videotapes or films not so tendered will not be permitted into evidence at the trial. All parties must timely examine any tendered videotapes or films and request a hearing immediately if there are objections to the admissibility of any part of the videotapes or films. Any objections not heard prior to trial will be waived.

**Rule 3.04: Settlement Prove-Ups and Default Judgment Hearings**

Requests for hearing to approve settlements in cases involving minors and default judgments, where the amount is unliquidated, shall be made to the Court Coordinator who will schedule the same for hearing.

**Rule 3.05: Stipulations and Admissions**

It is the responsibility of each attorney practicing before the Courts of Tarrant County, Texas, to stipulate to all facts which are not in dispute and to waive formal proof as to any

documents to be introduced about which there is no dispute as to authenticity.

**Rule 3.06: Motion Practice**

(a) Parties are directed to use all reasonable means to resolve pre-trial disputes to avoid the necessity of judicial intervention.

(b) No motions, objections or special exceptions will be set for hearing unless the moving party shall have certified in such motion or in a letter substantially the following:

“A conference was held on (date) with (name of attorney for opposing party) on the merits of this motion. A reasonable effort has been made to resolve the dispute without the necessity of court intervention and the effort failed. Therefore it is presented to the Court for determination.”

or

“A conference was not held with (name of opposing attorney) on the merits of this motion because (explanation of inability to confer).”

(c) Court Coordinators are responsible for scheduling the dates and times for hearings. Upon receiving the date and time of hearing, the moving party shall immediately notify all other parties in writing as to the date, time and subject matter of the hearing. A copy of this communication shall be provided to the Court Coordinator.

(d) On request of a party and with consent of the Judge, a matter not requiring a record by the Court Reporter may be conducted by telephone. The moving party shall be responsible for advising opposing parties of the method and time of hearing and shall be responsible for arranging the conference call.

(e) By agreement, parties may submit matters for ruling by the Judge without a personal appearance and oral presentation. The Judge should be advised in writing when such procedure is desired.

(f) Section (b) of this Rule does not pertain to dispositive motions, e.g., Motions for Summary Judgment, Motions to Dismiss and Special Exceptions seeking to dismiss a cause of action, or a Motion for New Trial.

**Rules 3.07 through 3.10-Reserved**

**Rule 3.11: Deposition Guidelines**

(a) In an attempt to have uniformity and save time and expense resulting from

hearings on discovery matters the following guidelines will generally be followed by the Courts on matters pertaining to oral depositions:

(1) A party filing a lawsuit in Tarrant County, or a party properly sued in Tarrant County, must give that party's deposition in Tarrant County, if requested. For purposes of this rule, "party" indicates a party's representative when applicable.

(2) Rule 3.11(a)(1) is subject to modification by the Court upon a showing of good cause.

(3) The party initiating a deposition may elect to take the deposition orally or on written questions and the opposing party may elect to cross-examine orally or on written questions.

(4) The fee for the preparation of an expert's report, not previously reduced to writing and sought under Rule 195.5, Texas Rules of Civil Procedure, shall be paid by the party by whom the expert is employed.

(5) Notice of less than ten (10) calendar days under Rules 21a and 199.2(a), Texas Rules of Civil Procedure, shall be presumed to be unreasonable.

However, these matters are best handled by agreement of the parties, furthermore, parties are not precluded from submitting disputes as to such matters to the Court for determination by proper motion and hearings.

(b) A party initiating an oral deposition shall first attempt to communicate with opposing counsel to determine whether agreement can be reached as to date, time, place and material, to be furnished at the time of deposition. Any written notice of deposition shall state as follows:

"A conference was held (or attempted) with the attorney for opposing party to agree on a date, time, place and materials to be furnished. Agreement could not be reached (or counsel will not respond) and the deposition is therefore being taken pursuant to this notice (or Agreement was reached and this notice complies with the agreement)."

Failure to hold such conference or to make adequate attempt to hold such conference prior to noticing a deposition shall be grounds to quash the deposition.

### **Rule 3.12      Objections to Discovery**

Frivolous objections to discovery requests are subject to sanctions by the trial court, including, e.g., objections to identification of persons having knowledge of relevant facts and identification of testifying expert witnesses.

