



# LOCAL RULES OF COURT OF THE DISTRICT COURTS & THE COUNTY COURTS AT LAW OF GRAYSON COUNTY

## INTRODUCTION

These local rules are intended to provide guidance to practitioners and self-represented parties in handling cases before the trial Courts of Grayson County and to provide for a fair, just and efficient Court system. While all of the Judges have adopted these Local Rules of Court and expect them to be followed, each Court reserves the right to modify or supplement these rules for practice before their respective Court. Each Court's web page may be found at:

<https://www.co.grayson.tx.us/page/courts.home>

These Local Rules of Court are also intended to assist the Courts in meeting the required time standards set by the First Judicial Administrative region as set out below:

### Rule 10 - TIME STANDARDS FOR THE DISPOSITION OF CASES

District and statutory County Court Judges should make every reasonable effort to ensure that each case is brought to trial or final disposition in conformity with the following time standards adopted by Rule 6 of the Rules of Judicial Administration:

**10.1** Criminal Cases - Courts shall follow time limits and procedures as required by law to minimize undue delay and further the prompt disposition of criminal cases.

#### **10.2** Civil Cases Other Than Family Law

- a. Civil Jury Cases - Within 18 months from the appearance date.
- b. Civil Nonjury Cases - Within 12 months from the appearance date.

#### **10.3** Family Law Cases

- a. Contested Family Law Cases - The later of 6 months from the appearance date or within 6 months from the expiration of the waiting period provided by the Family Code where a waiting period is required. This requirement does not apply to cases under Chapter 262 of the Texas Family Code.

**b.** Uncontested Family Law Cases - The later of 3 months from the appearance date or within 3 months from the expiration of the waiting period provided by the Family Code where such waiting period is required. This requirement does not apply to cases arising under Chapter 262 of the Texas Family Code.

**10.4** Juvenile Cases - In addition to the requirements of Chapter 54 of the Texas Family Code:

- a.** Detention Hearings - On the next business day following admission to any detention facility.
- b.** Adjudication or Transfer (Waiver) Hearings - If the hearing concerns a juvenile in a detention facility, the hearing shall occur not later than 10 days following the filing of the petition, except for good cause shown on the record. If the hearing concerns a juvenile not in a detention facility, the hearing shall occur not later than 30 days following the filing of the petition, except for good cause shown on the record.
- c.** Disposition Hearings - Not later than 15 days following the adjudication hearing. The Court may grant additional time in exceptional cases that require additional evaluation.
- d.** Nothing in these rules prevents a Judge from recessing a juvenile hearing at any stage of the proceeding when the parties agree or the Judge believes the best interests of the child and society are served by a recess.

**10.5** Exceptions - Special circumstances and case complexity may make it impossible to adhere to these time standards for the disposition of cases.  
*Tex. Ist. Admin. Jud. Reg. L. R. 10*

**TABLE OF CONTENTS**

**TITLE 1. RULES GOVERNING ALL PROCEEDINGS**

**RULE 1.1 CONDUCT AND COURTROOM DECORUM .....3**

**RULE 1.2 REQUESTS FOR CONTINUANCE OR POSTPONEMENT.....6**

**RULE 1.3 CONFLICT IN TRIAL SETTINGS .....6**

**RULE 1.4 ATTORNEY VACATION DESIGNATIONS .....7**

**RULE 1.5 INTERPRETERS .....7**

**RULE 1.6 WITHDRAWAL OF COUNSEL .....7**

**RULE 1.7 PROPOSED ORDERS.....8**

**RULE 1.8 EXHIBIT INSTRUCTIONS .....8**

**RULE 1.9 REMOTE VIRTUAL HEARINGS .....8**

**RULE 1.10 HEARINGS CONDUCTED BY PHONE .....10**

**RULE 1.11 OFFICIAL HOLIDAYS .....10**

**RULE 1.12 INCLEMENT WEATHER .....10**

**RULE 1.123REGARDING USE OF ARTIFICIAL INTELLIGENCE .....10**

**TITLE 2. RULES GOVERNING ALL CIVIL PROCEEDINGS**

**RULE 2.1 UNCONTESTED DOCKET .....12**

**RULE 2.2 APPLICATION FOR EX PARTE ORDER, INCLUDING TRO’S, WRITS OF ATTACHMENT,  
 WRITS OF GRANISHMNET; WRITS OF SEQUESTRATION.....12**

