

**IN THE SUPREME COURT OF TEXAS**

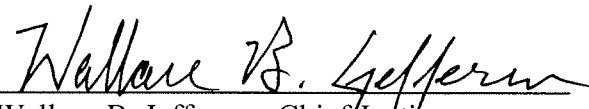
Misc. Docket No. 09- 9194

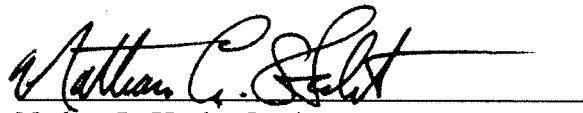
**APPROVAL OF AMENDMENTS TO LOCAL RULES FOR THE  
COUNTY COURTS AT LAW OF MONTGOMERY COUNTY**

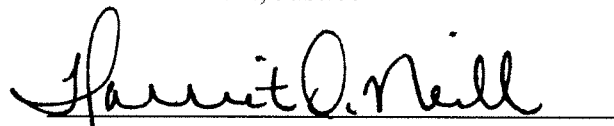
**ORDERED** that:

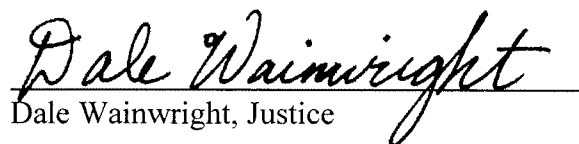
Pursuant to Texas Rule of Civil Procedure 3a, the Supreme Court of Texas approves the following amendments to the local rules for the county courts at law of Montgomery County.

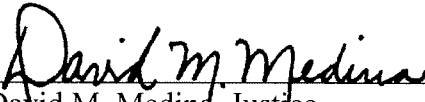
SIGNED this 15th day of December, 2009.

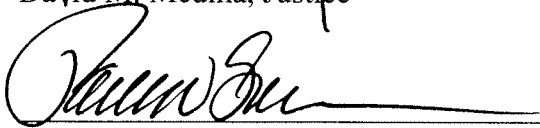
  
Wallace B. Jefferson, Chief Justice

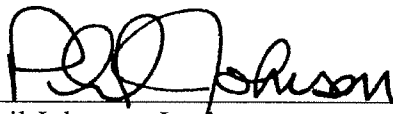
  
Nathan L. Hecht, Justice

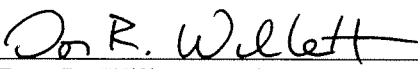
  
Harriet O'Neill, Justice

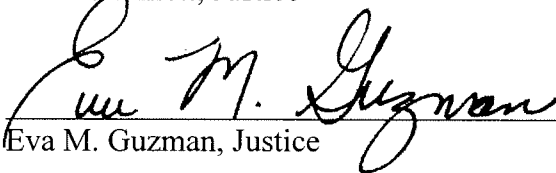
  
Dale Wainwright, Justice

  
David M. Medina, Justice

  
Paul W. Green, Justice

  
Phil Johnson, Justice

  
Don R. Willett, Justice

  
Eva M. Guzman, Justice

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# **LOCAL RULES OF THE COUNTY COURTS AT LAW OF MONTGOMERY COUNTY, TEXAS**

The primary purpose of the Local Rules of the County Courts at Law of Montgomery County is the management of the court dockets sensibly, efficiently and fairly. These rules are to be an aid to the just disposition of cases without unnecessary delay or expense.

## **I. LOCAL RULES OF ADMINISTRATION**

### **Authority**

These Local Rules of Administration are made pursuant to Texas Government Code §74.093.

### **RULE 1 Application**

These rules apply to all cases, including civil, criminal, probate, mental health code, and family in which the County Courts at Law have exclusive jurisdiction or concurrent jurisdiction with the District Courts or County Court of Montgomery County, Texas. Nothing in these rules shall operate to expand the jurisdictional limitation of the courts as defined by statute.

### **RULE 2 Assignment of Cases**

(a) The County Clerk shall be directed to assign and file cases among the County Courts at Law in accordance with this rule:

(1) **Criminal Cases.** Criminal cases, within the jurisdiction of the County Courts at Law, shall be assigned to County Courts at Law #1, 3, 4 & 5. The allocation of the criminal cases among these assigned courts shall be as directed by written order signed by a majority of the County Courts at Law judges and filed with the County Clerk. The order of allocation may



thereafter be amended from time to time by written order of a majority of the County Courts at Law judges and filed with the County Clerk.

**i. New Cases After Assignment.** After assignment but while pending, the clerk shall assign any new cases against a defendant to the same court, or any new case will be transferred to the same court.

**ii. Re-filings.** The clerk shall assign any re-filings against the same defendant to the same court in which the prior case was assigned.

**iii. Post Conviction Proceedings.** 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.

**(2) Probate Cases.** All probate cases, and cases filed pursuant to the Texas Probate Code, within the exclusive jurisdiction of the County Courts at Law, shall be assigned to County Court at Law #2.

**(3) Health and Safety Code.** All cases within the jurisdiction of the County Courts at Law and filed pursuant to the Texas Health and Safety Code (including Title 7 Mental Health Code) shall be assigned to County Court at Law #2.

