

LOCAL RULES OF THE DISTRICT COURTS

OF

GRIMES COUNTY, TEXAS

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Local Rules of the District Courts of Grimes County

PURPOSE

The Local Rules of the 12Th District Court and the 506Th District Court of Grimes County have as their primary purpose the management of the court dockets in a fair, just, equitable and impartial manner. These rules are designed to be an aid in achieving that goal and to do so in a timely and economical manner.

RULE 1

APPLICATION, JURISDICTION AND ASSIGNMENT OF CASES

RULE 1.1 APPLICATION

These rules apply to all cases, civil, criminal, and family, of which the District Courts have exclusive jurisdiction, and concurrent jurisdiction with the County Court at Law of Grimes County that arise under the Texas Family Code.

RULE 1.2 JURISDICTION

A. Exclusive Jurisdiction

Exclusive jurisdiction of District Courts encompasses matters defined by the constitution, statute or case law as the sole province of District Courts.

B. Concurrent Jurisdiction

Concurrent jurisdiction of the District Courts with the County Court at Law is set forth in Section 25.0003 and Sections 25.0951 through 25.0952 of the Texas Government Code on cases arising under the Texas Family Code only.

RULE 1.3 ASSIGNMENT OF CASES

A. Equal Assignment

The District Clerk shall assign cases equally among the District Courts on a mandatory rotation basis unless specifically instructed otherwise by these rules or by the Board of Judges.

B. Assignment of Exclusive Jurisdiction Cases

The District Clerk shall assign cases of exclusive jurisdiction to the District Courts.

C. Assignment of Concurrent Jurisdiction Cases

Civil cases with an amount in controversy of less than \$250,000 but more than \$500, may be filed with the County Court at Law or the District Courts. The subject matter of such cases generally includes all controversies except for a suit concerning title to real property. Examples would be personal injury, contract disputes, and torts. It is suggested that such cases be filed with the County Clerk for hearing by the County Court at Law. In the event attorneys file cases with the District Clerk, they will be assigned to one of the district courts. The Judicial Board shall determine where cases shall be filed and shall instruct the clerk's accordingly. However, at the discretion and agreement of the judges and in compliance with state law, cases may be transferred between the courts.

D. Assignment of Eminent Domain (condemnation proceedings)

All Eminent Domain (i.e. condemnation proceeds) shall be filed with the County Clerk for hearing in the County Court at Law Court, save and except for cases containing an issue of title to real property which shall be filed in the District Courts. In the event a request for transfer is made concerning a case filed with the County Court at Law Court into the District Courts, the granting of the transfer shall be made at the discretion of the District Court in compliance with then current statutory requirements. If a condemnation case is filed with the District Clerk, the District Clerk shall forward the matter to the County Clerk for filing under a standing order to effectuate the transfer.

E. Personal Property

Section 25.001 of the Texas Property Code grants jurisdiction of cases involving Personal Property according to the value of the property, within the jurisdictional amounts of the various courts. It is suggested that such cases be filed with the County Clerk for hearing by the County Court at Law Court. In the event attorneys file cases with the District Clerk, they will be assigned to one of the District Courts. The Judicial Board shall determine where cases shall be filed and shall instruct the clerk's accordingly. However, at the discretion and agreement of the judges and in compliance with state law, cases may be transferred between the courts.

F. Probate Matters

Section 22.007 of the Texas Estates Code provides for original probate jurisdiction including contested probate proceedings to be filed in the County Court at Law Court.

G. Writs of Injunction

Section 65.021 of the Texas Civil Practice & Remedies Code provides for jurisdiction of Writs of Injunction. Jurisdiction is concurrent with the County Court at Law Court and District Courts. As in the situation in items C and E above, for injunctions with damages claimed within the \$250,000 jurisdiction of the County Court at Law Court, it is suggested that such cases be filed with the County Clerk for hearing by the County Court at Law Court. In the event attorneys file cases with the District Clerk, they will be assigned to one of the District Courts. However, at the discretion and agreement of the judges, cases may be transferred between the Courts.

H. Family Law Cases

All cases arising from the Texas Family Code will be filed with the District Clerk for hearing in the County Court at Law Court. The County Court at Law Court may request transfer of any case to the District Courts in the event of a conflict of interest or other good cause.

I. Assignment of Juvenile Cases

The District Clerk shall assign all Juvenile cases to the County Court at Law.

