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# LOCAL RULES OF PRACTICE AND PROCEDURE

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25<sup>TH</sup> AND 2<sup>ND</sup> 25<sup>TH</sup> Judicial District Court  
Colorado County, Texas

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The Honorable William D. Old III  
The Honorable Jessica Crawford  
Judges Presiding

ORDER ADOPTING RULES OF THE  
25<sup>TH</sup> and 2<sup>ND</sup> 25<sup>TH</sup> JUDICIAL DISTRICTS  
COLORADO COUNTY, TEXAS


It is ordered by the 25<sup>th</sup> and the 2<sup>nd</sup> 25<sup>th</sup> Judicial District Courts of Texas that:

1. The 25<sup>th</sup> and 2<sup>nd</sup> 25<sup>th</sup> Judicial District Local Rules of Practice and Procedure for Colorado County as hereinafter set out are hereby adopted subject to the approval of the Supreme Court of Texas and the Council of Judges of the Third Administrative Region of Texas.
2. The Clerk of the Courts in Colorado County shall record the Rules of Practice and Procedure and this Order in the Minutes of the Court.
3. A copy of these rules and this order shall be furnished to the Supreme Court of Texas, the Court of Appeals for the 4<sup>th</sup> district of Texas and the Presiding Judge of the Third Administrative Region of Texas.
4. The Clerk of the Courts shall deliver to each lawyer maintain an office with the county the clerk serves a copy of these local rules, a copy shall further be furnished by the Clerk to each lawyer and pro se party appearing in any civil action in this Court. The Clerk of the Court shall keep a current record of such delivery, the date thereof and make such record available for inspection.
5. These Rules of Practice and procedure, as may hereafter be amended, shall be construed and interpreted in addition to and in conformity with, and not as superseding the Constitution and the laws of the State of Texas, the Texas Rules of Civil Procedure, rules adopted by the Council of Judges of the Third Administrative Judicial Region or rules promulgated by the Supreme Court of Texas.
6. Should any of these rules, or any part thereof, or any amendments thereto, 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 These rules shall be effective of the date this Order is signed and thereafter until amended, modifies, or repealed by Order of these Courts.

Signed, Ordered and Effective this the an day of January, 2017.

  
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25<sup>th</sup> Judicial District Judge

  
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2<sup>nd</sup> 25<sup>th</sup> Judicial District Judge

## **Local Rules of Practice for the 25<sup>th</sup> and 2<sup>nd</sup> 25<sup>th</sup> Judicial District Courts of Texas in Colorado, Gonzales and Lavaca Counties**

The dockets of the 25<sup>th</sup> and 2<sup>nd</sup> 25<sup>th</sup> District Courts of Colorado, Gonzales and Lavaca Counties are to be held in accordance with schedules published annually which may be obtained from the office of either judge or from the offices of the district clerks.

Any case filed in the 25<sup>th</sup> or 2<sup>nd</sup> 25<sup>th</sup> Judicial District Courts may be heard in either Court without transfer or further order except:

1. A family case involving custody of a child, if contested temporary orders are heard, must be set thereafter in the Court hearing said temporary orders;
2. Any motion to modify custody must be heard in the Court issuing the order to be modified if that Court heard contested hearings in making the original order;
3. Any case in which judge is disqualified or recused must be heard only in the other Court; and
4. Any other case where the Court orders the case to a particular judge.

In all proceedings in these Courts, the Texas Lawyers Creed will be observed.

## **Civil and Family Cases**

### **1. General**

- 1.1. All hearings in contested cases must be set by written motion with order attached. Attorneys requesting settings are responsible for notifying opposing parties within the time constraints of the Rules of Civil Procedure. No Court will notify a party of a setting except in the case of a request for a setting by a *pro se* litigant.
- 1.2. Only a court coordinator may set a case. Either the court coordinator for the 25<sup>th</sup> or the 2<sup>nd</sup> 25<sup>th</sup> Judicial District may set cases on either Court's docket, subject to the approval of the Court. With the approval of the court coordinator, a contested case may be set or passed by the agreement of all counsel; however the mere filing of a motion for continuance does not mean that the continuance will be granted, even with the agreement of all parties. Unless released in writing by the court coordinator, counsel must appear as scheduled. All motions for continuance must be in accordance with Articles 29.01 *et seq.*, C.C.P. and Rules 251 *et seq.*, T.R.C.P.
- 1.3. Prior to setting any case for any hearing, counsel must call the court coordinator to obtain available hearing dates. Counsel must then contact opposing counsel to insure the date is agreeable to all counsel. Once a date is agreed, counsel may forward an order setting, along with a statement that it is an agreed date, to the court coordinator for entry with the Court. If the parties, after consultation, cannot agree on a date, the Court shall set any hearings needed.