**(4) Civil Cases Exclusive to County Courts at Law or Concurrent with County Court.** All other cases within the exclusive jurisdiction of the County Courts at Law, or within the County Courts at Law concurrent jurisdiction with the County Court, shall be assigned to County Court at Law #2, except eminent domain cases filed pursuant to Texas Property Code which cases shall be assigned pursuant to statute.

**(b)** The District Clerk shall be directed to assign and file cases in the County Courts at Law as follows:

**(1) Family Cases.** All cases filed pursuant to the Texas Family Code and within the concurrent jurisdiction of the County Courts at Law, except Title 3 cases, shall be allocated between the District Courts and County Courts at Law according to a written order of assignment signed by the Administrative Judges of the District Courts and County Courts at Law and filed with the District Clerk. The order of allocation may thereafter be amended from time to time by written order of the Administrative Judges of the District Courts and County Courts At Law and filed with the District Clerk. Those cases allocated to the County Courts at Law shall be distributed between County Courts at Law #1, #3, and #4 on an equal rotation. This order of distribution among the County Courts at Law may be amended from time to time by written order signed by the Administrative Judge of the County Courts at Law and a majority of the County Court at Law Judges.

**(2) Juvenile Cases.** All cases filed pursuant to Title 3 of the Texas Family Code shall be assigned to a court(s) according to a written order of assignment signed by the Administrative Judges of the District Courts and County Courts at Law and filed with the District Clerk. The order of assignment may thereafter be amended from time to time by written order of the Administrative judges of the District Courts and County Courts at Law and filed with the District Clerk.

**(3) Civil Cases within Concurrent Jurisdiction with District Courts.** All civil cases within the concurrent jurisdiction of the County Courts at Law and District Courts shall be assigned between the District Courts and County Courts at Law according to a written order of assignment signed by the Administrative Judges of the District Courts and County Courts at Law and filed with the District Clerk. The order of assignment may thereafter be amended from time to time by written order of the Administrative Judges of the District Courts and County Courts at Law and filed with the District Clerk. The concurrent civil cases allocated to the County Courts at Law shall be assigned to County Court at Law #2. This order of assignment may be amended from time to time by written order signed by the Administrative Judge for the County Courts at Law and by a majority of the County Court at Law Judges.

(c) Once assigned to a court, a case will remain on the docket of that court for all purposes unless transferred or reassigned as provided in these rules or other rules of law.

### **RULE 3 Local Administrative County Court at Law Judge**

(a) **Election of the Administrative Judge.** Pursuant to Section 74.091 of the Texas Government Code, a majority of the County Courts at Law Judges will elect a Local Administrative County Court at Law Judge for a one-year term at the December meeting of each year to commence on January 1st of the following year.

(b) **Duties.** The Local Administrative County Court at Law Judge will have the duties and responsibilities provided in Government Code Section 74.092.

(c) **Meetings of the Judges.** The Local Administrative County Court at Law Judge or a majority of the County Courts at Law Judges shall call meetings of the Judges as needed. The Local Administrative County Court at Law Judge shall preside over such meetings, and in his/her absence, a temporary chairperson may be elected by a majority of the quorum.

### **RULE 4 Time Standards for the Disposition of Cases**

Pursuant to Texas Rules of Judicial Administration, Rule 6, the judges of the county court at law in which cases are filed should, so far as reasonably possible, ensure that all cases are brought to trial or final disposition in accordance with the following standards:

(a) **Criminal Cases.**

Subject to the provisions of Texas Code of Criminal Procedure Art. 32.01, criminal cases, as far as reasonably possible should be brought to trial within six months of arrest or of filing of complaint, whichever is earlier.

(b) **Family Cases.**

(1) For contested 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. For uncontested 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.

(2) Department of Regulatory Services Cases. Disposition of Texas Department of Family and Protective Services cases shall be in conformity with those provisions set forth in Title 5 of the Texas Family Code.

(c) **Civil Cases Other than Family Law.**

For jury cases, within 18 months from appearance date. For, nonjury cases, within 12 months from appearance date.

(d) **Juvenile Cases.**

Pursuant to Title 3, section 51.01 V.T.C.A. Texas Family Code and:

(1) **Detention Hearings.**

On the next business date following admission to any detention facility.

(2) **Adjudicatory or Transfer (Waiver) Hearings.**

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

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.

(e) **Complex Cases.**

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

## **RULE 5      Transfer of Cases; Docket Exchange; Bench Exchange**

- (a)      **Transfer.**            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 County Court at Law Judge.
- (b)      **Exchange of Cases.** The courts may at any time exchange cases and benches to accommodate their dockets or to expedite the court's trials.
- (c)      **Previous Judgment or Filing.** Any claim for relief based upon a previous judgment shall be assigned to the court of original judgment. If a case is filed in which there is a substantial identity of parties and causes of action in a previously non-suited case, the later case shall be assigned to the court where the prior case was pending.
- (d)      **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 numbered case and assigned to that court.
- (e)      **Severance.** If a severance is granted, the new case will be assigned to the court where the original case is pending; however, a new file date and a new cause number will be assigned to the now severed case.
- (f)      **Presiding for Another Judge.** In all cases where a judge presides for another court, the case shall remain pending in the original court.
- (g)      **Fair Distribution.** The Administrative County Court at Law Judge may transfer cases between courts if he/she finds that a court has an inequitable burden due to illness, complex litigation, trial schedule, or other sufficient reasons.
- (h)      **Removal to District Court.** A case which has been assigned to a County Court at Law in error because the subject matter is within the exclusive jurisdiction of the District Courts will be returned to the District Clerk for reassignment to a District Court.