All other cases shall be filed in the Court with original jurisdiction or as provided by specific statute. Cases not covered by these local rules and involving concurrent jurisdiction will be reviewed with the Local Administrative

Judge prior to filing.

RULE 2

LOCAL ADMINISTRATIVE DISTRICT JUDGE, BOARD OF JUDGES AND RULES OF DECORUM

RULE 2.1 POWERS AND DUTIES OF LOCAL ADMINISTRATIVE DISTRICT JUDGE

A. Election of the Administrative Judge

Pursuant to Section 74.091 of the Texas Government Code, a majority of the District Judges will elect a Local Administrative District Judge for a one-year term at the December meeting of each year to commence on January 1st of the following year.

B. Duties

The Local Administrative District Judge will have the duties and responsibilities provided in Rule 9 of the Rules of Judicial Administration, the Regional Administrative Rules and these rules.

RULE 2.2 BOARD OF JUDGES

The Board of Judges shall consist of the Judges of the District Courts and the Judge of the County Court at Law. The board shall meet to discuss and resolve questions that are of common concern to all of the members thereof. The Local Administrative District Judge or any member of the Board of Judges may call meetings of the board as needed. The Local Administrative District Judge shall preside over such meetings; and in his/her absence, a temporary Chairperson may be elected by a majority of the quorum.

RULE 2.3 RULES OF DECORUM

The Judges have a duty to maintain order and proper decorum in the courtroom. Each District Court and the County Court at Law Court has adopted their own Rules of Decorum set forth and posted on the each respective Court's webpage. These rules shall apply to all attorneys and others appearing in the courtrooms of Grimes County. The rules may be enforced by contempt or referral to the State Bar of Texas for grievance proceedings, or both, as the judge deems proper.

RULE 3

CIVIL CASES

RULE 3.1 GENERAL

All civil cases which the District Courts of Grimes County have exclusive or concurrent jurisdiction with the County Court at Law, that arise under the Texas Family Code, shall be efiled with the District Clerk's office. Even numbers shall be assigned to cases filed in the 12th District Court and odd numbers shall be assigned to cases filed in the 506th District Court. Family law cases filed in the County Court at Law shall be filed in the District Clerk's office.

RULE 3.2 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.

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, as permitted by law.

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. Removal to District Court

A case that 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.

H. Prove-up Divorce Cases and Default Cases

Uncontested divorce cases, default judgments, or other uncontested matters, may be heard by either of the District Judges or the Judge of the County Court at Law, if the judge assigned the case is unavailable, subject to the requirements of jurisdiction.

RULE 3.3 SERVICE OF PROCESS

Process—including citation and other notices, writs, orders, and other papers issued by the court—may be served anywhere by (1) any sheriff or constable or other person authorized by law, (2) any person authorized by law or by written order of the court who is not less than eighteen years of age, or (3) any person certified under order of the Supreme Court.

RULE 3.4 DISTRICT CLERK & COUNTY CLERK

A. Telephone Requests

The court clerk shall limit response to telephone requests for information to the following:

If answer has been filed.

Existence of case on file.

Return of service and date.

Correct style of case when correct case number is supplied.

If an order has been signed.

Whether or not a jury fee has been paid and date of payment.

Whether or not a specific document has been filed. But this does not authorize a fishing expedition.

B. Pro Se

All pro se parties upon filing any petition or responsive pleading should provide an email address for service via efile, as well as address and current phone number. Any party unable to provide such information above must file a pleading requesting an exception to this rule.

RULE 3.5 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 defendant.

RULE 3.6 DOCKET SETTINGS

A. Court Coordinator/Administrator

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

Post the docket on the webpage of their respective Court on their respective Court website;

Notify all counsel of settings and rulings of the court as is provided by these rules or at the direction of the court;

Coordinate all setting requests; and

Coordinate with the Clerk's office concerning jury trials and jury requirements.

B. Setting Requests

Requests for hearings and trials in the District Courts 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 setting request. The setting request shall be in the form as posted on each Court's respective webpage. If the setting request is approved, the court coordinator will confirm the setting in writing.

C. Docket Control Orders

Each court may generate its own or adopt either the plaintiff's or defendant's proposed docket control order for each civil case pending.

D. Calendars

Court Calendars are established by each Court separately for each calendar year that set forth the availability of the respective courts for trials or other hearings. Copies of these calendars may be viewed and/or obtained from each Court's respective webpage.

