

LOCAL RULES
STATUTORY COUNTY COURT AT LAW
HOOD COUNTY, TEXAS

Adopted by Order dated December 1, 2006

ORIGINAL SIGNED BY JUDGE VINCENT J. MESSINA
VINCENT J. MESSINA, HOOD COUNTY COURT AT LAW JUDGE

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INTRODUCTION

Pursuant to the authority granted County Courts at Law under Rules 3a, T.R.C.P. and Art. 33.08, C.C.P., to promulgate Rules of Practice for conducting the business of County Courts at Law, the rules, suggestions and procedures set out below will be in effect in this Court unless subsequently modified, changed, or amended.

A copy of these rules is filed with County Clerk of this Court and available to all persons and attorneys having litigation in this Court. Copies of these rules may also be downloaded from the Court's web site at <http://www.co.hood.tx.us/countycourtatlaw.htm>.

These rules are promulgated for the benefit of the Court, the Court personnel, attorneys and litigants having matters before the Court, and are adopted for the purpose of establishing and maintaining an orderly, dignified and expeditious procedure for handling and conducting the Court's business.

As County Court at Law Judge, I have freely used desirable court rules written by other Judges, and I acknowledge those contributions. In order to effectuate the purpose of these local rules as set forth above, I solicit the comment, suggestions and even criticism from members of the bar practicing in Hood County, Texas, so that all of the rules of the Court will be workable and helpful in disposing of cases as expeditiously as possible and with as little inconvenience as possible to any party litigant or their attorneys.

ORDER ADOPTING RULES

It is ordered by the County Court at Law Judge of Hood County, Texas, that:

- 1. The following rules of practice and procedure are adopted;*
- 2. The Clerk of this Court in Hood County, Texas, record these rules and this Order in the minutes of this Court;*
- 3. A copy of these rules and this Order be furnished to the Supreme Court of Texas;*
- 4. The Clerk of the Court deliver immediately to each lawyer residing or maintaining an office within Hood County, Texas, a copy of these rules and this Order; and to each lawyer and pro se party appearing in any civil action in this Court;*
- 5. These rules shall be construed and interpreted, in addition to, in conformity with and not as superseding the Constitution and laws of the State of Texas or the Texas Rules of Civil Procedure or the Texas Code of Criminal Procedure;*
- 6. Should any of these rules, or any part thereof be held invalid for any reason, such invalidity shall not affect the validity of the other rules or parts of rules, all of which have been separately considered and adopted;*
- 7. These rules shall be effective on December 1, 2006, and thereafter until amended, modified, or repealed by Order of the Court.*

ORDERED this 1st day of December, 2006.

ORIGINAL SIGNED BY JUDGE VINCENT J. MESSINA
VINCENT J. MESSINA, HOOD COUNTY COURT AT LAW JUDGE

**HOOD COUNTY
LOCAL RULES OF PRACTICE OF THE
STATUTORY COUNTY COURT AT LAW**

TITLE 1. RULES GOVERNING ALL PROCEEDINGS

RULE 1.1 CONDUCT AND COURTROOM DECORUM

a. Policy

Judges and attorneys have a duty to uphold the highest standards of conduct and to earn and promote public respect for the judiciary, the legal profession and the American system of justice.

b. The Texas Lawyer's Creed

The Standards of Professional Conduct in Section IV of The Texas Lawyer's Creed, as promulgated by the Texas Supreme Court and the Texas Court of Criminal Appeals are adopted and incorporated herein by reference as guidelines for participating in litigation in the Statutory County Court at Law of Hood County.

c. Conduct Required of Counsel

1. Counsel shall timely appear before the court at each setting and following each recess.
2. Counsel shall be appropriately attired for all court proceedings. Male attorneys shall be dressed neatly in business suits or sportcoats, with appropriately contrasting slacks, dress shirt and tie. The shirt collar shall be buttoned. Resort wear, sportswear, bluejeans and similar clothing are not considered appropriate courtroom attire. Female attorneys shall be dressed in conservative dress or business attire. Jumpsuits, resort wear, sportswear, bluejeans and similar clothing are not considered appropriate courtroom attire.
3. Counsel shall rise and remain standing while addressing the Court.
4. Counsel shall address all statements, requests and objections to the Court and not to opposing counsel.
5. Counsel shall not argue objections in the presence of the jury without prior leave of court.
6. Counsel shall not interrupt or talk over opposing counsel, except to state formal objections.