## **RULE 6 Court Coordinator/Administrator**

Each court shall appoint a court coordinator/administrator. It shall be the duty of each court coordinator/administrator to:

- (a) Establish procedures for setting cases for trial and hearings;
- (b) Notify all counsel of settings and rulings of the court as is provided by these rules or at the direction of the court;
- (c) Prepare scheduling orders for all cases assigned to their court;
- (d) Coordinate all setting requests; and
- (e) Coordinate with the Juror Coordinator of the District Clerk's office concerning jury trials and juror requirements.

## **RULE 7 Adoption, Approval and Amendment of Local Rules of Administration.**

These Local Rules of Administration are adopted by the County Courts at Law Judges for all purposes and by the District Judges for those provisions that affect the concurrent jurisdiction of the district courts. Upon the signature of the Judge of Second Administrative Region, the majority of judges of the County Courts at Law and District Judges, and upon approval by the Supreme Court of Texas, these Local Rules of Administration shall become immediately effective. Thereafter, these Local Rules of Administration may be amended, supplemented or modified by the majority vote of the judges of the County Courts at Law of Montgomery County, Texas, without further approval of the Supreme Court of Texas. Any amendments to these rules of administration shall not become effective until filed with the District and County Clerks of Montgomery County, Texas and posted and or published for thirty days thereafter in a manner reasonably calculated to bring it to the attention of attorneys practicing before the courts.

The District Clerk and County Clerk are directed to record these Rules in the Civil Minutes of the County Courts at Law #1, 2, 3, 4, and 5.

**II.**  
**LOCAL RULES OF PRACTICE**  
**BEFORE THE COUNTY COURTS AT LAW**

**Authority**

These Local Rules of Practice are made pursuant to Texas Rules Civil Procedure Rule 3a.

**RULE 1**  
**General Rules of Practice**

**Rule 1.1     Lawyer's Creed Applicable.**

The Texas Lawyer's Creed shall be observed in all proceedings before the courts.

**Rule 1.2     Conflicting Trial and Ancillary Settings.**

**(a)     Conflicting Trial Settings.**     It is the duty of an attorney to notify all courts in which an attorney has conflicting settings as soon 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:

- (1)     Mental Health Code proceedings
- (2)     Juvenile cases
- (3)     Criminal cases
- (4)     Cases given preference by statute
- (5)     Preferentially set cases
- (6)     Cases with lowest file number
- (7)     Cases with earliest setting request date

**(b)     Conflicting Ancillary Hearings.**     It is the duty of an attorney with conflicting ancillary settings to notify opposing counsel of the conflict immediately upon learning of same. The attorney shall inform the court prior to docket call of the location of counsel, the court or courts where counsel is appearing, the matter being heard and the estimated time of appearance.

Failure to notify the court of such conflict may result in a default on the matter before the court, or sanctions.

**(c) Designation of Attorney in Charge.** Every case shall have a designation of attorney in charge.

### **Rule 1.3 Attorney Vacations**

Each attorney who desires to assure himself/herself a vacation for a period not to exceed four weeks may do so automatically by complying with the Rule 11 of the Second Administrative Region of Texas Regional Rules of Administration.

## **RULE 2 Civil Cases**

### **RULE 2.1 Filing and Settings**

**(a) Place of Filing.** All civil cases which the County Courts at Law Courts of Montgomery County have concurrent jurisdiction with the District Courts shall be filed in the District Clerk's office. All civil cases of which the County Courts at Law have exclusive jurisdiction, or concurrent jurisdiction with the County Court, will be filed in the County Clerk's office.

**(b) Civil Case Information Sheet.** All civil cases filed in the District Clerk's office of Montgomery County shall have attached a Civil Case information sheet which shall be on a form furnished by the District Clerk and shall indicate the type of action and monetary damages sought and any other information that the District Clerk requires.

**(c) Setting Requests**

**(1) Cases filed with County Clerk.** Requests for hearings shall be made in writing to the court in which the matter is pending and the attorneys making such request shall serve all counsel and parties appearing pro se with notice of the hearing.



**(2) Cases filed with District Clerk.** Requests for hearings shall be made in writing to the court in which the matter is pending in accordance with these rules or the scheduling order of the court, and the attorneys making such request shall serve all counsel and parties appearing pro se with notice of the hearing.

**(d) Docket Control Orders.** Each court may generate docket control orders for each civil case pending, at the direction of the court. The order shall contain a trial setting, cut off date for discovery, pretrial conference date and any other requirements as established by each individual court.

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

**(1)** All requests for non jury trials before the court shall be set by the court at the earliest possible trial date on those dates established by the court for non jury weeks with 45 days notice. The request shall be in writing and copies of said request served upon all attorneys and parties pro se involved in the case. The court shall have sole discretion as to which non jury trial week the case will be assigned. The party obtaining the setting shall notify all counsel and parties appearing pro se of the setting.