### **Rules 3.13 through 3.29-Reserved**

#### **Rule 3.30: Matters Requiring Immediate Action**

(a) **Filing.** No application for action or relief of any kind shall be presented to a judge until the application or case has been filed with the clerk and assigned to a court, unless it is impossible to do so. If it is impossible to file an application or case before it is presented to a judge, then it shall be filed as soon thereafter as possible, and the clerk notified of all actions taken by the judge.

(b) **Presentment.** Every application for action or relief of any kind shall be presented first to the judge of the court to which it is assigned. If that judge is not available to hear the application, then it may be presented to any other court with subject matter jurisdiction. After a judge has announced a ruling on the application or deferred ruling, the application shall not be presented to any other judge without leave of the judge to which it was first presented.

(c) **Ex Parte Applications.** Every application for relief ex parte shall contain a certificate signed by counsel that:

(1) To the best of his or her knowledge that party against whom relief is sought ex parte is not represented by counsel in the matter made the basis of the relief sought; or,

(2) Counsel for the party against whom relief is sought ex parte has been notified of the application and has stated whether he or she wishes to be heard; or,

(3) Diligent attempts to notify counsel for the party against whom ex parte relief is sought have been unsuccessful, and the circumstances do not permit additional efforts to give notice.

### **Rules 3.31 through 3.39-Reserved**

#### **Rule 3.40: Private Service of Process**

(a) For purposes of supervision and discipline the court deems those persons authorized to serve citation and other notices by order pursuant to Rule 103, Texas Rules of Civil Procedure to be officers of the court. Any such person filing a false return or engaging in service contrary to law or rule may be subject to punishment by an order of contempt. Such order may prohibit such person from serving citations and notices in Tarrant County.

(b) Any proposed order authorizing private service under Rule 103 will not be signed by the judge unless accompanied by a certificate signed by counsel requesting such an appointment. Such certificate shall set out the name and address of the person to be so authorized and affirm that such person is not less than eighteen (18) years of age, is not a party,

and has no interest in the outcome of the suit in which the authorization is sought.

**Rules 3.41 through 3.89-Reserved**

**Rule 3.90: Dismissal for Want of Prosecution**

(a) The courts will periodically give notice of their intention to dismiss for want of prosecution. Such notice will be give at least thirty (30) days prior to the signing of consequent dismissal order.

(b) The clerk shall provide notice of the court's intention to dismiss for want of prosecution by complying with the provisions of Paragraph (1) of Rule 165a of the Texas Rules of Civil Procedure.

**Rules 3.91 through 3.99-Reserved**

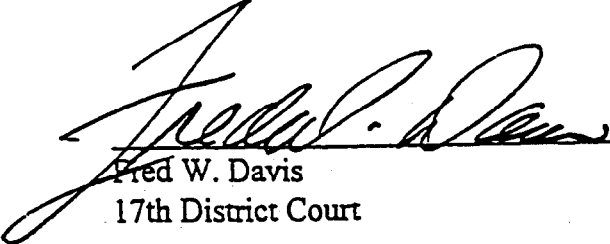
**Part 4. Rules for Disposition of Family Law Cases**

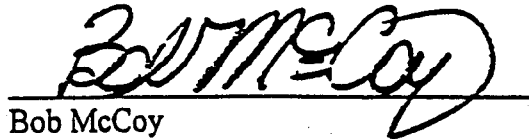
**Rules 4.01 through 4.99-Reserved**


**Part 5. Rules for Disposition of Criminal Cases**


**Rules 5.01 through 5.99-Reserved**

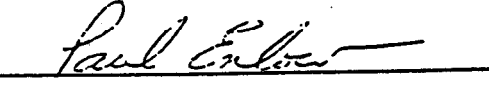
APPROVED


  
Fred W. Davis  
17th District Court

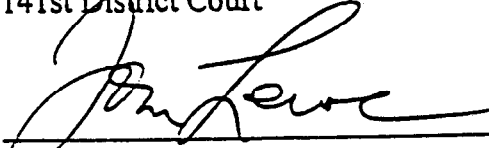
  
Bob McCoy  
48th District Court

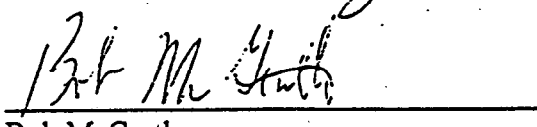
  
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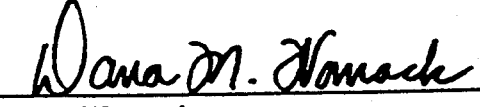
  
