

C A M E R O N

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CAMERON COUNTY CIVIL COURT RULES

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CAMERON COUNTY CIVIL COURT RULES

PART ONE

PRACTICE IN CIVIL CASES - DISTRICT COURT

1.1 FILING, ASSIGNMENT AND TRANSFER

(a) All civil cases, except as otherwise provided herein or by court order, shall be filed in the District Courts (and any district court hereafter created) in random order.

(b) Every suit or proceeding, in the nature of a bill of review or otherwise, seeking to attack, avoid, or set aside any judgment, order, or decree of a District Court of Cameron County shall be assigned to the court in which such judgment, order, or decree was rendered.

(c) Every ancillary garnishment suit shall be assigned to the court in which the suit to which the garnishment is ancillary is pending. Every garnishment after judgment shall be assigned to the Court which rendered the judgment upon which the garnishment is founded.

(d) Except as hereinafter provided, after assignment to a particular court, every case shall remain pending in such court until final disposition, unless transferred pursuant to these rules, state statute, or court order.

(e) Every motion for consolidation or joint hearing of two or more cases under Rule 174(a), Texas Rules of Civil Procedure, shall be filed in the earliest case filed.

(f) Transfer of cases:

(1) Pursuant to TEX.REV.CIV.STAT.ANN. art. 200b, (Supp. 1982-83), the presiding judge may, upon notice and hearing, transfer any case from the court in which same is pending to any other court having subject matter jurisdiction.

(2) Whenever any pending case is so related to another case previously filed in or disposed of by another District Court of Cameron County that a transfer of the later case to such other court would facilitate orderly and efficient disposition of the litigation, the Judge of the court in which the earlier case is or was pending may, on notice and hearing, transfer the later case to such court.

(3) The following type of cases shall be subject to transfer under this rule:

(a) Any case arising out of the same transaction or occurrence as an earlier case, particularly if the earlier case was dismissed by plaintiff at any time before final judgment.

(b) Any case involving one or more of the same parties as an earlier case and requiring a determination of any of the same questions of fact or of law as those involved in the earlier case.

(c) Any case involving a plea that a judgment in the earlier case

is conclusive of any of the issues of the later case by way of res judicata or estoppel by judgment, or any pleading that requires a construction of the earlier judgment or a determination of its effect.

(d) Any suit for a declaration concerning the alleged duty of an insurer to provide a defense for a party to the earlier suit.

(e) Any suit concerning the duty of an insurer to defend an earlier suit.

(4) It shall be the duty of the attorneys of record for the respective parties in any case subject to transfer under the preceding paragraph to notify the judges of the respective courts wherein the earlier and later cases are assigned of the pendency of the later case.

(5) In the event that an assigned case is subject to the provisions of paragraphs 1.1 (f)(2) and (3) and the earlier case is still pending, the judge of the court wherein the later case is pending may on notice and hearing order the earlier case transferred to the later court provided that the judge of the court wherein the earlier case is assigned consents.

(6) This rule shall not apply to those cases subject to transfer without notice and hearing:

(a) Any case a judge presiding deems involves matters requiring recusal; and/or

(b) Any case a judge presiding deems should be transferred for the convenience of the court.

(g) Whenever a case is transferred to Cameron County by a Court of another county, or is appealed, and the order of transfer or the appeal specifies the particular court to which the case is transferred, such specification shall be disregarded and the case shall be assigned in the manner provided in subdivision (a) of this rule,

and such case shall thereafter be subject to the provisions of these rules.

1.2 TEMPORARY ORDERS

(a) Except in emergencies when the District Clerk's office is not open for business, no application for immediate or temporary relief shall be presented to a Judge until it has been filed and assigned to a court as provided in Rule 1.1. If the Judge of the court to which such case is assigned is absent or is occupied with other matters, the bailiff of the assigned court shall insert a date and hour for hearing in any form of a proposed order before such application may be presented to any District Judge, who may sit for the Judge of the court in which the case is pending and shall make all writs and process returnable to the court to which the case is assigned by the clerk. Hearings on applications for temporary injunctions, temporary receiverships, and the like, shall be set in the Court to which the case has been assigned by consulting with the Judge or bailiff of that court.

(b) Whenever immediate action of a Judge is required in an emergency when the clerk's office is not open for business, the case shall nevertheless at the earliest practicable time be docketed and assigned to a court as provided in Rule 1.1 and all writs and process shall be returnable to that court. It shall then be incumbent upon the Judge taking any such action to notify the bailiff of the Judge of the court in which such case is docketed, such notice to be given at the earliest convenient and practical time. If the Judge of such court is not available to hear the application for temporary relief at the time set, any qualified Judge may sit for such Judge.