<b>RULE 2.3 PRETRIAL AND TRIAL SETTINGS .....</b>	<b>12</b>
<b>RULE 2.4 ALTERNATIVE DISPUTE RESOLUTION (MEDIATION) .....</b>	<b>13</b>
<b>RULE 2.5 ORDERS AND DECREES .....</b>	<b>14</b>
<b>RULE 2.6 NOTICE TO TRIAL JUDGE OF POST-TRIAL PLEADINGS .....</b>	<b>14</b>
<b>RULE 2.7 DISMISSAL FOR WANT OF PROSECUTION BY THE COURT .....</b>	<b>15</b>
<b>RULE 2.8 TRIAL SETTINGS .....</b>	<b>16</b>
<b>RULE 2.9 COLLATERAL ATTACK .....</b>	<b>16</b>
<b>RULE 2.10 ANCILLARY PROCEEDINGS .....</b>	<b>16</b>
<b>RULE 2.11 MOTION TO CONSOLIDATE .....</b>	<b>16</b>
<b>RULE 2.12 RELATED CASES .....</b>	<b>16</b>
<b>RULE 2.13 CASES SUBJECT TO TRANSFER .....</b>	<b>16</b>
<b>RULE 2.14 TRANSFER OF CASES, DOCKET EXCHANGE, OR BENCH EXCHANGE .....</b>	<b>17</b>

**TITLE 3. RULES GOVERNING CRIMINAL PROCEEDINGS**

<b>RULE 3.1 ALL COURTS- DUTIES OF COURT-APPOINTED COUNSEL .....</b>	<b>17</b>
<b>RULE 3.2 EX PARTE MOTIONS FILED IN FELONY CASES .....</b>	<b>17</b>

**TITLE 4. RULES GOVERNING FAMILY LAW PROCEEDINGS**

<b>RULE 4.1 APPLICATION OF OTHER RULES TO FAMILY LAW PROCEEDINGS .....</b>	<b>18</b>
<b>RULE 4.2 TEMPORARY HEARINGS .....</b>	<b>18</b>
<b>RULE 4.3 ADOPTIONS .....</b>	<b>19</b>

**TITLE 5: MISCELLANEOUS**

<b>RULE 5.1 AUTHORITY FOR RULES.....</b>	<b>19</b>
<b>RULE 5.2 TITLE AND CITATION .....</b>	<b>19</b>
<b>RULE 5.3 PARTIAL CIVIL INVALIDITY .....</b>	<b>20</b>
<b>RULE 5.4 CONSTRUCTION OF RULES .....</b>	<b>20</b>
<b>RULE 5.5 COURT’S DISCRETION.....</b>	<b>20</b>
<b>RULE 5.6 APPLICATION OF RULES.....</b>	<b>20</b>

**LOCAL RULES**

**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 15<sup>th</sup>, 59<sup>th</sup>

and 397th Judicial District Courts, the Grayson County Court at Law #1, Grayson County Court at Law #2 and the Grayson County Court.