7. Counsel shall remain behind counsel table while examining witnesses. If requested by counsel, counsel may stand at a podium while examining witnesses.
8. Counsel shall neither make nor insinuate derogatory or insulting remarks about opposing counsel.
9. Counsel shall address the Court as "Your Honor" or "Judge" and except with leave of court, shall refer to all counsel, parties and witnesses (except children) by their surnames, using such titles as Mr., Mrs., Miss, Dr., etc., as appropriate, and not by first names or nicknames, or any discriminatory or inappropriate classification.
10. Counsel shall neither exit nor enter the bar while court is in session without prior permission of the Court or the bailiff.
11. Counsel shall request leave of court before approaching the bench or to approach the witness when necessary to work with documentary or tangible evidence.
12. Counsel shall not lean on the bench except as may be necessary to prevent jurors from overhearing bench conferences. Counsel shall not engage in personal discussions with the Court or each other during trial while in the presence of jurors, parties, or witnesses.
13. Counsel shall advise counsel's clients, witnesses and others subject to counsel's control of these rules of conduct and courtroom decorum.

d. Conduct Required of All Persons

All persons in the courtroom during trials and other proceedings shall be attentive to the proceedings and shall refrain from any action which may disrupt the proceedings. Therefore, all persons shall comply with the following:

1. All persons shall be appropriately attired for court proceedings. All persons entering the courtroom shall be dressed in clothing reasonably befitting the dignity and solemnity of court proceedings. Tank tops, T-shirts, shorts, thongs, and clothing that is tattered or soiled are among those items of clothing not considered appropriate courtroom attire. No hats, caps or sunglasses shall be worn in the courtroom.
2. No tobacco use in any form is permitted.
3. No bottles, beverage containers, paper cups or edibles are allowed in the courtroom, except as permitted by the Court.
4. No gum chewing is permitted.

5. No reading of newspapers, books, or magazines is permitted.
6. No propping of feet on tables or chairs is permitted.
7. No talking or unnecessary noise is permitted which interferes with the court proceeding.
8. No person may, by facial expressions, shaking or nodding of the head, or by any other conduct, express approval or disapproval of any testimony, statement or transaction in the courtroom.
9. All persons shall rise when the judge enters the courtroom, and at such other times as the bailiff shall instruct.
10. No person shall bring packages, suitcases, boxes, duffel bags, shopping bags or containers into the courtroom without the prior approval of the bailiff.
11. No person shall be permitted any verbal or physical contact with a prisoner without the prior approval of the bailiff.
12. No person shall bring radios, tape recorders, computers, cameras, cellular telephones, pagers or other electronic devices into the courtroom unless the device is required for the court proceeding and prior approval has been given by the bailiff or the Court.
13. Cellular telephones and pagers are to be turned to the "Off" position or "Vibrate".

e. Enforcement

The bailiff of the court shall enforce the rules of conduct and courtroom decorum. Violation of the above rules will be subject the offender to a fine not to exceed \$100.00.