1.3 EX PARTE ORDERS

(a) All applications for ex parte orders shall be presented in accordance with Rule 1.2.

(b) Counsel presenting any application for an ex parte order shall at the time the application is presented certify in writing to the court that:

(1) to the best of his knowledge the party against whom the relief is sought is not represented by counsel in the matter made the basis of the suit in which the relief is sought; or

(2) if such party is so represented by counsel, that (i) such counsel has been notified of the application and does not wish to be heard by the court thereon; or (ii) that counsel presenting the application has diligently attempted to notify such counsel and has been unable to do so and the circumstances do not permit additional efforts to give notice.

(c) Counsel presenting any application for an ex parte order shall at the time the application is presented further certify in writing that to the best of his or her knowledge, the case in which the application is presented is not subject to transfer under Rules 1.1 (f) or (g). Or, if the case is subject to such a transfer, counsel shall fully advise the court of the circumstances, particularly as to whether there has been any previous application for the same or similar relief or whether the relief sought will conflict with any previous order, and the Judge to whom the application is presented may decline to act and refer the application or the entire case pursuant to TEX.REV.CIV. STAT.ANN. art. 200b (Supp. 1982-83), or these rules to the Judge of the court to which the earlier related case is assigned.

1.4 SEVERANCE

(a) Motions to sever are not favored and will be granted only on a showing that a severance is necessary to protect substantial rights or to facilitate disposition of the litigation. It shall be considered good cause for a severance that the portion thereby severed will make a judgment become final which would otherwise be interlocutory because of the continued pendency of other claims in the case.

(b) Whenever a motion to sever is sustained, the severed claim shall be filed as a new case in the same court and shall be given the next number available at the filing desk in the office of the District Clerk. Before the severed claim is filed as a new cause, the clerk's requirement concerning deposit for costs shall be met.

1.5 SETTING FOR TRIAL AND PRE-TRIAL

(a) At any time after the filing of an answer and on the request or motion of any party or on the Judge's own motion, the bailiff, acting on direction of the Judge, shall set the case for trial on the merits.

(b) Subject to Rules 1.11 through 1.14, any party may request a pre-trial, or the court may on its own motion set a pre-trial, when there are special exceptions, objections, or motions which have been filed, or the Judge may enter a Pretrial Order setting forth a schedule for the case. In such instance, the bailiff shall set a pre-trial hearing in advance of the trial date. No settings may be changed without notice to all parties.

1.6 OTHER SETTINGS

(a) Unless notice of setting is given by the clerk under Rule 1.5, counsel who requests a setting for trial or for any other

type of hearing, shall have the duty to give all opposing parties written notice immediately of such setting and to forthwith furnish a copy of such notice to the clerk of the court in which the case is pending.

(b) No setting is required for a hearing on a default requiring no record or proof and no setting will be made except in extraordinary cases.

(c) Testimony for defaults requiring proof shall be scheduled with the bailiff of the court in which the case is pending.

(d) In order to facilitate the hearing of non-contested and ex parte matters (other than defaults) with minimum interference with other judicial business, counsel is requested, whenever testimony is to be heard on such a matter, to contact the court bailiff in advance and obtain a setting for a convenient time.

1.7 SPECIAL SETTINGS

Special preferential settings may be made by the Judge when, because of unusual circumstances, more than ordinary difficulty would be encountered in having all counsel and witnesses available when the case is reached in regular order. Cases specially set shall take precedence over all other matters, except matters entitled to preference by law and matters commenced but not completed in the preceding week. Other engagements of counsel shall not be grounds for postponement of a case specially set, unless good cause is shown on motion and notice filed more than ten days before the date set for trial. No more than one case shall be specially set in any court in any particular week.

1.8 NOTICE

All notices given pursuant to these rules or required by the Court shall be given by way of First Class Mail, unless otherwise required by the Court or the Texas Rules of Civil Procedure.

1.9 REQUESTS FOR POSTPONEMENT

(a) No request to pass, postpone, or reset any trial, pre-trial, or other hearing shall be granted unless counsel for all parties involved consent, or unless all parties not joining in such request or their counsel have been notified and have had opportunity to object; provided, however, that failure to make an announcement under Rule 1.17 shall be taken as consent to pass, postpone, or reset any case set for trial the following week.

(b) After a case has been on file for two years, it shall not be reset except upon a written motion for continuance and hearing thereon.

1.10 GENERAL PLEADINGS

(a) Except by written agreement of all counsel of record, no amendment to a pleading shall be filed less than seven days prior to the date a case is set for trial. Any amended pleading offered for filing within seven days of the date of trial shall be filed only after obtaining leave of court, on motion and notice to all adverse parties.