C. Conduct Required of Counsel and self-represented parties

1. Counsel and self-represented parties shall timely appear before the Court at each setting and following each recess.
2. Counsel and self-represented parties shall be appropriately attired for all Court proceedings in conservative business attire. Blue jeans, resort wear, sportswear, jumpsuits and similar clothing are not considered appropriate Courtroom attire.
3. Counsel and self-represented parties shall rise and remain standing while addressing the Court.
4. Counsel and self-represented parties shall remain seated at the counsel tables at all times except;
  - (a) when the Judge or Jury enters and leaves;
  - (b) when addressing the Judge or Jury; and
  - (c) whenever it may be proper to handle documents, exhibits, or other evidence.  
(Leave of Court is required).
5. Counsel and self-represented parties shall address all statements, requests and objections to the Court and not to opposing counsel or opposing parties.
6. Counsel and self-represented parties shall not argue objections in the presence of the jury, except at a bench conference, without prior leave of Court.
7. Counsel and self-represented parties shall not interrupt or talk over opposing counsel or witnesses, except to state formal objections.
8. Counsel and self-represented parties shall remain seated behind counsel table while examining witnesses. If requested by counsel and approved by the Court, counsel may move about the Courtroom while examining witnesses.
8. Counsel and self-represented parties shall neither make nor insinuate derogatory or insulting remarks about opposing counsel or any party.
9. Counsel and self-represented parties 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., Ms., Mrs., Miss, Dr., etc., as appropriate, and not by first names or nicknames, or any discriminatory or inappropriate classification.

10. Counsel and self-represented parties shall request leave of Court before approaching the bench or to approach the witnesses when necessary to work with documentary or tangible evidence.

11. Counsel and self-represented parties shall not lean on the bench except as may be necessary to prevent jurors from overhearing bench conferences. Counsel and self-represented parties shall not engage in personal discussions with the Court or each other during trial while in the presence of jurors, parties, or witnesses.

12. Counsel shall advise their clients and Counsel and self-represented parties shall advise their witnesses and others subject to their control of these rules of conduct and Courtroom decorum.

13. Counsel and self-represented parties should anticipate any need to move furniture, easels or set-up electronic equipment and make advance arrangements with the Bailiff. Such moving or arrangements should not take place during Court sessions, if at all possible.

#### 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 prior to entry of the Courtroom shall submit to a security screening by the Courthouse security. Any purses, oversized bags, or packages must be submitted to security and approved before allowed into the Courtroom.
2. All persons shall be appropriately attired for Court proceedings and in a manner reasonably befitting the dignity and solemnity of Court proceedings. Tank tops, T-shirts that are tattered or soiled or which contain lewd or inappropriate language, shorts and clothing that is tattered or soiled are among those items not considered appropriate Courtroom attire. No hats, caps or sunglasses shall be worn in the Courtroom, except for medical reasons.
3. No tobacco use in any form (including vaping) or gum chewing is permitted.
4. No bottles, beverage containers, paper cups or edibles are allowed in the Courtroom, except as permitted by the Court.
5. No propping of feet on tables or chairs is permitted.
6. No talking or unnecessary noise which interferes with the Court proceeding is permitted.

7. No person may, by facial expression, shaking or nodding of the head, or by any other conduct, express approval or disapproval of any testimony, statement or transaction in the Courtroom.

8. All persons shall rise when the Judge enters the Courtroom, and at such other times as the bailiff shall instruct.

9. No person shall be permitted any verbal or physical contact with a prisoner without the prior approval of the bailiff.

10. 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. Counsel may bring cellular telephones or computers into the Courtroom as long as the devices are on silent or turned off. No videotaping or still photography is allowed in the Courtroom or areas outside the Courtroom except with the Court's permission. The media must obtain permission of the Court, for the taking of any photographs, filming or recording. No films, films, videos or photos shall be made of any jury involved in the case. No interviews of any kind will be permitted in the Courtroom.

#### E. Enforcement

The Bailiff of the Court shall enforce the rules of conduct and Courtroom decorum.

### **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.

#### B. Requirements of Motion

Unless counsel for all represented parties and all non-represented 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 applicable, and the motion must be set by the Court's Coordinator, or in the same manner as all other motions. 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

When an attorney has two or more cases on the dockets for hearing 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. Trial settings shall have priority over motion settings.