RULE 1.2. REQUESTS FOR CONTINUANCE OR POSTPONEMENT

a. Consent or Notice Required

No request for a continuance, to pass, postpone or reset any trial, pretrial, or other hearing shall be granted unless counsel for all parties consent, or unless all parties not joining in such request have been notified and have had an opportunity to object. The Court retains the right to deny any request for a continuance, a pass, or postponement of any trial, pretrial or hearing, whether agreed to or not.

b. Contents of Motion

Unless counsel for all parties consent in writing to the request for a continuance and the same is approved by the Court, a motion must be filed pursuant to Rule 251, et seq. of the Texas Rules of Civil Procedure, as amended or Article 29.01, Texas Code of Criminal Procedure, as applicable, and the motion must be accompanied by an order setting the motion for a hearing. Any motion that does not meet these requirements will be denied without prejudice to the right to refile.

RULE 1.3. CONFLICT IN TRIAL SETTINGS

a. Duty of Counsel to Notify Court

Whenever an attorney has two or more cases on trial dockets for trial at the same time, it shall be the duty of the attorney to bring the matter to the attention of the courts concerned immediately upon learning of the conflicting settings.

b. Priority of Cases in Event of Conflict

Insofar as practicable, the affected courts shall attempt to agree upon which case shall have priority. Absent such agreement, conflicting trial settings shall be resolved in the following priority:

1. Federal cases
2. Temporary injunctions
3. Criminal cases against defendants who are detained in jail pending trial
4. Cases given statutory preference
5. Preferentially set cases, other than those given statutory preference
6. The earliest set case

TITLE 2. RULES GOVERNING CIVIL PROCEEDINGS

RULE 2.1. APPLICATION FOR EX PARTE ORDERS (EXCLUDING FAMILY VIOLENCE PROTECTIVE ORDERS AND DOMESTIC TEMPORARY RESTRAINING ORDERS)

Counsel presenting any application for an ex parte order shall, at the time the application is presented to the Court, certify in writing that:

- a. to the best of counsel's knowledge, the party against whom the relief is sought is not represented by counsel; or
- b. if the party against whom the relief is sought is 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) counsel presenting the application has diligently attempted to notify opposing counsel, has been unable to do so, and the circumstances do not permit additional efforts to give such notice.

RULE 2.2. PRETRIAL AND TRIAL SETTINGS

- a. At any time after the filing of an answer or entry of an appearance by the opposing party, any party may request a setting for a trial on the merits or, where applicable, a pretrial hearing, by (i) filing with the Court a motion requesting a hearing, and an order setting the hearing, accompanied by a certificate of service to opposing counsel; or (ii) orally requesting the Court to schedule the hearing and confirming the setting by letter addressed to the Court, a copy of which shall be served on opposing counsel in accordance with Rule 21a of the Texas Rules of Civil Procedure, as amended. All requests for a setting shall include an estimate of the amount of court time required for the hearing.
- b. Prior to requesting a setting, counsel shall attempt to coordinate a setting with opposing counsel.
- c. Should neither party request a pretrial hearing, the Court on its own motion will set a pretrial hearing on the case, notifying each attorney of record, or pro se party, in accordance with the Texas Rules of Civil Procedure.

RULE 2.3. WITHDRAWAL OF COUNSEL

- a. Withdrawal

Withdrawal of counsel shall be governed by Rule 10 of the Texas Rules of Civil Procedure, as amended, and the following rules.

- b. Notice to Client

If another attorney is not to be substituted as attorney for the party or if the party does not consent to the motion to withdraw, the withdrawing attorney shall notify the client in writing that the Court will be requested to sign an order granting the withdrawal on or after ten (10) days following the date of such notice. Notice shall be sent by certified mail, return receipt requested, on all such motions a hearing is required, and the attorney requesting the motion must give their client reasonable notice of such hearing.

c. No Delay of Trial

Unless allowed in the discretion of the Court, no motion to withdraw shall be granted that is presented within thirty (30) days of the trial date or at such other time as to require a delay of trial.