(b) Notwithstanding the foregoing, any order sustaining a special exception or taking action necessitating the filing of an amended pleading shall be deemed to grant leave to file such pleading within twenty days after the rendition of such order unless such order shall specify a different time limit, but in no

event shall such amended pleadings be filed less than seven days prior to trial unless pursuant to court order.

(c) When a pleading alleges grounds of liability or damages in general terms only, the court, in its discretion, may decline to set the case for trial until an amendment containing specific allegations with respect thereto is filed or may cancel any trial setting made prior to the filing of such an amendment.

(d) The foregoing provisions of this rule shall not apply to the filing of trial amendments pursuant to Rule 66, Texas Rules of Civil Procedure, or to the filing of amendments to conform to issues tried without objection pursuant to Rule 67, Texas Rules of Civil Procedure.

(e) This rule is adopted pursuant to the authority of Rule 166, Texas Rules of Civil Procedure.

1.11 FAILURE TO PRESENT EXCEPTIONS AND DILATORY PLEAS

(a) Special exceptions and dilatory pleas shall be considered waived when not timely filed and presented as herein provided.

(b) No dilatory pleas or exceptions shall be heard less than ten days before the date on which the case is set for trial, provided that the pleadings to which same are directed have been on file more than thirty days at the time of the hearing.

(c) If a pre-trial is set and the pleading to which exceptions are directed has been on file seven days or more before pre-trial, such exceptions shall be presented at pre-trial.

(d) If a pre-trial is set and the pleading to which exceptions are directed is filed less than seven days before trial, it shall be the duty of counsel urging such exceptions to obtain a hearing,

give the required notice, and present such exceptions before the day of the trial.

(e) If no pre-trial is set, and the pleading to which exceptions are directed is filed more than seven days before trial, it shall be the duty of counsel urging such exceptions to obtain a hearing, give the required notice, and present such exceptions as herein provided.

1.12 PREPARATION FOR PRE-TRIAL

Counsel will be expected at pre-trial to advise the Court which issues will be disputed and to be familiar with the authorities applicable to the questions of law raised. Failure to conform to this rule shall be ground for postponement of the trial, setting of further pre-trial hearings, or other appropriate action.

1.13 FAILURE TO APPEAR AT PRE-TRIAL

When counsel for either party after notice fails to appear at pre-trial the Court may:

(a) Rule on all motions, dilatory pleas, and exceptions in absence of such counsel;

(b) Declare any motions, dilatory pleas, or exceptions of such absent party waived;

(c) Advance or delay the trial setting according to the convenience of counsel present;

(d) Pass and reset the pre-trial; or

(e) When the absent counsel represents the Plaintiff, the Court may decline to set the case for trial, may cancel a setting

previously made, or the Court may dismiss the case for want of prosecution, especially when there has been a previous failure to appear or where no amendment has been filed to meet exceptions previously sustained.

1.14 AUTHORITY OF COUNSEL AT PRE-TRIAL

Counsel attending the pre-trial shall either be the attorney who expects to try the case, or shall be familiar with the case and be fully authorized to state his or her party's position on the law and the facts, make stipulations, and enter into settlement negotiations.

1.15 VOLUNTARY DISCOVERY

Any motion for discovery or for protection under the Texas Rules of Civil Procedure or to quash interrogatories or requests for admissions served under Rule 168 or Rule 169, Texas Rules of Civil Procedure, may be treated as premature unless counsel for movant has made a good faith effort to obtain such discovery or relief from opposing counsel by agreement and has been unsuccessful, or shows good cause for not making such an effort. All parties shall complete discovery fourteen days prior to trial date unless otherwise ordered on motion previously filed. Counsel will be expected to confer with opposing counsel concerning all such matters and present to the Court only those matters that cannot be agreed on after a good faith effort to agree on both sides.

1.16 DEMAND FOR TRIAL BY JURY

Demand for a trial by jury, when granted, shall not be occasion, except in the discretion of the judge presiding, for advancement or substantial delay of the trial or of any other proceeding in the case, nor for transfer of the case to another court except within the discretion of the Court as provided herein. If the case is

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

1.17 ANNOUNCEMENTS CONCERNING READINESS FOR TRIAL

(a) In all contested cases set for trial in a particular week, counsel are required to make announcements to the Court, in person, on the preceding Friday, in accord with the following schedule:

- (1) 103rd District Court - 9:30 A.M.
- (2) 107th District Court - 8:30 A.M.
- (3) 138th District Court - 9:00 A.M.
- (4) 197th District Court - 10:00 A.M.