RULE 3.7 Pre-Trial Motions

A. Pre-Trial Motions (Non 91(a) Motions and Non Summary Judgment)

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. The 506th District Court will entertain Pre-Trial Motions to be filed under submission. See 506th District Court webpage for Pre-Trial Motion Submission Guidelines.

Response

Responses shall be in writing. Responses shall be filed before the hearing date. Failure to file a response may be considered a representation of no opposition. A reply may be filed at any time after a response is filed prior to the court's ruling.

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.

B. Pre-Trial Motions (Dismissal of Baseless Causes of Action Rule 91(a) TRCP)

Motion

The motion shall state either that the cause of action should be dismissed on the grounds that it has no basis in law or fact or both. If claim is to dismiss on the grounds that there is no basis in law, the motion shall state the specific law that if the allegations, taken as true, together with inferences reasonably drawn from them, do not entitle the claimant to relief sought. If claim is to dismiss on the grounds that there is no basis in fact, the motion shall state the specific facts that show that no reasonable person could believe the facts that have been plead. The motion shall contain a clear and concise argument for each ground with appropriate citations to authorities relied upon and specific references to the pleadings and evidence that show the Rule 91(a) motion should be granted. The 506th District Court will entertain Pre-Trial Motions to be filed under submission. See 506th District Court webpage for Pre-Trial Motion Submission Guidelines.

Response

The response shall address the motion in the same numerical order established in the motion for Dismissal of Baseless Causes of Action under Rule 91(a). Any response shall state the specific law and/or facts relied upon, identify any allegations, inferences drawn from and/or specific facts relied upon to defeat the motion, and specify where in the pleadings the allegations, inferences drawn from and/or specific facts are found. The response shall set out a clear and concise argument with appropriate citations to authorities relied upon and specific references to the allegations, inferences drawn from and/or specific facts pled.

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.

C. Pre-Trial Motions (Summary Judgment Rule 166(c) TRCP)

Motion

The motion shall state the specific grounds thereof in numerical order and shall state the specific facts relied upon in each ground, identify the source of those facts, and specify where in the summary judgment evidence the facts are found. The motion shall contain a clear and concise argument for each ground with appropriate citations to authorities relied upon and specific references to the summary judgment evidence. The 506th District Court will entertain Pre-Trial Motions to be filed under submission. See 506th District Court webpage for Pre-Trial Motion Submission Guidelines.

Response

The response shall address the motion in the same numerical order established in the motion for summary judgment. The response shall state the specific facts relied upon, identify the source of those facts, and specify where in the summary judgment evidence the facts are found. The response shall set out a clear and concise argument with appropriate citations to authorities relied upon and specific references to the summary judgment evidence.

RULE 3.8 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 as 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 3.9 CONTINUANCES

Any motion for continuance of the trial setting shall be presented to the court pursuant to the Texas Rules of Civil Procedure. The proposed order granting or denying such motion shall contain a provision for resetting the case for trial on a specific date and time.

RULE 3.10 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 that is set for trial, he shall give notice to the court as soon as possible.

RULE 3.11 MOTIONS IN LIMINE

The Standing Order in Limine as posted on each of the Court's respective webpage shall apply to all civil cases tried in each of the District Courts and the County Court at Law of Grimes County and should counsel desire that additional matters be included a motion will be required.

RULE 3.12 JURY CHARGE, DEFINITIONS, INSTRUCTIONS AND QUESTIONS

Each party shall prepare in proper written form and present to the Court prior to trial or the jury selection all jury charge definitions, instructions and questions which are expected to be raised by the pleadings and evidence and upon which the party has an affirmative burden. The charge shall be provided in both written form and via email, flash drive or other electronic form specified by the court.

RULE 3.13 VOIR DIRE

The clerk shall align the Juror Information Cards in numerical order and seat the panel in numerical order. The judge will qualify the panel and accept or reject any excuses. After the final panel is determined, the attorneys must make their decision on whether or not a shuffle will be requested. The court will recess the panel to give the clerk time to copy the jury cards and to make a new list of names of jurors, either in shuffled order or in numerical order. When the new list is completed and cards copied the clerk will re-seat the jury according to the list and voir dire will begin. The attorneys and judge will be furnished a copy of the list and jury information cards.