RULE 2.4. ALTERNATIVE DISPUTE RESOLUTION

a. Policy

It shall be the policy of the County Court at Law, Hood County, Texas, to encourage the peaceable resolution of disputes and early settlement of pending litigation, including family law litigation, by referral to alternative dispute resolution (ADR) pursuant to the Texas Alternative Dispute Resolution Procedures Act, Texas Civil Practice and Remedies Code, Chapter 154. All civil and domestic cases announcing for two hours or more upon final hearing shall be required to be mediated prior to the final hearing of said case.

b. Manner of Referral

It is anticipated that the parties shall cooperate in referring such issues to an ADR procedure under terms and conditions as are mutually agreeable, without the need for court intervention. If the parties are unable to cooperate or agree to a referral of such issues to an ADR procedure, then upon written notification to the Court by one of the parties that efforts to coordinate a referral have been unsuccessful, the Court, without a hearing, shall enter an order of referral to an ADR procedure, and under such terms and conditions selected by the Court.

c. Objection to Referral

If the Court enters an order of referral to an ADR procedure, any party may object to such referral pursuant to Texas Civil Practice and Remedies Code, Chapter 154. Upon the filing of an objection, the Court shall schedule a hearing. If the Court finds that there is a reasonable basis for the objection, the Court may, in its discretion, order that the case not be referred to an ADR procedure and order the case set for trial on the merits.

RULE 2.5. DISMISSAL FOR WANT OF PROSECUTION

a. Procedure

The Court, on its own motion, may dismiss a case for want of prosecution. The procedure provided in Rule 165a of the Texas Rules of Civil Procedure, as amended, shall apply.

b. Reasons for Dismissal

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

1. Failure of a party seeking affirmative relief to take appropriate action when the case has been pending without action for six months.
2. Failure of counsel for a party seeking affirmative relief to appear for a pretrial or preliminary hearing, particularly if there has been a previous failure to appear or no motion has been timely filed to meet the exceptions previously sustained.
3. Failure of a party seeking affirmative relief to make an announcement as scheduled when the case has been set for trial.

RULE 2.6. ORDERS AND DECREES

a. Reduction to Writing Within Thirty (30) Days

Within thirty (30) days after rendition, announcement of the Court's ruling or announcement of settlement by counsel, counsel shall cause all judgments, decrees or orders of any kind to be reduced to writing, forwarded to opposing counsel for approval as to form, and delivered to the Court for signing.

b. Dismissal if Written Order Not Furnished

Upon failure to furnish the Court with a judgment, order or decree disposing of the case within the thirty (30) day period, the Court shall place the case on the next regularly scheduled dismissal docket, whereupon the case may be dismissed and costs may be taxed at the Court's discretion.

c. Procedure for Entry of Order

If counsel is unable to secure all opposing counsel's approval as to form, counsel may:

1. File a motion for entry of the proposed judgment, order or decree and secure a hearing for the same, with notice to all opposing counsel pursuant to Rule 21a, Texas Rules of Civil Procedure. At a hearing, the Court may assess costs and attorney's fees within the Court's discretion; or
2. Present the Court with the proposed judgment, decree or order, together with a letter requesting the Court to sign the same if the Court has not received a written objection from opposing council within ten (10) days from the date of the letter. Each party who submits a proposed judgment for signature shall serve the proposed judgment and a copy of the letter on

all other parties who have appeared and remain in the case, in accordance with Rule 21a, Texas Rules of Civil Procedure. If the Court receives a written objection from opposing counsel within the stated time, the proponent of the judgment, decree or order shall schedule a hearing for entry of the same pursuant to subdivision 1 of this rule.

TITLE 3. RULES GOVERNING CRIMINAL PROCEEDINGS IN COUNTY COURT AT LAW, HOOD COUNTY, TEXAS

RULE 3.1. ARRAIGNMENT

After the charging instrument is filed, all defendants, their attorneys and bonds persons shall be notified and are required to appear for the defendant's formal arraignment. A waiver of arraignment is allowed, only when filed by a defendant's attorney after or contemporaneously with a written notice of representation filed in the cause by the attorney of record.