**(2)** All requests for jury trials shall be in writing and copies of said request served upon all attorneys and parties pro se involved in the case. The court shall have sole discretion as to which jury trial week the case will be assigned. The party obtaining the setting shall notify all counsel and parties appearing pro se of the setting.

**(3)** If a case is not tried the week it is assigned, the court may reset the case to a date certain.

**(4)** All requests for preferential trial settings shall be made in writing with notice to all counsel and parties appearing pro se. The court shall set the matter for a hearing on the earliest possible date.

## **Rule 2.2 Dismissal Docket; Involuntary Dismissals**

**(a) Dismissal Dockets.** All cases not prosecuted with diligence shall be placed on the dismissal docket by the Court.

**(b) Notice.** When a case has been placed on the dismissal docket, the court shall promptly send notice of the court's intention to dismiss for want of prosecution to each attorney of record and pro se party whose address is shown in the clerk's file. A copy of such notice shall be filed with the papers of the cause.

**(c) Motion to Retain.** Unless a written motion to retain has been filed prior to the dismissal date as set forth in the notice of intention to dismiss, such case shall be dismissed. Notice of the signing of the order of dismissal shall be given as required by Rule 165 (a) of the Texas Rules of Civil Procedure. Failure to mail notices as set out above shall not affect any of the periods mentioned in Rule 306 (a) of the Texas Rules of Civil Procedure except as provided in that rule.

**(d) Motion for Reinstatement.** A motion for reinstatement after dismissal shall follow the procedure and be governed by the provisions of Rule 165 (a) of the Texas Rules of Civil Procedure, relating to reinstatement.

## **Rule 2.3 Hearings on Pre-Trial Motions**

**(a) Form.** Motions and responses shall be in writing and shall be accompanied by a proposed order granting or denying the relief sought. The proposed order shall be a separate instrument.

**(b) Submission.** Motions shall state a date of submission which shall be at least 10 days from filing, except on leave of court. The motion will be submitted to the court upon that date.

**(c) Response.** Responses shall be in writing. Responses shall be filed at least two working days before the submission date. Failure to file a response may be considered a representation of no opposition.

**(d) Oral Argument.** The motion or response may include a request for oral argument. Said request shall be in writing and set forth reasons for the necessity of such hearing. It is in the sound discretion of the court whether to grant the request for oral hearing. A request for an oral argument is not a response under Rule 2.3. (c).

**(e) Certificate of Conference.** Opposed motions and responses shall contain a Certificate of Conference indicating that the counsel involved have attempted to resolve the dispute prior to filing of the motion or response, the date of such attempt and the manner of communication of such an attempt, or any other requirement of the court.

## **Rule 2.4 Continuances**

Any motion for continuance of the trial setting shall be filed and presented to the court pursuant to Texas Rules of Civil Procedure, unless modified by the docket control order filed in the case. The order granting such motion shall contain an order resetting the case for trial for a specific date and time.

## **Rule 2.5 Alternate Dispute Resolution and Mediation**

**(a) Alternate Dispute Resolution.** In order to encourage the early settlement of disputes and to carry out the responsibilities of the courts set out in Chapter 154 of the Texas Civil Practices and Remedies Code, appropriate alternative dispute resolution procedures will be encouraged and utilized.

**(b) Mediation.** The courts encourage mediation in order to facilitate the settlement of disputes and litigation. Each court shall adopt a procedure for the use of mediation in all civil cases. It is in the sound discretion of the trial court whom to use as a mediator and the procedures for same.

## **Rule 2.6 Settlements**

All trial counsel are required to make a bona fide effort to settle cases at the earliest possible date before trial. The court will expect counsel to confer with his/her client and with opposing counsel concerning settlement offers. When an attorney settles

or dismisses a case which is set for trial, he shall give notice to the court as soon as possible.

### **Rule 2.7 Jury Charge Questions and Instructions**

Each party shall prepare in proper written form and present to the court in accordance with a docket control order, or, if none, prior to trial or the jury selection all jury charge questions and instructions which are raised by the pleadings and evidence and upon which the party has an affirmative burden.

### **Rule 2.8 Guardians and Attorneys Ad Litem**

When it is necessary for the court to appoint a guardian ad litem for minor or incompetent parties or an attorney ad litem for absent parties, independent counsel, not suggested by any of the parties or their counsel, will be appointed. However, the court may appoint an attorney who is already counsel of record for one of the parties if the court finds that no conflict of interest or other circumstances exist which would prevent such attorney from providing adequate representation for such minor, incompetent or absent parties. All orders for payment of ad litem fees shall be prepared on a separate order independent from any other order in the proceeding.

### **Rule 2.9 Entry of Interim Orders**

An interim order is any temporary order entered by the court during the pendency of the suit. In the event that the court renders an oral interim order, the court shall require a party to prepare a written order complying with the court's rendition and set a hearing date for entry. The party preparing the order shall obtain approval as to form from the opposing counsel or pro se litigant. Unreasonable refusal may result in sanctions imposed by the court.

### **Rule 2.10 Entry of Final Orders**

In the event that the court renders an oral final order, the court shall require a party to prepare a written final order complying with the court's ruling and set a hearing date for entry. The party preparing the order shall obtain approval as to form from the

opposing counsel or pro se litigant. Unreasonable refusal may result in sanctions imposed by the court.