Challenges for cause will be made after all parties have completed their voir dire examination of the panel. After all counsel have completed their voir dire examination, the attorneys will be asked to approach the bench. Counsel will be asked in turn for the juror number of the jurors whom they wish to challenge for cause. If, in the opinion of the Court, sufficient evidence has been adduced to support a ruling, the challenge will be granted or denied without further questions. Otherwise, the panel member will be called to the bench and each counsel will be allowed a few questions. The panel member will then be excused to return to their seat, and the challenge will be ruled on outside the presence of the panel member.

If any panel member responds to questions during voir dire examination in a manner which makes it clear that they possess such strong opinions that a challenge for a cause will clearly be good, and there exists a possibility that further responses may "poison" the entire panel, counsel should diplomatically terminate the inquiry and avoid further inquiries in the presence of the panel. If adverse counsel has a good-faith belief that the panel member can be rehabilitated, it will be pursued on an individual basis after the general voir dire examination.

Counsel will be allowed to tell the panel what their contentions are in order to provide a context for their voir dire examination. Detailed recitations of facts should be reserved for opening statement.

If panel members ask counsel about the existence of insurance or any other specific factual matter, counsel should direct the question to the Court.

RULE 3.14 DISMISSAL DOCKET; INVOLUNTARY DISMISSALS

A. Time Standards for Civil Case Dispositions

Civil Jury Cases

All civil jury cases shall be tried or dismissed within 18 months from appearance date.

Civil Non Jury Cases

All civil non-jury cases shall be tried or dismissed within 12 months from appearance day.

B. Dismissal Dockets

All cases not brought to trial or otherwise disposed of which have been on file for more than the specified time period as established by these rules shall be placed on the dismissal docket by the Court.

C. 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.

D. 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 165a 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.

E. Motion for Reinstatement

A motion for reinstatement after dismissal shall follow the procedure and be governed by the provisions of [Rule 165a of the Texas Rules of Civil Procedure](#) relating to reinstatement.

RULE 4

FAMILY LAW CASES

RULE 4.1 GENERAL

The filing, assignment, and transfer of cases under the Family Code shall be in accordance with Rule 1 of these rules. All cases filed pursuant to the Family Code, shall be governed by Rule 3 and 4 of these rules.

RULE 4.2 TIME STANDARDS FOR FAMILY LAW CASE DISPOSITION

Contested cases shall be tried or dismissed 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. Uncontested cases shall be tried and or dismissed 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 is later. Cases not concluded within these time periods will be placed on the Dismissal For Want of Prosecution Docket.

RULE 4.3 JUVENILE CASES

The Juvenile Board of Grimes County has designated the County Court at Law as the Juvenile Court of Grimes County. Rules for the disposition of juvenile cases will be adopted by the Juvenile Court in conformity with Rule 1 of the Second Administrative Judicial Region of Texas Regional Rules of Administration and Title 3 of the Texas Family Code. These cases shall be filed in the County Clerks' office pursuant to rules established by the Juvenile Judge and County Clerk, copies of these rules may be obtained from the Juvenile Judge.

RULE 4.4 DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES (DFPS) CASES

Disposition of Texas Department of Family and Protective Services (DFPS) cases shall be in conformity with those provisions set forth in Title 5 of the Texas Family Code. These cases shall be filed with the District Clerk's office and heard in the County Court at Law Court of Grimes County.

RULE 4.5 ATTORNEY GENERAL CASES

Disposition of Attorney General Cases shall be in conformity with the Texas Family Code, but will be heard by the A.G. Associate Judge appointed by Second Judicial Region Presiding Judge.

RULE 4.6 GUIDELINES FOR FAMILY LAW CASES

All guidelines to be followed regarding the practice of family law in Grimes County involving and including but not limited to Protective Orders, Ex Parte Orders, Temporary Restraining Orders, Parenting Classes, Discovery, Pre-Trial and Trial matters can be found on the County Court at Law Court's webpage under the overall heading "FAMILY" and under the more specific subheading of "Guidelines for Practice of Family Law in the County Court at Law". These guidelines provided on the Grimes County Court at Law webpage are required to be adhered to and are made apart of and incorporated into these local rules for all intents and purposes.

RULE 4.7 DISCOVERY

Pursuant to Texas Rules of Civil Procedure 194.2(c) Content in Certain Suits Under the Family Code:

(1) In a suit for divorce or annulment, a party must, without awaiting a discovery request, provide to the other party a copy of:

- (A) all documents pertaining to real estate;
- (B) all documents pertaining to any pension, retirement, profit-sharing, or other employee benefit plan, including the most recent account statement for any plan;
- (C) all documents pertaining to any life, casualty, liability, and health insurance; and
- (D) the most recent statement pertaining to any account at a financial institution, including banks, savings and loans institutions, credit unions, and brokerage firms.