**B. Priority of Cases in Event of Conflict**

1. Criminal cases with defendants in custody.
2. Criminal cases with defendant not in custody.
3. Cases given statutory preference.
4. Preferentially set cases, other than those given statutory preference.
5. The earliest set case.
6. Case with earliest filing date.

**Rule 1.4 ATTORNEY VACATION DESIGNATIONS**

- A. Any Attorney may designate not more than four weeks during the year as vacation, during which time Counsel will not be assigned to trial or to engage in any pre-trial proceedings. The written designation must be filed with the District and County Clerks with a copy to all Court Coordinators not less than Ninety (90) days in advance of the vacation. This rule only applies to lead Counsel, as defined by T.R.C.P 8, is affected, unless the Court expands coverage to other Counsel.
- B. If an opposing party sets a trial date, which conflicts with the scheduled vacation, it is the responsibility of the vacationing attorney to file a motion for continuance seeking leave of Court to reschedule said setting.

**RULE 1.5 INTERPRETERS**

- A. It is the responsibility of a party to advise the Court of the need for a Court interpreter at the time the case is scheduled for hearing or as soon as a party learns that an interpreter is needed, by notifying the Court Coordinator, prior to any scheduled hearing.

**RULE 1.6 WITHDRAWAL OF COUNSEL**

- A. Motions to withdraw must comply with all requirements of Tex. R. Civ. P. 10.
- B. A motion to withdraw may be granted without hearing if:
- (1) The client has signed the motion or order, consenting to the withdrawal;
  - (2) Another Counsel has made an appearance on behalf of the client; or
  - (3) The motion and order is accompanied by a letter that notifies the client: the motion will be presented to the Court on the 10th day after the letter is dated; the client has the right to object to the withdrawal in writing within 10 days of the date the letter was mailed; the withdrawing Counsel certifies that the motion and letter were sent to the client's last known address by certified mail, regular First-Class mail, or email (if available) and no objection is filed.

- C. If a written objection is filed with the District or County Clerk by the 10th day, a hearing for such motion will be set for hearing.
- D. A motion may be denied when the motion is presented so near the trial date as to require delay of the trial.

**RULE 1.7 PROPOSED ORDERS**

Parties filing any motion requesting relief shall also file a proposed order at the same time.

**RULE 1.8 EXHIBIT INSTRUCTIONS**

- A. Parties are encouraged to confer prior to trial or hearing and stipulate to the admission of exhibits to which there is no reasonable basis for objection.
- B. A complete exhibit list consisting of the exhibits marked, their description, and exhibit number must be produced to counsel, the Court, and the Court Reporter prior to trial.

Per Supreme Court Order Misc. Docket No. 10-9077:

1. All exhibits must be marked at the bottom right corner when possible.
  2. Any scanned exhibit files must NOT be larger than 100 mb per file.
  3. Scanned photographs – grayscale is encouraged but color is accepted if necessary.
  4. Audio/Video files cannot be larger than 5G. If so, they must be split on the necessary amount of discs.
- C. The Court Reporter must be provided with a copy of any electronic exhibit over 2 gigabytes and/or exhibits containing proprietary software, media containing multiple subfiles, hard drives, phone dumps, etc., which the Court Reporter will retain for the record on appeal. The Court Reporter should be contacted before the beginning of trial if you have any questions.
  - D. If playing depositions by video, a hard copy of the deposition transcript that includes only those excerpts played and a copy of the DVD that will be played for the jury must be presented to the Court Reporter to be marked as an exhibit (for record purposes only). Please have these ready and turned over to the Court Reporter at the beginning of trial.
  - E. Oversized exhibits shall be accompanied by 8 ½ X 11 copies, with a marked exhibit sticker on the front, which the Court Reporter will retain for the record on appeal.

**RULE 1.9 REMOTE VIRTUAL HEARINGS**

- A. Requesting

Counsel or a self-represented party may request a remote hearing from the Court Coordinator, and if approved, the Court Coordinator will provide a virtual hearing link. The request shall be made only after the requesting party has sought the consent of all counsel and self-represented



parties. If all of the parties are not in agreement, the requesting party may file a motion and serve all parties as to why a remote hearing is necessary.