## **Rule 2.11 Requests of the District Clerk or County Clerk**

(a) **Written Requests.** All parties desiring copies of documents from the District or County Clerk shall furnish the clerk return envelopes properly addressed and stamped. Except as provided elsewhere in these rules, no conformed copies shall be made or furnished nor shall searches or research be performed for counsel or the public, free of charge. All mail received with postage due will be returned to sender.

### **(b) Telephone Requests**

(1) **District Clerk.** The District Clerk shall limit response to telephone requests for information to the following:

- i. Whether answer has been filed.
- ii. Existence and setting of a case.
- iii. Return of service and date.
- iv. Correct style of case when correct case number is supplied.
- v. Whether an order has been signed.

(2) **County Clerk.** The County Clerk shall limit response to telephone requests for information to the litigant(s) or attorney(s) of record. Any person who is not a party to the suit shall be required to submit a written request for information with the appropriate fee for such service, or they may use the public information computer terminal located in the Clerk's Office for research purposes.

## **Rule 2.12 Filing of Pleadings**

All pleadings, motions, orders and other papers, including exhibits attached thereto, when offered for filing or entry, shall be on 8-1/2" x 11" paper, descriptively titled, and punched at the top of the page to accommodate clerk's 2.75" center-to-center

flat-filing system. Each page of each instrument shall on the lower right-hand margin thereof be numbered and titled, i.e., "Plaintiff's Original Petition Page 2." Orders and Judgments shall be separate documents completely separated from all other papers. If documents not conforming to this rule are offered, the clerk shall return the documents to the counsel or party unfiled. Counsel shall furnish the clerk with sufficient copies to perfect service or notice.

### **Rule 2.13 Service of Process**

The Courts have adopted a blanket order permitting private process of service pursuant to Rule 103 of the Texas Rules of Civil Procedure. Applications for approval shall be presented to the presiding Administrative District Judge.

## **Rule 3 Probate Cases**

### **Rule 3.1 Filing**

All probate cases will be filed in the County Clerk's office.

### **Rule 3.2 Ad litem in Heirship Cases**

An order for the appointment of an attorney ad litem must accompany each application for heirship filed.

### **Rule 3.3 Ad litem in Guardianship Cases**

(a) An attorney shall be appointed by the court as attorney ad litem for the proposed ward in guardianship cases. Such ad litem's duty ceases upon establishment of the guardianship unless specifically extended by the court.

(b) An order for the appointment of an ad litem must accompany each application for guardianship.

### **Rule 3.4 Successor Guardians - Necessity for Ad litem**

The necessity of an attorney ad litem in an application for successor guardian is in the discretion of the court.

### **Rule 3.5 Service in Decedent's Estates**

In each case where a will is offered for probate, service shall be in the identical name of the deceased contained in the will.

### **Rule 3.6 Bonds**

(a) Whenever a surety bond is required in a decedent's estate or guardianship, only authorized corporate sureties will be allowed.

(b) In a guardianship of a person only, and if the estate is negligible or nonexistent, personal sureties may be allowed, or sureties may be waived in the court's discretion.

### **Rule 3.7 Notification of Ad Litem**

The applicant's lawyer shall notify, without delay, an ad litem of the appointment and any setting. Each party must furnish copies of pleadings, orders, and other documents filed to the ad litem.

### **Rule 3.8 Closing Dependent Estates**

The following procedure must be followed in closing dependent estate:

- (a) File proper final accounts with necessary service.
- (b) Obtain court approval.
- (c) File application to distribute assets if assets remain in estate.
- (d) Steps a and c may be combined.

- (e) File application to close estate and release bond with attached distribution receipts.
- (f) Obtain court ruling.
- (g) If no property remains to be distributed, steps a, b, e and f may be combined in one proceeding.

### **Rule 3.9 Sales of Real Property**

In addition to all requirements of law for sale of real property, the following shall be strictly observed:

- (a) Upon the application of sale being filed, the clerk shall issue citation to all persons interested in the estate according to law.
- (b) Before ordering the sale, the court must find that the bond, if required, is adequate without considering the receipt of proceeds of the sale.
- (c) After report of sale is filed and before the court confirms the sale, the court must find that the bond is adequate to protect the general estate and the proceeds of the sale.
- (d) Before confirming the sale the court shall require written competent evidence of the fair market value of property sold.

### **Rule 3.10 Attorney of Record Duration**

Each attorney of record, except ad litem attorneys, remains attorney of record until the case is closed, unless allowed to withdraw by order of the court.



## **RULE 4**

### **Family Law Cases**

#### **Rule 4.1 Inventories and Financial Information Statements**

**(a) Initial Filing.** Inventories and Financial Information Statements shall be filed in all domestic relations cases related to divorce. Financial Information Statements shall be filed in all cases involving modification of conservatorship, support or periods of possession.

**(b) 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 is required prior to commencement of the hearing.

**(c) Trial.** A party's final Inventory, Financial Information Statement and financial information required under the Family Code, as well as suggested findings regarding child support and a proposed division of property shall be exchanged no later than thirty (30) days before trial, or as required by the docket control order, and filed with the court before the commencement of trial. 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 such children.