(b) At the time of making announcements, each counsel shall submit to the Judge requested jury instructions and issues, demonstrate to the Court that counsel has discussed stipulations of fact, exhausted settlement negotiations, and advise the Court concerning any other court engagement counsel has for that week which may affect counsel's availability.

(c) When no announcement is made on behalf of Plaintiff at the time scheduled, the case may be dismissed for want of prosecution.

(d) If no announcement has been made for one or more defendants by the time scheduled, the Court will be entitled to assume defendant to be ready.

(e) It shall be the duty of counsel to keep themselves advised as to the announcement, if any, made on behalf of all other parties.

(f) Every ground for postponement or continuance not brought to the Court's attention before the time scheduled for announcements may be deemed waived and may not be considered unless grounds arise after that time, or unless it could not have been discovered by counsel in the exercise of reasonable diligence before such time.

(g) An announcement of ready will be taken as continuing throughout the week in which the case is set for trial except to the extent that such announcement is qualified when it is made or later by prompt advice to the bailiff.

(h) When a case is carried forward from the trial calendar of the preceding week, announcements for the preceding week will not be considered, and counsel shall make announcements as if no previous announcements had been made.

(i) The practice of delaying serious settlement negotiations until after announcement of ready is a major cause of waste of time and effort of counsel, litigants, witnesses, and citizens called for jury service and greatly hinders the Court in the disposition of the cases that must be tried. Consequently, the Court shall expect counsel, before announcing ready, to confer with the client and with opposing counsel concerning settlement and recommend an offer which is in counsel's professional opinion reasonable unless in counsel's professional opinion the case is not such as to justify any offer whatsoever. Counsel shall advise the client concerning the provisions of this rule and to the effect that after the case has been called for trial the Court in all probability will not tolerate further delay for negotiations.

1.18 CONFLICTING ENGAGEMENTS OF COUNSEL

(a) When counsel has more than one case on call in the District Courts of Cameron County in the same week, the Court in which the case is first reached for trial shall have priority, except that if

the cases are reached in more than one court on Monday morning, the older case shall have priority. However, this rule is subject to the provisions of Rule 1.7 with respect to cases specially set.

(b) When counsel for either party has a conflicting trial setting in another county, the Court may hold the case until the trial in the other county is completed.

(c) When counsel has a conflicting engagement in any court of the United States or in the Supreme Court of Texas, the Court of Criminal Appeals, or in any Court of Appeals, the case in Cameron County may be held until such an engagement has been completed. Counsel shall provide sufficient information regarding the conflict to enable the Court to confirm the conflict. Such information shall be provided in writing with copy to all counsel and shall include the style of the case, the cause number, the exact date, time, and nature of the conflict, and the telephone number of the court.

1.19 COUNSEL TO BE AVAILABLE

(a) When an announcement of ready is made, counsel making such announcement shall be required, during the following week, to be available on a telephone call from the bailiff, and to keep his or her witnesses available unless they are excused by the Court. If any matter arises which affects counsel's readiness or availability for trial, counsel shall promptly advise the bailiff and maintain communication with the Court.

(b) If counsel is engaged during the week in trial in another court, whether in Cameron County or elsewhere, this rule shall be subject to the provisions of Rule 1.18, but counsel shall advise the bailiff upon completion of such other trial.

1.20 DISMISSAL FOR WANT OF PROSECUTION

A case may be dismissed for want of prosecution for any of the following reasons:

(a) Failure of plaintiff to request a setting or take other appropriate action after notice from the court that the case has been pending without action for more than sixty days.

(b) Failure of plaintiff's counsel to appear for pre-trial or other preliminary hearing, especially when there has been a previous failure to appear or where no amendment has been timely filed to meet the exceptions previously sustained.

(c) Failure of a plaintiff to make an announcement as scheduled herein when the case is set for trial the following week or is being carried forward from a previous week.

Subject to other provisions of these rules the clerk shall mail a written notice of such dismissal to all parties or their counsel of record.

1.21 ORDERS AND DECREES

Unless ordered otherwise, not less than thirty days after rendition or an announced settlement by counsel, counsel shall cause all judgments, decisions, and orders of any kind to be reduced to writing and delivered with copies required to the Court Clerk for signature of the trial judge. Upon failing to furnish the Court Clerk with such a judgment or order finally disposing of a case, the Court shall presume that counsel wish the Clerk to present for Judge's signature an Order of Dismissal with prejudice with costs taxed at the Judge's discretion.

1.22 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; provided 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.