- 1.4. If an opposing counsel is not available for hearing on the date set, they shall immediately notify the counsel setting the case and the court coordinator in writing stating reasons.
- 1.5. Each attorney may file vacation letters with the Court, with copies to all opposing counsel, for periods not to exceed four weeks per year and will not be set during the designated period. Vacation letters alone will not excuse appearance at hearings set prior to the filing of the vacation letter.
- 1.6. On all motions, include the opposing counsel's name, address, and telephone and fax numbers and e-mail address under the certificate of service. (As a multi-county jurisdiction, we do not have local access to all files in every county.)
- 1.7. Applications for *ex parte* relief shall state whether the opposing party is represented by counsel and, if so, name said counsel. Notice of the request for *ex parte* relief and an opportunity to be heard shall be given to the opposing counsel, if any.
- 1.8. For uncontested or agreed family matters, defaults or adoptions, no written motion is required, but a setting shall be obtained by contacting the court coordinator.
- 1.9. The court coordinators will set cases as quickly as possible. To do so, they may, under Section 24.017, Government Code, set the hearing in another county within the district. In such event, it is the responsibility of the attorneys to transport the Court's file and docket sheet to the county where the hearing will be held and then to return it to the appropriate district clerk's office THE SAME DAY, if possible.

1.10. Hearings conducted by telephone conference call are acceptable at the discretion of the Court.

1.11. Request for hearings on motions regarding discovery must be accompanied by a certification from the movant's counsel that he has attempted to obtain relief by agreement and has been unsuccessful.

## **2. Trial on the merits**

2.1. Cases shall be set for trial on the merits by the court coordinator on request by a party, the Court's own motion or by a docket control order.

2.2. All requests for non-jury trials of more than two hours in length shall be specially requested and shall be set by the Court at the earliest possible trial date on those dates established by the Court for non-jury trials. The request shall be in writing and copies served upon all parties in the case. The party obtaining the setting shall notify all other parties of the setting.

2.3. All non-jury trials of over two hours and all jury trials will be also set for a pre-trial hearing prior to the trial on the merits. At that pre-trial, all counsel are expected to be present to advise the Court of the following:

2.3.1. Summary of the claims and defenses of each party;

2.3.2. The agreed or stipulated facts;

2.3.3. Contested issues of fact;

2.3.4. Contested issues of law and authorities applicable;

2.3.5. Estimate of the length of trial and any possible delays;

2.3.6. Possibility of settlement.

**2.4.** In addition, at said pre-trial hearing:

- 2.4.1. All amended pleadings must be in their final form;
- 2.4.2. Each party should have suggested jury questions and instructions;
- 2.4.3. All physical evidence should be listed, marked and available for inspection. Each counsel will designate those exhibits to which no objection will be made. The Court will request that predicates be waived where admissibility is not questioned.

**2.5.** Attached is a copy of the current pre-trial conference order which may be changed by the Court at any time.

### **3. Family Law cases**

**3.1.** All contested temporary orders hearings will have the following time limits:

- 3.1.1. Property only—30 minutes per side including cross-examination
- 3.1.2. Child custody—60 minutes per side including cross-examination
- 3.1.3. The Court for good cause shown may extend these limits.

**3.2.** In all contested hearings involving child or spousal support, each party shall prepare a complete written statement of their income and expenses for the previous two years and present same to the Court prior to the hearing. Attached hereto is a form to be used for that purpose.

**3.3.** In all contested hearings involving property, each party shall prepare a complete written inventory of their assets and liabilities, both community and separate and present same to the Court prior to the hearing.

**3.4.** In all divorces, contested or uncontested, or motions to modify, both parents must attend at their own expense an educational program for divorced parents such as



“For Kids’ Sake” and file with the Court a certificate of their completion prior to a setting on the merits or entry of a final order.

#### **4. Alternative Dispute Resolution**

4.1. ADR is encouraged. Cases may be ordered to ADR by agreement, by motion of any party after hearing or by the Court’s own motion.

4.2. All requests for setting any jury trial or a contested non-jury trial on the merits in a family law case must be accompanied by a representation that mediation has been attempted and a letter from the mediator that the case has not settled. No setting will be given until mediation has been attempted or waived after motion and hearing.

#### **5. Dismissal dockets**

5.1. All civil cases filed in the 25<sup>th</sup> and 2<sup>nd</sup> 25<sup>th</sup> District Courts shall be disposed of within the time requirements published by the Texas Supreme Court unless for good cause shown.