**(d) Failure to file Financial Information Statements and Inventories.**

Failure of either party to file Financial Information Statements or Inventories will result in the court adopting as stipulated the information filed by the complying party. The noncomplying party will be prohibited from contesting the accuracy of the information presented by the complying party. If both parties fail to comply with these rules, the court may strike the case from the docket.

#### **Rule 4.2 Parent Education and Counseling**

In suits affecting the parent-child relationship, referral shall be made requiring the parents' attendance at an educational program for divorcing parents, except for good cause shown. In the discretion of the court, such a referral may also be made for parents involved in modification or enforcement litigation. Counseling may also be ordered in appropriate cases as authorized by the Family Code, including referral to a family violence program pursuant to a protective order under Chapter 71 of the Family Code.

**Rule 4.3 Ex Parte Restraining Orders, Protective Orders and Temporary Orders**

**(a) Ex Parte Restraining Orders and Protective Orders**

Ex Parte Restraining Orders and Protective Orders shall be presented to the court in which it has been assigned. If the presiding judge of said court is not available, then the Ex Parte Order or Protective Order may be presented to any sitting District or County Court at Law Judge available. In all cases, only the court coordinator/administrator of the court to which the case is assigned may set the hearing.

**(b) Temporary Orders Entry**

All temporary orders shall be presented to the court for entry within ten (10) days after the hearing or at the entry date set by the court. Failure to comply could subject the case to dismissal.

**Rule 4.4 Discovery**

In all cases the following items shall be exchanged without objection upon a written request of counsel:

- (a)** Parties or individual income tax returns for two years preceding the year of the request;
- (b)** Copies of all insurance policies, including home, auto, life and medical.
- (c)** Copies of all promissory notes, deeds of trust and deeds evidencing ownership of real estate, including contract for deeds and time sharing contracts.
- (d)** Copies of all stocks, mutual fund participation and investment portfolios and account statements relating thereto, held by the parties, in the name of the parties, or for the benefit of the parties.
- (e)** Copies of all documents concerning employee benefits, retirement benefits and pension funds.

- (f) The preceding six (6) months statements for all credit card accounts in the name of the parties, or either party.
- (g) Wage statements or statement showing year to date earnings of the party.

## **RULE 5**

### **Criminal Cases**

#### **Rule 5.1 Attendance at All Settings**

Defendants must be personally present in court at all settings except:

- (a) at arraignment if a waiver of arraignment and reset are filed with the Court prior to noon the business day immediately prior to the arraignment setting;
- (b) if the Defendant is represented by counsel, the Defendant need not be present at the Call Docket of the Trial Setting, unless specifically ordered to be present at the Call Docket.

#### **Rule 5.2 Settings and Resets**

- (a) Defendants who appear at arraignment without counsel will receive a reset, not to exceed thirty days, for the purpose of retaining counsel if the Defendant so requests.
- (b) When a case is reset, a reset form must be signed by the Defendant and counsel representing the Defendant. Resets must be on forms provided by the Criminal Court Clerk.
- (c) At arraignment, a case may be reset by the clerk to a pretrial docket within 60 days. The defendant is entitled to one additional pre-trial setting, not to exceed thirty days. Any other request for reset shall require the written consent of the Court.

- d. At the first setting on a Motion to Revoke, the Motion to Revoke shall be set for final trial on the next Motions Docket of the Court, except with leave of Court.

### **Rule 5.3 Motions**

- a. Either party may file a motion(s) and set same for hearing at either a Pre-trial or Motions docket with at least 10 days notice to the other party.
- b. Motions requiring testimony shall be set on a Motions docket. Motions not requiring testimony may be heard on a PreTrial docket.
- c. Each Court has an approved standard Discovery Order which may be presented to the Judge of the Court at any time, but not later than 30 days prior to trial. Upon the Judge signing the Discovery Order, a copy shall be immediately provided to the State's attorney by the Defendant along with a certification of service. Motions for the standard Discovery Order need not be placed on a Motions docket. If a case requires discovery of items not covered by the standard Discovery Order, an attorney may set a motion for discovery for hearing.
- d. All Code of Criminal Procedure sec. 28.01 motions shall be filed and set pursuant to Code of Criminal Procedure sec. 28.01 unless modified in this Rule 5.

## **RULE 6 Adoption, Approval and Notice**

### **Rule 6.1 Adoption**

These local rules of practice before the courts are adopted by the County Courts at Law Judges, pursuant to T.R.C.P. Rule 3a for all purposes and by the District Judges for those provisions that effect the concurrent jurisdiction of the district courts.

## **Rule 6.2 Approval**

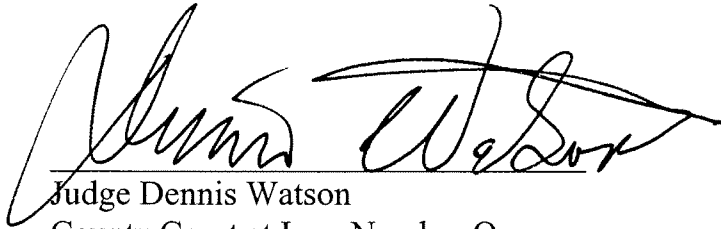
Upon approval by the Judge of the Second Administrative Region and the Supreme Court of Texas, these amended Local Rules of Practice Before the County Courts at Law of Montgomery County, Texas shall become effective immediately after posting in conformity with T.R.C.P 3a, and so long thereafter until amended, repealed or modified. 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.