**B. PROCEDURES FOR LITIGANTS:**

1. The Grayson Courts use Zoom video conferencing. It is free to download at <https://zoom.us/> or you can download the app directly to your cell phone. The Court will email you a link to the hearing. Your computer must have internet access, a video camera and a microphone, preferably by way of a headset. When conducting a hearing on Zoom all parties and witnesses should conduct themselves and dress appropriately as if they are appearing for an in-person hearing.
2. Ensure the Court's Coordinator has the email of all participating parties to the case at the time of scheduling the hearing. The Court will be the "host" of all hearings.
3. Any exhibits intending to be offered during the hearing are required to be emailed to the Court Reporter, all parties, and the Court's coordinator no later than 12:00 p.m. at least one business day before the hearing.

The subject of the email should include the full cause number and "Plaintiff/Defendant Exhibits". Each exhibit should be clearly marked on the first page to identify its exhibit number. The exhibits shall be in .pdf format. All video/audio files should be in a format that allows it to be played with Windows Media Player, such as AVI, MP3 or MP4. Any video/audio exhibits must be submitted to the Court Reporter via flash drive under the time frame listed above. The party admitting the audio/video exhibit is expected to play the exhibit from their own device. The Court Reporter or Court's staff will not be responsible for publishing any exhibits during the remote hearing.

4. If the exhibits total more than 25 pages, a courtesy copy must be provided to the Court either by hand-delivery or by mail.
5. The Court will not consider any exhibits not submitted under these requirements. The Court Reporter will not maintain in the record any exhibits not considered by the Court.

**C. NOTICE OF HEARING:**

It is the responsibility of the party requesting a hearing to give proper notice under the Texas Rules of Civil Procedure. Any notice of hearing should specify whether the hearing will be by Zoom or in-person. If the hearing is by Zoom, the notice should include the Zoom link for the hearing.

**D. PROCEDURES FOR WITNESSES:**

Witnesses must appear by Zoom. The party calling the witness is responsible for ensuring that the witness has a video and audio feed. Attorneys and non-represented parties should not attempt to “share” a connection with a witness. It is the responsibility of the attorney or non-represented party offering the witness to ensure that the witness has the link to the proceedings and that all exhibits are available to the witness, including those of opposing parties.

**Rule 1.10 HEARINGS CONDUCTED BY PHONE**

Parties may request a hearing by phone, except for hearings requiring the introduction of evidence, from the Court Coordinator and if approved, the Counsel requesting the hearing by phone shall be responsible for arranging the telephone conference call. The Court will not initiate a conference call. A Court Reporter will not be provided during these calls unless arrangements are made in advance.

**Rule 1.11 OFFICIAL HOLIDAYS**

Office Holidays for the respective Courts shall be posted by the Commissioner’s Court of Grayson County and such other times as may be directed by the Judges of the respective Courts. The County’s web page is located at <https://www.co.grayson.tx.us/>

**Rule 1.12 INCLEMENT WEATHER**

The Courts will be closed during inclement weather when the Grayson County Judge or Commissioner’s Court closes County offices and such other times as may be directed by the Judges of the respective Courts. The County’s web page is located at <https://www.co.grayson.tx.us/>

**Rule 1.13 REGARDING USE OF ARTIFICIAL INTELLIGENCE**

- A. This Rule applies to every pending or hereafter-filed case in the Grayson County Courts. Nothing in this Order should be construed as to relieve an attorney or self-represented litigant of any legal or ethical obligation required by law, statute, or rule, including rules of procedure, evidence, or the Texas Disciplinary Rules of Professional Conduct.
- B. Generative artificial intelligence systems (such as ChatGPT, Harvey.AI, Google Bard, TensorFlow, OpenAI, Bing, and many others) are being incorporated into common professional use. The abilities of these systems vary widely depending on the application, version, and specific underlying technology used. While the technology is developing quickly, it is currently unreliable and prone to bias, and often fabricates information. The creators of these systems are not