RULE 3.2. SCHEDULING OF PLEAS

a. Guilty Plea Memorandum, Waivers, Pleas

The County Attorney and counsel for the defendant shall complete all plea memoranda, waivers and proposed judgments prior to scheduling a plea hearing.

RULE 3.3. CRIMINAL PRE-TRIAL SETTINGS

- a. If an attorney has no pre-trial motions to be heard on the assigned pre-trial setting, the attorney may waive the pre-trial hearing by notifying the Court in writing that they have no pre-trial motions to be heard and that they, nor their client(s), will be appearing for the hearing.

If no attorney appears at the trial setting, the Judge will find that there are no pre-trial motions to be heard on that case.

RULE 3.4. DUTIES OF COURT APPOINTED COUNSEL

All court appointed criminal defense counsel shall be required to adhere to the requirements of the Texas Fair Defense Act, and the following:

- a. Appear promptly at all times required by the Court.

- b. It shall be counsel's continuing duty to visit an incarcerated defendant regularly until the defendant's case is concluded. Counsel's continuing duty to visit the defendant in jail is not satisfied simply by accepting collect telephone calls from an incarcerated defendant. Counsel should be able to assure the trial court that counsel has devoted sufficient time to visit an incarcerated defendant should a dispute arise concerning counsel's fulfillment of this duty.
- c. Ensure that an incarcerated defendant is provided with appropriate attire for a jury trial. This provision shall not be construed to permit counsel to purchase clothing for a defendant without first seeking the approval of the Court.

RULE 3.4. WITHDRAWAL OF RETAINED COUNSEL

Unless good cause is shown, retained defense counsel in criminal proceedings shall not be permitted to withdraw from representation of a defendant unless the defendant has employed other defense counsel, and provided that the substitution of counsel does not interfere with the orderly disposition of the criminal proceeding.

TITLE 4. (Reserved For Expansion)

TITLE 5. RULES GOVERNING FAMILY LAW PROCEEDINGS

RULE 5.1. TEMPORARY HEARINGS

- a. Scheduling

All temporary hearings shall be set on a date and at a time scheduled by the Court. At the time set for the temporary hearing, counsel shall make an announcement of the estimate of time required to present the case.

- b. Notice Required When Responding Party Seeking Affirmative Relief

An application to the Court for a temporary order and notice of any hearing thereon which is presented by a party responding to an application for temporary orders in which that party is seeking affirmative relief shall be served on the adverse party in accordance with Rule 5 and Rule 21a of the Texas Rules of Civil Procedure, as amended.

- c. Order of Cases

All cases in which counsel announce a settlement shall be heard first. All other cases shall be docketed according to counsel's announcement, with those matters requiring the least amount of time to be heard first.

d. Documents Required

In all cases in which temporary support of a spouse and /or the child is in issue, each party shall be required to furnish:

A statement of monthly income and expenses in a form substantially similar to that attached to these rules as Appendix 1.

1. Copies of that party's federal income tax returns for the two calendar years prior to the temporary hearing, if available.
2. All payroll statements, pay stubs, W2 forms, and 1099 forms which evidence that party's earning for the calendar year prior to the temporary hearing and from January 1 of the current year through the date of the temporary hearing.

e. Duration of Orders

No temporary order shall exceed one hundred and eighty (180) days in duration from the date the order is signed, except by agreement of the parties or order of the Court.

f. Trial Procedures in Temporary Order Cases

In order to prevent the retrial of contested issues in temporary matters, each counsel is permitted to call as witnesses a party and one collateral witness, unless permitted otherwise by the Court.