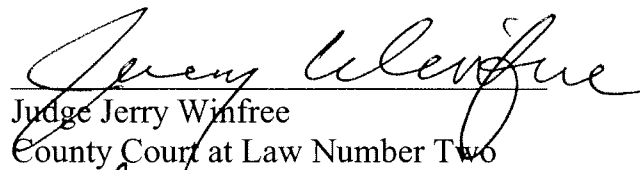
## **Rule 6.3 Notice**

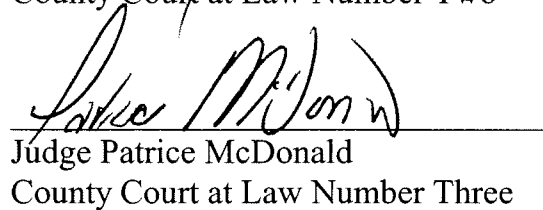
The District Clerk and County Clerk are directed to furnish a copy of these Local Rules of Practice Before the County Courts at Law of Montgomery County, Texas to the Supreme Court of Texas pursuant to Rule 3 (a) of the Texas Rules of Civil Procedure and to record these Rules in the Civil Minutes of the 9th, 221st, 284th, 359th, 410th, 418<sup>th</sup>, and 435th District Courts and the County Courts at Law Numbers One, Two, Three, Four, and Five and all additional District Courts and County Courts at Law hereinafter created.

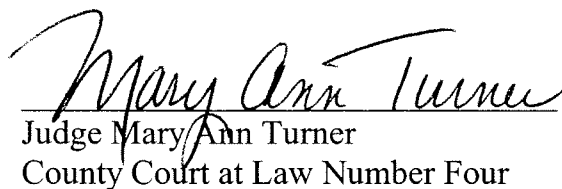
All previous local rules in the County Courts at Law of Montgomery County are hereby repealed.

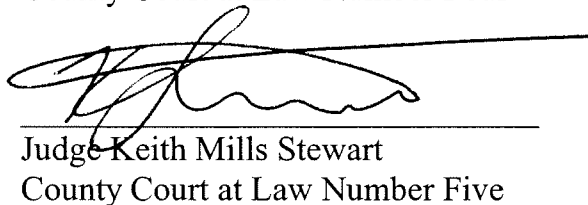
These Rules of Administration and Rules of Practice for the County Courts at Law of Montgomery County, Texas are adopted and approved this the 28 day of April, 2009.

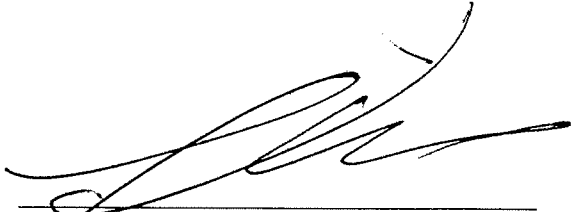
  
Judge Dennis Watson  
County Court at Law Number One

  
Judge Jerry Winfree  
County Court at Law Number Two

  
Judge Patrice McDonald  
County Court at Law Number Three

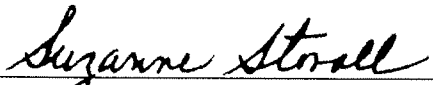
  
Judge Mary Ann Turner  
County Court at Law Number Four

  
Judge Keith Mills Stewart  
County Court at Law Number Five



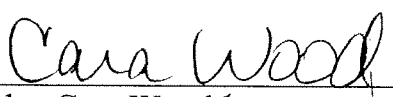
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Judge Fred Edwards  
9th District Court



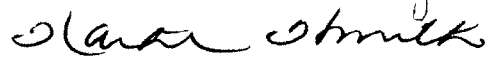
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Judge Suzanne Stovall  
221st District Court



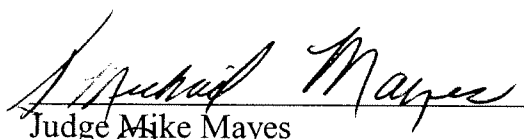
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Judge Cara Woods  
284th District Court



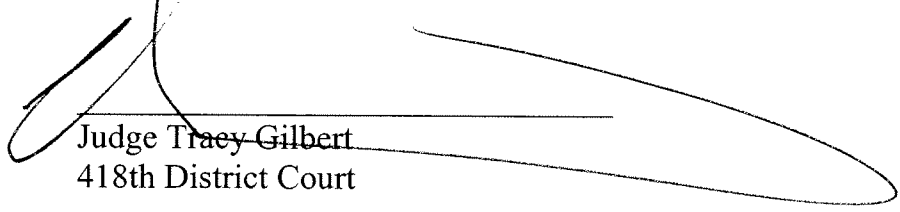
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Judge Kathleen Hamilton  
359th District Court



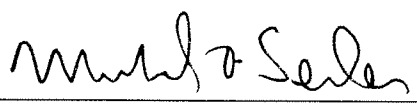
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Judge Mike Mayes  
410th District Court



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Judge Tracy Gilbert  
418th District Court



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Judge Mike Seiler  
435th District Court

**Approval by the Second Administrative Regional Judge**

Approved on the \_\_\_\_\_ day of \_\_\_\_\_, of the year 20\_\_\_\_, by Judge Olen Underwood, Regional Judge for the Second Administrative Judicial Region of the State of Texas.