1.23 WITHDRAWAL OF COUNSEL

No attorney of record shall be permitted to withdraw from any case without presenting a motion and obtaining from the Court an order granting leave to withdraw. Such motion shall be accompanied by the client's written consent to such withdrawal or a certificate by another lawyer that he has been employed to represent the client in the case. When substitute counsel has not been employed, a copy of such motion shall be mailed to the client at his last known address, with a letter advising that the motion will be presented to the Court on or after a certain hour not less than ten days after mailing the letter and that any objection to such withdrawal should be made to the Court in writing before such time, and a copy of such letter shall be attached to the motion. In all cases, a copy of the motion shall be delivered or mailed to the opposing counsel. All such motions shall contain a schedule of all future settings, including depositions and discovery deadlines, or a statement that there are no such settings or deadlines. Unless allowed in the discretion of the Court, no such motion shall be presented within thirty days of the trial date or at such a time as to require delay of the trial. After leave is granted, the withdrawing attorney shall send the client a letter by certified mail notifying the client of the withdrawal, including a copy of

the Court's order, advising the client to secure other counsel, and shall send a copy of such letter to opposing counsel and to the Clerk of the Court in which the case is pending.

1.24 PARTIES

(a) The terms "Plaintiff" and "Defendant" as used in these rules shall apply to intervenors, cross-plaintiffs, cross-defendants, third party Plaintiffs and third party defendants as may be appropriate in their particular situations.

(b) Whenever a Worker's Compensation insurance carrier appeals a final award of the Industrial Accident Board, the parties shall be realigned by the Court making an appropriate memorandum on the docket sheet showing the claimant as the plaintiff.

1.25 NON-JURY CASES

(a) These rules shall apply both to jury and non-jury cases unless otherwise specified.

(b) Whenever a contested non-jury case is set on a Monday, announcements shall be required as provided in Rule 1.17 with respect to jury cases.

(c) Whenever a non-jury case is set for a trial at a time other than Monday, counsel are required to appear and make their announcements at the time specified for trial.

1.26 SIGNING OF PLEADING

Every pleading of a party, represented by an attorney, before being filed shall be signed by at least one attorney of record in his individual name, whose address, telephone number, and State Bar

number shall be stated. A party who is not represented by an attorney shall sign in like manner his pleading. The Clerk or bailiff may not sign or amend any instrument for a party or attorney.

1.27 FILING OF PLEADINGS

All pleadings, motions, orders, and other papers, including exhibits attached thereto, when offered for filing or entry, shall be descriptively titled and pre-punched at the top of the page to accommodate the clerk's 2 3/4" center-to-center flat-filing system. Each page of each instrument shall, in the lower margin thereof, be numbered and titled, e.g., Plaintiff's Original Petition - page 2. Orders and Judgments shall be completely separated from all other papers. If documents not conforming to this Rule are offered for filing, the Clerk before receiving them shall require the consent of a Judge. Counsel shall furnish sufficient copies to perfect all service or notice which copies shall be used for such notice.

1.28 WITHDRAWAL AND COPYING

(a) No pleadings or paper belonging to the files of the Court shall be taken from the office or custody of the Clerk except on order of the Court. No order for such withdrawal shall be granted except for good cause shown. The order shall state the time within which the same shall be returned to the Clerk.

(b) A receipt specifying the pleadings or papers withdrawn shall be given to the Clerk by the party withdrawing them.

(c) Depositions may be withdrawn by either party on giving a receipt for same to the Clerk, but same shall be returned to the files on request of the Clerk or other party to the cause. No papers shall be taken from the Court's Judicial District.

(d) The Clerk may, on the request of any person and prepayment of the cost thereof, arrange for the duplicating of any unrestricted court paper and the delivery of the copy to the applicant therefore; however, any copy of a statement of facts desired shall be obtained in the usual way from the Court Reporter. Except as elsewhere required, the Court Reporter shall not be required to undertake the making of a typed transcript without the deposit of an adequate indemnity nor to furnish such statement of facts prior to the payment therefor.

1.29 SUPPRESSED ACTIONS

Any party or his attorney may obtain an order for the suppression of any pleading filed in any action by filing a motion with the Court in which the action is filed showing good cause for such suppression. No person except the parties to an action or their attorneys shall examine or publish, in whole or in part, any papers so suppressed until such action, or some phase, shall be heard in open court or on the order of the court. On the entry of a suppression order, the Clerk shall suppress all papers filed in such action and shall prevent all persons, except those herein designated, from having access thereto.