(2) In a suit in which child or spousal support is at issue, a party must, without awaiting a discovery request, provide to the other party a copy of:

- (A) all policies, statements, and the summary description of benefits for any medical and health insurance coverage that is or would be available for the child or the spouse;
- (B) the party's income tax returns for the previous two years or, if no return has been filed, the party's Form W-2, Form 1099, and Schedule K-1 for such years; and
- (C) the party's two most recent payroll check stubs.

Failure to exchange these items may result in sanctions being imposed on the attorney, or party, or both, as the court deems proper.

4.8 CHILD SUPPORT DISBURSEMENT UNIT

All child support payments will be made to State Disbursement Unit.

RULE 5

CRIMINAL CASES

RULE 5.1 GRAND JURIES AND ASSIGNMENT OF CASES

A. Grand Juries

The 12th Judicial District Court shall select and impanel the Grand Jury for the January term of court and the 506th Judicial District Court shall select and impanel the Grand Jury for the July term of court. The grand juries shall hold all of their meetings in the Grimes County Courthouse, in the room designated by the impaneling judge. The Grand Jury shall be impaneled in accordance with Article 19A of the Code of Criminal Procedure.

B. Grand Jury Minute Book

The rules regarding presentment of indictments by a Grand Jury to the District Court are set forth in Articles 20.21 and 20.22 of the Code of Criminal Procedure. Article 20.21 requires that the Foreperson of the Grand Jury shall deliver the indictments to the Judge or District Clerk and that at least nine members of the grand jury must be present when the delivery is made. Article 20.22 requires that the fact of presentment be entered upon the minutes of the court. The "minutes of the court" are contained in the Grand Jury Minute Book. The Grand Jury Minute Book shall remain in the custody of the District Clerk at all times except when the Grand Jury is in session. The Grand Jury Minute Book is not a secret book or document.

When the Grand Jury begins a session, the District Clerk shall have all members present sign the Grand Jury Minute Book as proof of their presence at the session and to make a record of the fact that a quorum was present at the session. The District Clerk shall then deliver the book to the Secretary of the Grand Jury. When a true bill of indictment is voted in the affirmative by at least nine members of the Grand Jury, the following information shall be entered by the Secretary of the Grand Jury in the Grand Jury Minute Book, and nothing else, to wit:

1. the date of the session;
2. name of the person indicted;
3. offense; and
4. names of the witnesses upon which the indictment is founded.

If the defendant is not in custody or under bond at the time of the presentment of the indictment, upon request of the District Attorney, the entry of the name of the defendant in the book may be delayed until such time as the capias is served and the defendant is placed in custody or under bond, at which time the name of the defendant will be entered in the book by the District Clerk. It is the duty of the District Clerk to verify that the indictments delivered to the clerk conform with the information contained in the Grand Jury Minute Book. If there is a variance, it should be called to the attention of the Secretary, Foreperson and District Attorney immediately.

When a defendant is "no-billed", meaning that a case was presented to the grand jury regarding an individual and less than nine affirmative votes were given for a true bill of indictment, a **Certificate of No-Bill** shall be signed by the Foreperson certifying that the case was presented to the Grand Jury and that a no-bill was returned. The District Clerk shall handle the certificates as follows:

A. Defendant Under Arrest: If the defendant is under arrest, a copy of the certificate shall be delivered to the Sheriff and the defendant immediately.

B. Defendant Under Bond: A copy of the certificate shall be delivered to the

surety (bondsman) and the defendant immediately.

C. All other certificates shall be held by the clerk under seal, unless ordered released by the district court.

C. Assignment of Cases After Indictment

Except as otherwise provided in this Rule, the clerk shall equally distribute every criminal case filed by indictment into the two district courts. Even numbered cases shall be assigned to the 12th District Court and odd numbered cases shall be assigned to the 506th District Court.

Capital cases shall be assigned on an independent, rotational basis among the district courts.

D. New Indictments After Assignment

After assignment, the clerk shall assign any new indictment against a defendant to the same court.

E. Re-indictments

The clerk shall assign any re-indictment of the same defendant to the same court in which the prior indictment was assigned.