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Judge Olen Underwood

Presiding Judge of the Second Administrative Judicial Region of the State of Texas





## DENNIS WATSON

*Judge, County Court at Law No. One*

210 West Davis, Suite 201

Conroe, TX 77301

(936) 539-7831

(281) 353-9791

(936) 538-8090 (fax)

Peggy Inglet  
Court Coordinator  
[peggy.inglet@mctx.org](mailto:peggy.inglet@mctx.org)

J. Renae Young  
Official Court Reporter  
[renae.young@mctx.org](mailto:renae.young@mctx.org)

December 3, 2009

Ms. Kennon Pederson  
Attorney at Law  
P O Box 12248  
Austin, TX 78711

**Re: Requested Changes to Local Rules of the County Courts at Law of Montgomery County, Texas**

Dear Ms. Pederson;

In accordance with your request for clerical changes to our Local Rules, enclosed you will find five pages with the changes, along with the Judges' approval of same.

Should you need anything further, please let us know.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis Watson", written over a horizontal line.

Dennis Watson, Administrative Judge  
County Courts at Law  
Montgomery County, Texas

DW/pi  
Enclosures



**Patrice McDonald**

*Judge, County Court at Law No. Three*

Linda Newlin  
*Court Coordinator*  
lnewlin@co.montgomery.tx.us

Cathy Busa  
*Court Reporter*  
cbusa@co.montgomery.tx.us

Erika Herrera  
*Criminal Court Clerk*

November 17, 2009

C. Tidwell  
*Court Bailiff*

M E M O

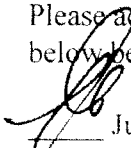
To: District Court Judges Edwards, Stovall, Woods, Hamilton, Mayes,  
Gilbert, and Seiler

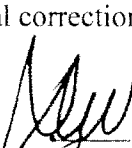
County Court at Law Judges Watson, Winfree, Turner and Stewart


Subject: Montgomery County Local Rules

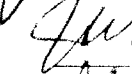
My office received a call from Kennon Peterson at the offices of the Supreme Court on Friday, November 13, advising that the Justices had signed off on our revised Local Rules. However, she asked that we make five minor clerical corrections (which have been highlighted on the attached copy), before the rules are printed. She intends to substitute the corrected pages into the signed document.


Please acknowledge your approval of the clerical corrections to the Local Rules by initialing below beside your name.

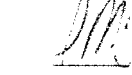
 Judge Fred Edwards

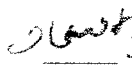
 Judge Dennis Watson

 Judge Suzanne Stovall


 Judge Jerry Winfree


 Judge Cara Wood


 Judge Patrice McDonald


 Judge Kathleen Hamilton

 Judge Mary Ann Turner

 Judge Mike Mayes

 Judge Keith Mills Stewart

 Judge Tracy Gilbert

 Judge Mike Seiler



## Second Administrative Judicial Region of Texas

**Olen Underwood**  
Presiding Judge

*Kassi Cranfill*  
Regional Administrator

*Nathan Jensen*  
Administrative Assistant

*Melanie Sipes*  
Administrative Assistant

April 29, 2009

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

Re: Local Rules, Montgomery County

Dear Judge Hecht,

Pursuant to, and in accordance with Rule 3a, Texas Rules of Civil Procedure, and Rule 8, Regional Rules of Administration, Second Administrative Judicial Region of Texas, I am enclosing for approval by the Justices of the Supreme Court, Local Rules of the County Courts at Law of Montgomery County.

I hereby approve this revision of the Local Rules of the County Courts at Law of Montgomery County. Please advise this office of the Court's actions.

Thank you for your usual courtesies.

Sincerely,

A handwritten signature in black ink, appearing to read "Olen Underwood".

Olen Underwood  
OU/ms

Enclosure

cc: Honorable Dennis Watson, County Court at Law Local Administrative Judge



## DENNIS WATSON

*Judge, County Court at Law No. One*

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Conroe, TX 77301

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J. Renae Young  
Official Court Reporter  
[ryoung@co.montgomery.tx.us](mailto:ryoung@co.montgomery.tx.us)

April 27, 2009

Honorable Olen Underwood  
Second Administrative Judicial Region  
207 West Phillips  
Conroe, TX 77301

Re: Amendment of Local Rules

Dear Judge Underwood:

Enclosed you will find proposed Local Rules of the County Courts at Law of Montgomery County, Texas, with your suggested changes. These Rules have been signed by all of the County Court at Law Judges, as well as the District Judges.

After you have reviewed same, please sign and forward to the Supreme Court for approval.

If you have any questions, please give me a call so that we can immediately address any concerns you may have.

I am,

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis Watson".

Dennis Watson, Presiding Judge  
County Court at Law No. One

DW/pi  
Enclosure