PART TWO
COUNTY COURTS AT LAW

2.1 RULES APPLICABLE TO COUNTY COURTS AT LAW

(a) These rules are applicable to the County Courts at Law Nos. 1 and 2 (and any County Courts at Law hereinafter created) in all cases on the civil and Probate Dockets of said Courts.

(b) The County Court of Cameron County has no jurisdiction in cases on the Civil Docket and, while having jurisdiction of cases on the Probate Docket, does not actively hear such cases. Any case designated as in the county court shall be treated as filed in the County Courts at Law and the County Clerk shall automatically assign it to the County Courts at Law in accordance with the Assignment provisions of these rules.

2.2 DISTRICT COURT RULES APPLICABLE; EXCEPTIONS

(a) The rules governing the practice in civil cases in the District Courts of Cameron County, as contained in Part One of these rules, shall apply to the County Courts at Law, except as provided in section 2.3 hereof.

(b) References to the District Courts or Judges shall apply to the County Courts at Law or the Judges thereof. References to the District Clerk shall apply to the County Clerk. References to the court clerk or to the bailiff shall apply to the Court Administrator or Coordinator. If it is not readily apparent whether the reference should apply to the County Clerk or the Court Administrator or Coordinator, it is the duty of the attorney to make inquiry as to the correct procedure.

(c) References to Art. 200b, V.A.C.S. are inapplicable to the County Courts at Law. Statutory authority for such procedures in

the County Courts at Law may be found in other statutes, the inherent power of the Courts, and Rule 817, Texas Rules of Civil Procedure.

2.3 EXCEPTIONS

Hereinafter are contained in this section, sections and sub-sections designated with the same numbers and letters as the District Court rules. Such sections and sub-sections shall completely replace the appropriate section or sub-section of Part One of these rules. Sections or sub-sections not enumerated below and the rules in Part Two herein are hereby adopted as the local rules of practice in County Courts at Law Nos. One and Two of Cameron County, Texas.

1.1(f)(1) - Not applicable.

1.1(f)(6)(a) - Any case a judge presiding believes himself to be disqualified.

1.5(a) - At any time after the filing of an answer and on the request of a party or on the Judge's own motion, the Judge may set the case for trial or for a hearing to set the case for trial. At the hearing to set the case for trial or immediately on receipt of notice of trial, if done without a hearing, the attorney has a duty to notify the Court of any conflicts which might conflict with the week or date of scheduled trial. Agreed settings are highly favored by the Court, but the attorneys should familiarize themselves generally with the Court's usual weekly schedule in order to set the case at a time during which the Court normally hears such cases. Specific dates and times should be confirmed with the Court Administrator or Coordinator for availability and a written order submitted.

1.16 Demand for trial by jury together with payment of the jury fee shall be made at such time as not to cause a delay in the trial of the case. When a case is set for trial at a hearing or by agreement, any attorney wanting a jury trial should notify the Court and opposing counsel so that the case can be set for a jury setting or if the case is set without a hearing or agreement, the attorney should notify the Court immediately on receipt of a notice of non-jury setting. Thereafter, it will be presumed that a demand for a jury is not made at a reasonable time before the date set for trial and it shall be the duty of the attorney making such belated demand to pay the jury fee and call to the attention of the court his request for a different setting on a jury setting date. Mere filing of a demand and jury fee after the case is set for non-jury trial without calling it to the attention of the Court is not calculated to be within a reasonable time before the trial date.

1.17(a) In all contested jury cases set for trial in a particular week, counsel are required to make announcements to the Court, in person, on the preceding Friday, in accord with the following schedule:

County Court at Law No. 1 - 9:00 A.M.

County Court at Law No. 2 - 9:30 A.M.

PART THREE

DECORUM

3.1 COURTS WHERE APPLICABLE

The following rules of decorum shall be applicable to and govern cases tried in the Civil District Courts and County Courts at Law of Cameron County, Texas.

3.2 FORMAL OPENING

Immediately before the scheduled time for the beginning of court sessions, the Bailiff shall direct all court officers and spectators to their seats and shall bring order. As the Judge enters the courtroom, the Bailiff shall state, "Everyone please rise." While everyone is still standing he shall make an appropriate announcement such as, "The _____ Court is now in session, the Honorable _____, Judge Presiding. Be seated, please."

3.3 FORMAL CLOSING

At the end of the trial day the Court shall tell the Jury that the Court will be in recess until "tomorrow morning at _____ o'clock," at which time the Court Bailiff shall state, "The _____ Court of Cameron County, Texas, will be in recess until tomorrow morning at _____ o'clock A.M. Good day, ladies and gentlemen."