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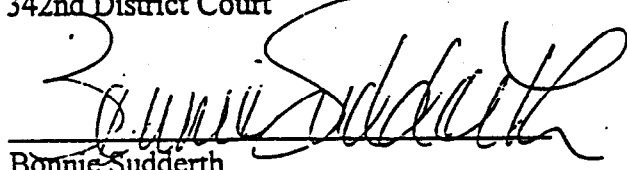
  
Paul Enlow  
141st District Court

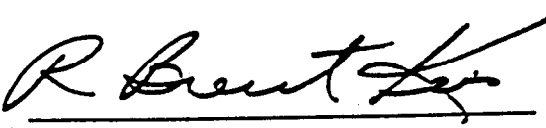
  
Ken Curry  
153rd District Court

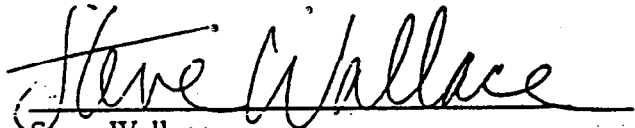
  
Tom Lowe  
236th District Court

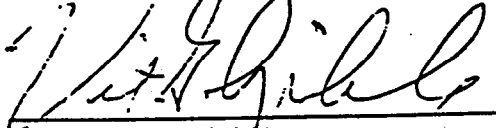
  
Bob McGrath  
342nd District Court

  
Dana Womack  
348th District Court

  
Bonnie Sudderth  
352nd District Court

  
R. Brent Keis  
County Court at Law #1

  
Steve Wallace  
County Court at Law #2

  
Vincent G. Sprinkle  
County Court at Law #3

**ORDER OF THE SUPREME COURT OF TEXAS**

Misc. Docket No. 99- 9164

**Approval of Local Rules of the  
Civil Courts of Tarrant County, Texas**

IT IS ORDERED that:

Pursuant to Texas Rule of Civil Procedure 3a, the Supreme Court of Texas approves the attached Local Rules of the Civil Courts of Tarrant County, Texas. This order is temporary pending further orders of this Court. In particular, Rule 1.07, which concerns filing of discovery and which originated prior to the effective date of Texas Rule of Civil Procedure 191.4, is subject to repeal or revision pending study by the Supreme Court's Rules of Civil Procedure Advisory Committee.

By the Court, en banc, in chambers, this 13<sup>th</sup> day of September 1999.

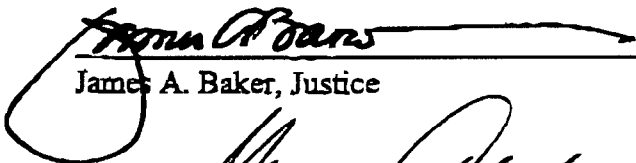
  
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Thomas R. Phillips, Chief Justice

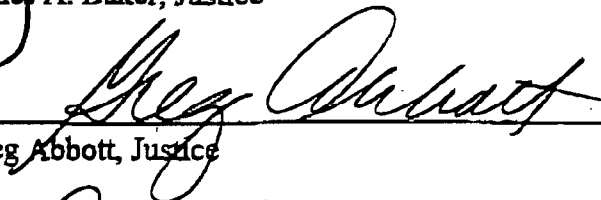
  
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Nathan L. Hecht, Justice

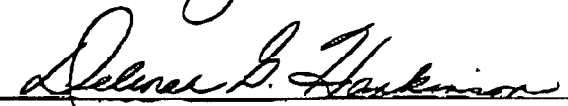
  
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Craig T. Enoch, Justice

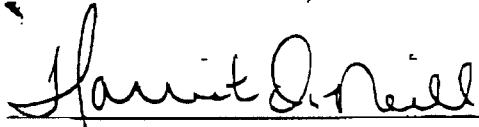
  
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Priscilla R. Owen, Justice

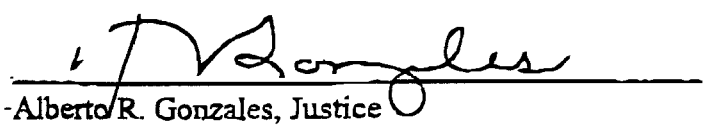


  
James A. Baker, Justice

  
Greg Abbott, Justice

  
Deborah G. Hankinson, Justice

  
Harriet O'Neill, Justice

  
Alberto R. Gonzales, Justice