5.2. A dismissal docket shall be held not less than twice per year in each county, the 25<sup>th</sup> District having the dismissal dockets in the first six months of the year and the 2<sup>nd</sup> 25<sup>th</sup> District in the second six months of the year. Notice of the Court’s intention to dismiss and the date and place of the dismissal hearing shall be sent to each attorney of record and to each *pro se* party. At the dismissal hearing, the Court shall dismiss the case for want of prosecution unless there is good cause for the case to remain on the docket. Attached hereto is a copy of the current notice setting a case on a dismissal docket.

5.3. No case will be maintained unless a motion to retain, with order attached, is filed prior to the hearing, alleging specific facts showing good cause for the case to be maintained. Motions to retain will be heard at the dismissal docket.

5.4. Any case maintained at a dismissal docket will be set for trial or a pre-trial scheduling order entered unless good cause is shown.

## **6. Recording Court Sessions**

6.1. In both civil and criminal proceedings, during sessions and recesses, no broadcasting, televising, recording (audio or visual) or the taking of photographs nor equipment capable of doing any of the above will be permitted in the Courtroom, except with leave of Court.

## **Criminal Cases**

Criminal cases shall be set for trial at the request of the district attorney or county attorney. Should a defendant desire a trial in a case in which the district attorney has not requested a setting, the case will be set by the Court after written request by the defendant.

7. A pre-trial hearing will be conducted in each case prior to trial.
8. After the arraignment appearance and the initial pre-trial setting, all resets must include a trial setting as well as any non-jury settings necessary.
9. Judgments of probation shall be prepared by the Community Supervision and Corrections Department, and judgments with sentences to county jail, SJD-TDCJ or ID-TDCJ shall be prepared by the district attorney or county attorney, unless the Court orders otherwise.

10. All Court-appointed attorneys shall, at the conclusion of their representation of a defendant, provide the Court an itemized statement reflecting the hours spent in Court and the number of hours spent out of Court in representation of said defendant. An order should be attached to the itemized account.

## **COLORADO COUNTY STANDING ORDER**

### **REGARDING CHILDREN, PROPERTY, AND CONDUCT OF THE PARTIES**

No party to this lawsuit has requested this order. Rather, this order is a standing order of the Colorado County District Court that applies in every divorce suit and every suit affecting the parent-child relationship filed in Colorado County. The District Courts of Colorado County have adopted this order because the parties and their children should be protected and their property preserved while the lawsuit is pending before the Court.

Therefore, it is ORDERED:

#### **1. NO DISRUPTION OF CHILDREN**

Both parties are ORDERED refrain from doing the following acts concerning any children who are subjects of this case:

- 1.1 Removing the children from the State of Texas, acting directly or in concert with others, without the written agreement of both parties or an order of this Court.
- 1.2 Disrupting or withdrawing the children from the school or day-care facility where the children are presently enrolled, without the written agreement of both parents or an order of this Court.
- 1.3 Hiding or secreting the children from the other parent or changing the children's current place of abode, without the written agreement of both parents or an order of this Court.
- 1.4 Disturbing the peace of the children.

#### **2. CONDUCT OF THE PARTIES DURING THE CASE**

Both parties are ORDERED to refrain from doing the following acts:

- 2.1 Using vulgar, profane, obscene, or indecent language, or a coarse or offensive manner, to communicate with the other party, whether in person, by telephone, or in writing.
- 2.2 Threatening the other party in person, by telephone, or in writing to take unlawful action against any person.
- 2.3 Placing one or more telephone calls, at an unreasonable hour, in an offensive or repetitious manner, without a legitimate purpose of communication, or anonymously.
- 2.4 Opening or diverting mail addressed to the other party.

### **3. PRESERVATION OF PROPERTY AND USE OF FUNDS DURING DIVORCE CASE**

If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following:

- 3.1 Destroying, removing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties
- 3.2 Misrepresenting or refusing to disclose to the other property or the Court, on proper request, the existence, amount, or location of any property of one or both of the parties.
- 3.3 Damaging or destroying the tangible property of one or both of the parties, including any document that represents or embodies anything of value.
- 3.4 Tampering with the tangible property of one or both of the parties, including any document that represents or embodies anything of value, and causing pecuniary loss to the other party.
- 3.5 Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property, and whether separate or community, except as specifically authorized by this court.
- 3.6 Incurring any indebtedness, other than legal expenses in connection with this suit, except as specifically authorized by this order.
- 3.7 Making withdrawals from any checking or savings account in any financial institution for any purpose, except as specifically authorized by this order.
- 3.8 Spending any sum of cash in either party's possession or subject to either party's control for any purpose, except as specifically authorized by this order.
- 3.9 Withdrawing or borrowing in any manner for any purpose from any retirement, profit-sharing, pension, death, or other employee benefit plan or employee savings plan or from any individual retirement account or Keogh account, except as specifically authorized by this court.
- 3.10 Signing or endorsing the other party's name on any negotiable instrument, check, or draft, such as tax refunds, insurance payments, and dividends or attempting to negotiate any negotiable instrument payable to the other party without the personal signature of the other party.
- 3.11 Taking any action to terminate or limit credit or charge cards in the name of the other party.