RULE 5.2. PARENT EDUCATION AND FAMILY STABILIZATION COURSE

a. Course Mandatory in Contested Cases

All parties in a contested suit affecting the parent-child relationship, including an action to modify an order in a suit affecting the parent-child relationship, shall attend and complete a parent education and family stabilization course approved by the court in which the suit is pending. Except as provided herein, the provisions governing a parent education and family stabilization course in Section 105.009, Texas Family Code, as amended, shall apply.

b. Waiver of Course

For good cause shown, after notice and hearing, the court may waive the requirement of a course. If a party claims an inability to afford to take a course, and the court finds the claim is meritorious, the court may order that party to attend and complete a course that is offered on a sliding scale fee or without charge, if a course of that type is available.

c. Deadline for Completion

Each party shall complete the course prior to a final hearing on the merits of the case.

d. Verification of Attendance

Each party completing the course shall file a certificate of completion with the court within thirty (30) days of completion of the course, or at the time of that party's next court appearance, whichever is sooner.

e. Sanctions

If a party who is required to attend fails to attend and complete the course, the court may make such orders with regard to the failure as are just, including holding the party in contempt of court, striking pleadings, or invoking any sanction provided by Rule 215, Texas Rules of Civil Procedure, as amended.

RULE 5.3. INVENTORY AND APPRAISEMENT

a. Inventory and Appraisal Required

In all cases in which the character, value or division of property or debts is in issue, each party shall file, not less than thirty (30) days prior to a trial, a sworn inventory and appraisal of all of the separate and community property owned or claimed by the parties and all debts and liabilities owed by the parties. It is recommended that each party file this inventory in a form substantially similar to Form 5-1 of the Texas Family Law Practice Manual published by the State Bar of Texas.

b. Proposed Division of Property and Debt

In all cases involving a request for the division of the community estate by the Court, each party is required to submit a proposed division of the estate setting out and identifying the property and debts to be divided.

RULE 5.4. CHILD SUPPORT SERVICES

a. Automatic Referral to Attorney General

Each order or decree which provides for child support to be paid through the registry of the District Clerk of Hood County, Texas, shall include and shall be deemed to include, an application for child support services provided by the District Clerk and the Texas Attorney General pursuant to Chapter 76, Texas Human Resources Code, as amended. All orders relative to child support shall contain the language as set out in the attachment as Appendix 2.

b. Fees for Services

A reasonable fee, to be set by the district and statutory county court judges, may be collected by the District Clerk at the time a suit affecting the parent-child relationship is filed.

c. May Decline Services

A person entitled to receive child support services may decline such services on forms provided by the Texas Attorney General at the time collection efforts are initiated. Only the services of the Texas Attorney General may be declined.

TITLE 6. UNCONTESTED DOCKET

The Court will hear uncontested cases beginning at 8:30 a.m. and continuing until 10:00 a.m. Monday – Friday. All counsel or pro se parties are required to have completed all documents necessary to conclude the legal matters before the Court including, but not limited to:

- a. Final Judgment or Final Orders
- b. State of Texas reporting forms
- c. Employer's Order Withholding
- d. QUDRO documents
- e. Statement of last known address of defaulting party
- f. Affidavit of non-military status of defaulting party. Should counsel or pro se parties appear without the same, the case will be thereafter set on the next available contested docket.

It will be the responsibility of the attorney or pro se party to inform the Bailiff of the cause number of the case and the Bailiff will thereafter secure the original court file from the appropriate clerk and subsequent to the hearing will return said file to the clerk. Attorneys and pro se parties are not to demand the Court's original file from any clerk.