3.4 CONDUCT REQUIRED OF ALL PERSONS WHILE ATTENDING COURT

- a. No reading of newspapers or magazines;
- b. No bringing of bottles, paper cups, or beverage containers into the courtroom;
- c. No bringing of edibles into the courtroom (at any time);

- d. No propping of feet on tables, chairs, or benches;
- e. No sitting on tables, railings, desks, or arms of chairs;
- f. No person shall walk through courtroom while any proceedings are being held (or court in session);
- g. No making noises or talking which interferes with the court procedure;
- h. No smoking, except where judge presiding permits;
- i. Before entering a courtroom all persons shall first remove overcoat, hat, cigar, etc.; and
- j. No person should by any facial expression, shaking of the head or any other conduct, exhibit approval or disapproval of any testimony elicited or any statement or transaction which has occurred in the courtroom.

3.5 CONDUCT REQUIRED OF COURT OFFICERS

a. All counsel are admonished to respect the letter and spirit of all canons of ethics including particularly those dealing with testimony by counsel participating in the trial, discussion of cases with representatives of the press, T.V., or radio and discussion of the facts or law of the case with the Court outside of the courtroom and not in the presence of opposing counsel. The Court may enforce the same by appropriate action.

b. The lawyers, the Judge, and all officers of the Court shall be prompt at all sessions and in the dispatch of all court business.

c. All female lawyers and court officials shall dress in keeping with proper courtroom decorum, and all male lawyers and court officials shall wear coats and ties while in attendance of the Court; provided, however, that judicial discretion be exercised otherwise in special situations.

d. While the Court is in session all remarks of counsel shall be addressed to the Court and not to opposing counsel or to the Judge as an individual.

e. In addressing the Judge, lawyers shall at all times rise and remain standing to address the Judge from their position at the counsel table. They shall remain at counsel table while interrogating witnesses, except as may be necessary in handling or displaying of exhibits or demonstrating evidence.

f. The Judge shall be respectfully and properly addressed at all times; all objections and legal arguments by counsel shall be directed to the Judge and not to opposing counsel, and counsel shall be impersonal in addressing the Judge.

g. All counsel are requested to use the conference room for consultation with clients and witnesses and are further requested to refrain from inviting clients and witnesses into the court clerk's office and the Chambers except upon the direction of the Judge. The telephone in the lawyers' lounge is provided for the attorneys to use in Court business only.

h. When the Judge addresses counsel it shall be impersonally, as by "Counsel" or by the last name, rather than by first name.

i. Lawyers shall never lean on the bench or engage the Judge in a confidential manner, except by permission or at the request of the Judge.

j. Lawyers shall advise their clients and witnesses of proper courtroom decorum and seek their full cooperation there-with. This will prevent possible embarrassment to the Judges as well as to the lawyers and laymen.

k. After jury voir dire no attorney shall ever address the jury or a juror individually or by name without having first obtained leave of Court. During trial, attorneys should not exhibit familiarity with witnesses, jurors, or opposing counsel, and to this end, the use of first names should be avoided. During jury argument no attorney should ever address a juror individually or by name.

l. The trial attorney should refrain from interrupting the Court or opposing counsel until the statement being made is fully completed, except when necessary to protect his client's rights on the record, and should respectfully await the completion of the Court's statement or opinion before undertaking to point out objectionable matter.

m. There will be no arguments on objections in the presence of the jury. If counsel desires to argue his point after making his objection or being overruled on an objection, he shall ask the Court to exclude the jury before he proceeds with such argument. However, argument will be permitted on objections at the discretion of the Court.

n. No lawyer or party shall expect any Court attendant to request his or her presence prior to the commencement or resumption of any court proceeding.

3.6 BAILIFFS

a. The Court shall appoint a Bailiff (or Bailiffs), who may be a deputy sheriff, who shall be present at all times while the Court

is in session or in recess, unless excused by the Judge. No duty shall be assigned to the Bailiff except upon prior approval by the Judge.

b. The Bailiff shall see that the flag of the United States of America and the flag of the State of Texas are properly displayed and respected in the Courtroom.

c. The Bailiff shall enforce all rules of conduct and decorum and perform any other duties assigned by the Judge.

PART FOUR

GENERAL

4.1 AUTHORITY FOR RULES

These rules are adopted under and by virtue of Articles 200b and 2093f, Vernon's Texas Civil Statutes and Rule 817, Texas Rules of Civil Procedure, and the constitutional, statutory, and inherent powers of the courts to regulate proceedings before them and to provide for the orderly and efficient dispatch of litigation.