attorneys of record, licensed and in good standing to practice law in the State of Texas, and are not bound by the Texas Disciplinary Rules of Professional Conduct. The signing of a pleading or motion in Texas certifies that each claim, defense, or other legal contention in the pleading or motion is warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law. Artificial intelligence systems have the ability to take a recording or live conversation and turn that into a transcript or other document. Courts have the authority to prohibit the use of all recording devices. Parties may be sanctioned for violations of rules, standing orders and statutory obligations and a Court on its own initiative may direct a Court participant to show why his or her conduct has not violated a rule, order, standing order or statutory obligation.

C. All self-represented parties and attorneys who utilize any form of artificial intelligence for legal research or drafting in connection with a case shall, before using any AI-generated information in a Court submission or proceeding, sign and submit an attachment to each pleading generated using artificial intelligence, certifying that:

1. All language, quotations, sources, citations, arguments, and legal analysis created or contributed to by generative artificial intelligence were before submission verified as accurate through traditional (non-AI) legal sources, and
2. that the person understands and acknowledges that they are and will be held responsible, and potentially sanctioned, for their or their co-counsel's failure to comply with these rules.

D. Example Contents of Certificate

I, \_\_\_\_\_ an attorney or self-represented litigant in the above-numbered and titled cause, hereby certify as follows:

1. I reviewed and understand this Court's rules regarding Artificial Intelligence in the local rules and I will comply with those rules throughout this case.
2. All information created or contributed to by generative artificial intelligence- including language, quotations, sources, citations, arguments, and legal analysis – was, before submission to the Court, verified as accurate using traditional (non-artificial intelligence) legal sources by a human being.
3. I understand I will be held responsible and subject to possible sanctions under Texas Disciplinary rules of Professional conduct, Texas Rule of Civil Procedure 10, and the inherent power of the Court, or for contempt of Court, for failing to comply with the Court's local rules or this certification.

E. All individuals entering the Courtroom or Court offices are prohibited from recording any of the activities, conversations, or other events occurring in the Courtroom or Court offices. The use of

artificial intelligence is prohibited in the Courtroom, or in Court offices. The use of artificial intelligence or any other device to record, listen to, or transcribe any activity in the Courtroom or Court office, is strictly prohibited.

**TITLE 2. RULES GOVERNING ALL CIVIL PROCEEDINGS**

**RULE 2.1 UNCONTESTED DOCKET**

Each Court will establish procedures for uncontested cases filed in that Court.

**RULE 2.2 APPLICATION FOR EX PARTE ORDER, INCLUDING TRO'S, WRITS OF ATTACHMENT, WRITS OF GRANISHMNET; WRITS OF SEQUESTRATION.**

- A. Cases requesting extraordinary relief shall be presented by Counsel to the Judge in whose Court the case is pending. If that Judge is unavailable and if waiting for that Judge to become available would result in an emergency situation, then the matter may be presented to another Judge for consideration.
- B. The County Court at Law Judges will not grant TRO's in non-family District Court cases.
- C. Counsel presenting any application for an ex parte order shall, at the time the application is presented to the Court, inform the Court:

If the party against whom the relief is sought is represented by counsel, that

- 1. such counsel has been notified of the application and does not wish to be heard by the Court thereon; or
- 2. 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; or
- 3. reasons exist that informing opposing counsel would effectively deny the applicant the relief requested.

**RULE 2.3 PRETRIAL AND TRIAL SETTINGS**

When setting or resetting a case for trial, pre-trial hearing, etc., contact the Court Coordinator at the Court, as applicable, for available dates, and:

- 1. Submit an Order Setting Hearing to the Court with a Request for Setting when obtaining a trial date or a letter when obtaining a pre-trial date, stating the date the parties have agreed to.
- 2. If you cannot obtain a date that is agreeable to all counsel, please contact the appropriate Court's Coordinator.