- 3.12 Entering, operating, or exercising control over the motor vehicle in the possession of the other party.
- 3.13 Discontinuing or reducing the withholding for federal income taxes on wages or salary while this suit is pending.
- 3.14 Terminating or in any manner affecting the service of water, electricity, gas, telephone, cable television, or other contractual services, such as security, pest control, landscaping, or yard maintenance at the other party's residence or in any manner attempting to withdraw any deposits for service in connection with such services.

#### **4. PERSONAL AND BUSINESS RECORDS IN DIVORCE CASE**

If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following acts:

- 4.1 Concealing or destroying any family records, property records, financial records, business records or any records of income debts, or other obligations.
- 4.2 Falsifying any writing or record relating to the property of either party.
- 4.3 "Records" include e-mail or other digital or electronic data, whether stored on a computer hard drive, diskette or other electronic storage device.

#### **5. INSURANCE IN DIVORCE CASE**

If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following acts:

- 5.1 Withdrawing or borrowing in any manner all or any part of the cash surrender value of life insurance policies on the life of either party, except as specifically authorized by this order
- 5.2 Changing or in any manner altering the beneficiary designation on any life insurance on the life of either parties' children.
- 5.3 Canceling, altering, or in any manner affecting any casualty, automobile, or health insurance policies insuring the parties' property of persons including the parties' minor children.

## **6. SPECIFIC AUTHORIZATION IN DIVORCE CASE**

If this is a divorce case, both parties to the marriage are specifically authorized to do the following:

- 6.1 To engage in acts reasonable and necessary to the conduct of the party's usual business and occupation.
- 6.2 To make expenditures and incur indebtedness for reasonable attorney's fees and expenses in connection with this suit.
- 6.3 To make expenditures and incur indebtedness for reasonable and necessary living expenses for food, clothing, shelter, transportation and medical care.
- 6.4 To make withdrawals from accounts in financial institutions only for the purposes authorized by this order.

## **7. SERVICE AND APPLICATION OF THIS ORDER**

7.1 The Petitioner shall attach a copy of this order to the original petition and to each copy of the petition. At the time the petition is filed, if the Petitioner has failed to attach a copy of this order to the petition and any copy of the petition, the Clerk shall ensure that a copy of this order is attached to the petition and every copy of the petition presented.

7.2 This order is effective upon the filing of the original petition and shall remain in full force and effect as a temporary restraining order for fourteen days after the date of the filing of the original petition. If no party contests this order by presenting evidence at a hearing on or before fourteen days after the date of the filing of the original petition, this order shall continue in full force and effect as a temporary injunction until further order of the court. This entire order will terminate and will no longer be effective once the court signs a final order.

## **8. EFFECT OF OTHER COURT ORDERS**

If any part of this order is different from any part of a protective order that has already been entered or is later entered, the protective order provisions prevail. Any part of this order not changed by some later order remains in full force and effect until the court signs a final decree.



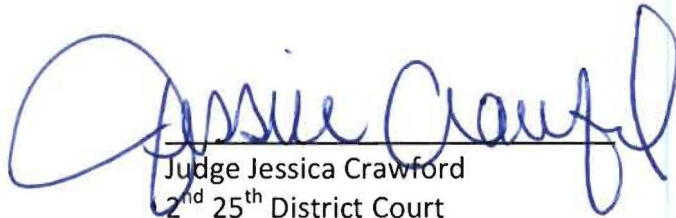
**9. PARTIES ENCOURAGED TO MEDIATE**

The parties are encouraged to settle their disputes amicably without court intervention. The parties are encouraged to use alternative dispute resolution methods, such as mediation, to resolve the conflicts that may arise in this lawsuit.

**THIS COLORADO COUNTY STANDING ORDER REGARDING CHILDREN, PROPERTY AND CONDUCT OF THE PARTIES ORIGINALLY BECAME EFFECTIVE ON JANUARY 1, 2013.**



Judge William D. Old, III  
25<sup>th</sup> District Court



Judge Jessica Crawford  
2<sup>nd</sup> 25<sup>th</sup> District Court