TITLE 7. TRIAL PROCEDURE

- 7.1 Any party filing special exceptions, pleas in abatement or other dilatory pleas shall request and obtain a hearing on them at least thirty (30) days prior to the trial date or as soon as possible after the pleading is filed if the pleading is filed within thirty (30) days of the trial date. Any such matters not heard are waived.
- 7.2 Any case not reached during the week that is set for trial will be reset by the Court.
- 7.3 At the time the parties report for trial they will deliver to the Court, the Court Reporter and the other parties a witness list and exhibit list and any motion in limine. Any witnesses or exhibits not shown on such list can be used at the trial only upon leave of the Court. Prior to commencement of trial all exhibits will be marked, exchanged and examined by the counsel so that the trial will not be delayed by such examination.
- 7.4 Counsel intending to offer videotaped depositions or other films at trial, except those offered solely for impeachment, must make such tapes and films available to opposing counsel sufficiently in advance of trial so that a hearing on any objections can be held before commencement of trial. Any tapes or films not so tendered will not be permitted into evidence at the trial. All parties must timely examine any tendered tapes or films and request a hearing immediately if there are objections to the admissibility of any party of the tapes or films. Any objections not heard prior to trial will be waived.
- 7.5 During the trial or hearing of any proceeding only court officials, counsel and parties to such proceedings shall be permitted within the bar.
- 7.6 Counsel shall rise to address the Court. Counsel shall remain seated at the counsel table to examine the witnesses, unless permission is first obtained to approach the witness.
- 7.7 A short settlement conference may be held by the judge with counsel for all parties present, immediately prior to the trial. Rulings on the admissibility of evidence, elements includable in damages and other legal issues may be discussed and tentatively resolved by the judge in an effort to precipitate settlements that might otherwise be delayed until resolution of the issues. Should no settlement or other disposition be achieved, the case shall proceed immediately to trial.
- 7.8 Except upon permission of the Court, all witnesses must be present at the courthouse and ready to testify no later than one-half hour after the beginning of trial in a non-jury case. If a witness is not available as required by this rule, and if the absence of such witness does not require a continuance, the Court, in its discretion, may require counsel to present the missing witness out of order, may require the use of a deposition in lieu of the witness, may submit the case to the jury without benefit of the witness's testimony or may make any other order which appears just to avoid delay of the trial.
- 7.9 Counsel shall not repeat or restate information on juror information cards in their voir dire of the jury.

- 7.10 When more than one jury is to be selected counsel in all cases are urged to attend voir dire and to refrain from repeating questions already answered by members of the jury panel on voir dire of a previous case.
- 7.11 In all civil jury trial cases, anticipated special questions, definitions and instructions shall be submitted to the Court in writing and on computer disc in Microsoft Word® format at the pre-trial hearing, or if there is no pre-trial hearing, seven (7) days prior to the beginning of the trial, with copies to opposing counsel or pro se parties.
- 7.12 Counsel shall advise witnesses to speak distinctly and to answer questions audibly so as to be heard by the Court, jury and Court Reporter.
- 7.13 There shall be no argument by counsel in the presence of the jury relative to the Court's ruling on objections. Counsel wishing to argue shall first ask the Court if the jury might be retired and then present such arguments as the Court may permit.

TITLE 8. MISCELLANEOUS

RULE 8.1. AUTHORITY FOR RULES

These rules are adopted pursuant to the Texas Government Code, Section 75.011 and Rule 3a of the Texas Rules of Civil Procedure, as amended, 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.

RULE 8.2. TITLE AND CITATION

These rules shall be known as the Hood County Local Rules of Practice of the Statutory County Court at Law.

RULE 8.3. 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 numbered and adopted.

RULE 8.4. TERMS

The terms counsel, lawyer, and attorney of record as used in these rules shall apply to an individual litigant in the event a party appears pro se.

RULE 8.5. CONSTRUCTION OF RULES

Unless otherwise expressly provided, the past, present or future tense shall each include the other; the masculine, the feminine or neutral gender shall each include the other; and the singular and plural shall each include the other.

RULE 8.6. APPLICATION OF RULES

These rules supersede any prior local rules of practice. These rules shall become effective upon approval by the Texas Supreme Court.

RULE 8.7. VACATIONS OF ATTORNEYS

If a case is set for trial by the Court on the date for which an attorney has planned a vacation, the attorney will notify the Court as soon as the notice of trial setting is received and the case will be reset for a different time. If plans for a vacation are made by an attorney after a trial setting notice has been received, the attorney will immediately notify the Court and other parties with a request that the case be reset for a different time. The Court will rule on such after giving all parties to the lawsuit an opportunity to respond to the request.