F. Co-Defendant Indictment

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

G. Information to the District Clerk

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

Whether there are other pending indicted cases on the defendant;

Whether the indictment is a re-indictment and;

The names of any co-defendants not named in the indictment.

The District Attorney shall also furnish the clerk information in writing as to whether or not a non-standard bond will be sought by the State and the factors supporting same.

RULE 5.2 BOND

Bonds will be set on each criminal case in accordance with Chapter 17 of the Code of Criminal Procedure. The court may also, in a proper case, dispense with the requirement of sureties and require only the personal recognizance of the defendant, with or without conditions.

RULE 5.3 BOND SURRENDER

Sureties requesting a release on their liability on a Bail Bond must complete the Affidavit to Release Surety and present the completed affidavit to the District Judge that the Defendants case is assigned to. The form and requirements for release is posted on each Court's respective webpage.

RULE 5.4 BOND FORFEITURE

Bonds will be forfeited on all defendants who do not appear in court when scheduled or otherwise ordered to appear in court. The name of the defendant will be called three times at the courtroom door by the Bailiff and if there is no answer the bond will be forfeited and a capias issued by the clerk for his arrest. It is the duty of the district clerk to prepare a Judgment Nisi with the aid of the District Attorney. The Judgment Nisi proceedings will be docketed as a civil matter in the court that ordered the forfeiture and the defendant and his sureties shall be served with citation. After the surety files an answer or defaults, the district clerk shall notify the proper court coordinator for a trial setting to be docketed. The sureties shall be given forty-five days advance notice of any trial setting.

RULE 5.5 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.

RULE 5.6 ARRAIGNMENT

Defendants shall be arraigned at the earliest possible time after indictment. Presence of the defendant is mandatory at arraignment unless excused by the court or counsel for defendant has filed a written waiver of arraignment prior to the date of the arraignment. At arraignment a scheduling order shall be entered setting discovery deadlines, dates of pretrial hearing, docket call and trial date.

RULE 5.7 SCHEDULING ORDER

Each court will adopt a scheduling order that shall be delivered to the defendant and counsel at arraignment. The defendant and his counsel and counsel for the state shall sign the scheduling order.

RULE 5.8 STANDING DISCOVERY ORDER

The State of Texas is hereby ordered to furnish discovery to the defendant as provided in Article 39.14 of the Code of Criminal Procedure. Said discovery shall be furnished no later than seven (7) days prior to the pretrial hearing as set forth herein. Each Court has its own Standing Discovery Order that can be viewed on each Court's respective webpage.

RULE 5.9 MOTIONS & PRETRIAL HEARINGS

The motions and pretrial hearing dates shall be provided to both the State and the Defendant via a scheduling order at a time the Court deems appropriate. All matters preliminary to actual trial on the merits must be brought to the attention of the court in accordance with each courts Criminal Pretrial Preparation Order that can be found on each Court's respective webpage.

RULE 5.10 DOCKET CALL

The court coordinator shall prepare a list of all cases on the trial docket. The defendant and his counsel shall be present and announce ready or not ready. An announcement of "not ready" must be accompanied by a motion for continuance.

RULE 5.11 MOTIONS FOR CONTINUANCE

All motions for continuance, whether filed by the State or the defendant, must comply with the applicable law contained in the Code of Criminal Procedure and must be presented to and considered by the court in accordance with the scheduling order. Except for good cause shown and upon compliance with these rules, the court shall not consider any motion for continuance on the scheduled trial date.

RULE 5.12 STANDING ORDER IN LIMINE

The Standing Order in Limine of each Court is posted on each Court's respective webpage. The Standing Order in Limine of each Court shall apply in all felony jury trials for that District Court.

RULE 5.13 VOIR DIRE

The District Clerk shall align the Juror Information Cards in numerical order and seat the panel in numerical order. The Judge will qualify the panel and accept or reject any excuses. After the final panel is determined, the attorneys must make their decision on whether or not a shuffle is requested. The court will recess the panel to give the clerk time to copy the jury cards and to make a new list of names of jurors, either in shuffled order or in numerical order. When the new list is completed and cards copied the clerk will re-seat the jury according to the list and voir dire will begin. The attorneys and judge will be furnished a copy of the list and jury information cards.