4.2 CASE FILED IN WRONG COURT

Whenever any case is filed in a district court other than the district court in which it should be filed according to these rules, the Presiding Judge of the Judicial Conference of the District Courts of Cameron County shall be notified and shall verify the original assignment, and upon verification shall transfer the case to the proper court. A copy of the order of transfer will be recorded in the minutes of both courts and shall be mailed to counsel for all parties and to any party who has appeared pro se.

4.3 REPEAL OF FORMER RULES

All previous local rules governing practice in the Civil District Courts and County Courts at law of Cameron County are hereby repealed.

4.4 TITLE AND CITATION

These rules shall be known as the "Cameron Civil District Court and County Court at Law Rules," and particular rules may be cited thus: "Cameron Civil Court Rule 4.4."

4.5 PARTIAL CIVIL INVALIDITY

In the event any of the foregoing rules or any part thereof is held to be invalid for any reason, such invalidity shall not affect the validity of the remaining rules and parts of rules, all of which have been separately considered and adopted.


4.6 "COUNSEL", "LAWYERS", "ATTORNEY OF RECORD"

The terms, "Counsel", "Lawyer" and "Attorney of Record" as used in these rules shall, in the event a party appears pro se, i.e. without counsel, apply to individual litigants in the same fashion as if they were members of the Bar of the State of Texas.


4.7 ADOPTION AND EFFECTIVE DATE

These rules shall be effective in all courts to the extent applicable on and after the 1st day of April, 1984.

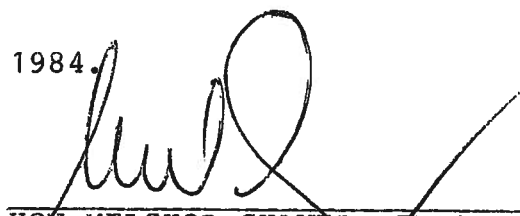
SIGNED the 19th day of March, 1984.


HON. DARRELL B. HESTER, JUDGE
197TH JUDICIAL DISTRICT COURT
CAMERON COUNTY, TEXAS

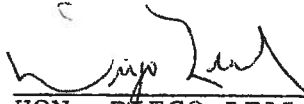
SIGNED the 19th day of March, 1984.


HON. HARRY D. LEWIS, JUDGE
138TH JUDICIAL DISTRICT COURT
CAMERON COUNTY, TEXAS

SIGNED the 20th day of March, 1984.


HON. MELCHOR CHAVEZ, JUDGE
107TH JUDICIAL DISTRICT COURT
CAMERON COUNTY, TEXAS

SIGNED the 16th day of March, 1984.




HON. DIEGO LEAL, JUDGE
103RD JUDICIAL DISTRICT COURT
CAMERON COUNTY, TEXAS

SIGNED AND ADOPTED the ____ day of January, 1985.

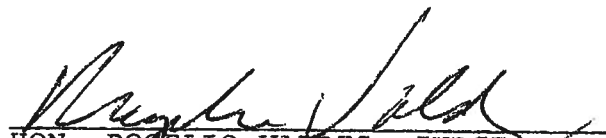
PRESIDING JUDGE
375TH JUDICIAL DISTRICT COURT
CAMERON COUNTY, TEXAS

SIGNED the 16th day of March, 1984.



HON. MENTON MURRAY, JR., JUDGE
COUNTY COURT AT LAW NO. TWO
CAMERON COUNTY, TEXAS

SIGNED the 16th day of March, 1984.



HON. ROGELIO VALDEZ, JUDGE
COUNTY COURT AT LAW NO. ONE
CAMERON COUNTY, TEXAS

FILED AND RECORDED in the minutes of the County Court at Law of Cameron County, Texas, on the 10th day of September, 1984, at Volume 18, Page 413-505 et seq.

MIKE SHELDON
COUNTY CLERK
CAMERON COUNTY, TEXAS

By: Lydia J. Garcia
Deputy

FILED AND RECORDED in the minutes of the County Court at Law Number Two of Cameron County, Texas, on the 10th day of September, 1984, at Volume 6, Page 47-79 et seq.

MIKE SHELDON
COUNTY CLERK
CAMERON COUNTY, TEXAS

By: Lydia J. Garcia
Deputy

FILED AND RECORDED in the Civil Minutes of the District Courts of Cameron County, Texas, on the 17th day of September, 1984, at Volume CV-100, Page 1-34 et seq.

AURORA DE LA GARZA
DISTRICT CLERK
CAMERON COUNTY, TEXAS

By: Aurora de la Garza
Deputy

SUPREME COURT APPROVAL

These rules were approved by an Order of the Supreme Court of Texas on May 1, 1984, which Order was published in Volume 47 of the Texas Bar Journal at page 842 et seq. (July 1984 issue.)

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