Challenges for cause will be made after all parties have completed their voir dire examination of the panel. After all counsel has completed their voir dire examination, the attorneys will be asked to approach the bench. Counsel will be asked in turn for the Juror Number of the jurors whom they wish to challenge for cause. If, in the opinion of the court, sufficient evidence has been adduced to support a ruling, the challenge will be granted or denied without further questions. Otherwise, the panel member will be called to the bench and each counsel will be allowed a few questions. The panel member will then be excused to return to their seat, and the challenge will be ruled on outside the presence of the panel member.

If any panel member responds to questions during voir dire examination in a manner which makes it clear that they possess such strong opinions that a challenge for a cause will clearly be good, and there exists a possibility that further responses may "poison" the entire panel, counsel should diplomatically terminate the inquiry and avoid further inquiries in the presence of the panel. If adverse counsel has a good-faith belief that the panel member can be rehabilitated, it will be pursued on an individual basis after the general voir dire examination.

RULE 5.14 TIME STANDARDS

Criminal cases shall be completed within 12 months from earliest date of arrest or indictment.

RULE 5.15 FAIR DEFENSE ACT

The rules adopted by Grimes County concerning the Fair Defense Act may be obtained from the Local Administrative Judge.

RULE 6

CONFLICTING ENGAGEMENTS OF ATTORNEYS

A. Attorney already in trial in another court.

When informed that an attorney is presently in trial, the court will determine where and when assigned. This information will be verified upon request of opposing counsel. The case will be placed on "hold" or reset, depending upon when the attorney will be released. If the attorney is not actually in trial as represented by the

attorney or his agent, the case will be tried without further notice.

B. Attorney assigned to two courts for the same date:

It is the duty of every attorney to call the affected judge's attention to all dual settings as soon as they are known. Insofar as is 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:

Criminal cases

Cases given preference by statute

Preferentially set cases

Case set at earliest date

Case with earliest filing date

Cases in Metropolitan areas should yield to courts in rural areas

If the conflict cannot be resolved between the two judges, the Local Administrative Judge or the Regional Presiding Judge will resolve the conflict.

C. Designation of Attorney in Charge

Every case shall have an attorney in charge designated.

RULE 7

ATTORNEY VACATIONS

A. DESIGNATION OF VACATION

Subject to the provisions of subparts B and C of this rule, 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., is affected, unless the trial court expands coverage to other counsel.

B. SUMMER VACATIONS

Written designation for vacation weeks during June, July, or August must be filed with the district clerk by May 15. Summer vacations so designated will protect the attorney from trials during those summer weeks, even if an order setting the case for trial was signed before the designation was filed.

C. NON-SUMMER VACATIONS

Written designations for vacations in months other than June, July, or August must be filed with the district clerk by February 1. Non-summer vacation weeks may not run consecutively for more than two weeks at a time. Non-summer vacation weeks so designated will not protect an attorney from a trial by an order signed before the date the designation is filed. (Source Rule 11 Second Region)

RULE 8

JUDGE'S VACATION

If a judge will be out of the district for a week or more, for vacation, attending a seminar or illness he/she shall notify the Local Administrative Judge and the Presiding Judge of the Second Administrative Region so that the business of the court can be taken care of during any such absence.

RULE 9

LAWYER'S CREED

The Lawyer's Creed is applicable in all cases tried in the District Courts or County Court at Law of Grimes County.

RULE 10

ADOPTION, APPROVAL AND NOTICE

RULE 10.1 ADOPTION

These rules are adopted by the District Judges for all purposes and by the County Court at Law Judge of Grimes County. All previous rules of the District Court and by the County Court at Law of Grimes County are hereby repealed.

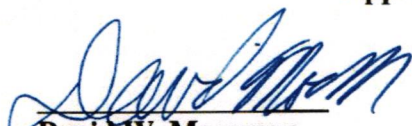
RULE 10.2 APPROVAL

Upon approval by the Judge of the Second Administrative Region and posted on the Office of Court Administration's website, these rules shall become effective immediately, 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.

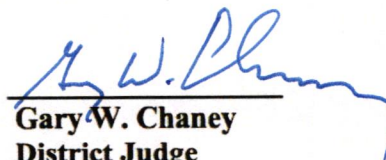
RULE 10.3 NOTICE

The district clerk is directed to furnish a copy of these rules 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 12th and 506th District Courts and the County Court at Law of Grimes County, Texas.

Approved on this the 10th day of March, 2025.



David W. Moorman
District Judge
12th Judicial District



Gary W. Chaney
District Judge
506th Judicial District