3. Always advise the Court in your request that you have contacted the opposing counsel and that they are available for hearing on the date you have requested.
4. When setting or resetting a case for trial, pre-trial, etc., please advise the Court Coordinator as to the estimated time you will need for the hearing.
5. If, for any reason, you must cancel a hearing, or if you are running late to a scheduled hearing, please contact the Court's Coordinator and opposing counsel or non-represented party as soon as possible by phone and email.
6. No setting for jury trial will be given until the proper jury fee has been paid and mediation has occurred, unless mediation has been excused by the Court.
7. No request for settings shall be directed toward any Judge. Any conflicts or difficulties in obtaining a setting may require a hearing before the Court. The Court shall then resolve the conflict or set the case at a time that is reasonable for all parties.

#### **RULE 2.4 ALTERNATIVE DISPUTE RESOLUTION (MEDIATION)**

A. Policy

It shall be the policy of the Grayson County Courts 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.

B. ADR Mandatory

No jury trial or trial before the Court requiring four or more hours shall be conducted in any case until all contested issues have been referred to an ADR procedure, and ADR has been unsuccessful; or the Court has determined that ADR is inappropriate for the case.

C. 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 a motion to require mediation shall be filed and set for hearing.

D. 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 by filing a written objection within ten days of the notice of referral. 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 to proceed to trial on the merits. It is the responsibility of the party objecting to notify the Court's Coordinator that an objection has been filed. Objections to referral to mediation will be taken on submission without hearing.

E. GRAYSON COUNTY ALTERNATIVE DISPUTE RESOLUTION SYSTEM

If a party or parties are indigent, assistance from the ADR System should be requested from the Court to assist in mediation costs.

**RULE 2.5 ORDERS AND DECREES**

Procedure for Entry of Order

If counsel or a self-represented party is unable to secure all opposing parties' approval as to form, counsel may 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.

**RULE 2.6 NOTICE TO TRIAL JUDGE OF POST-TRIAL PLEADINGS**

A. When to Notify

Pleadings that are filed with the District Clerk are not forwarded by the District Clerk to the trial Judge. Notice **must** be given directly to the trial Judge when a party files one or more of the following post-trial pleadings:

- (1) Request for Findings of Fact and Conclusions of Law (TEX. R. CIV. PROC. 296);
- (2) Notice of Past Due Findings of Fact and Conclusions of Law (TEX. R. CIV. PROC. 296);
- (3) Any affidavit of indigence filed in connection with an appeal (TEX. R. APP. PROC. 20.1);
- (4) Motion for New Trial, or Motion to Modify, Correct, or Reform Judgment;
- (5) Motion for Judgment Notwithstanding the Verdict; or
- (6) Motions to Enter Judgment.

B. How to Notify

Notice must be given to the trial Judge by the party filing the pleading by:

- (1) Delivery of a copy of the pleading to the attention of the trial Judge to the trial Court's office.
- (2) Mail addressed to the trial Judge; or
- (3) Email to the trial Court's Coordinator's email address.

## **Rule 2.7 DISMISSAL FOR WANT OF PROSECUTION BY THE COURT**

### **A. Case Selection**

The following cases are eligible for dismissal for want of prosecution *sua sponte* by the Court:

- (1) Cases on file for more than 180 days in which no answer has been filed;
- (2) Cases on file for more than 18 months that are not set for trial and have had no filings or settings within 180 days; and
- (3) Any other case designated by the Court.

### **B. Notice and Summary Dismissal if No Motion to Retain**

The Parties will be given notice that certain cases will be dismissed for want of prosecution. Such matters will be dismissed summarily without further proceedings on the dismissal date indicated in the notice of dismissal or thereafter unless at least one party files a motion to retain that complies with the requirements of these rules. If counsel receives a notice of dismissal of a previously dismissed or concluded case, they may contact the appropriate Clerk's office with documentation of the prior dismissal and the matter will be removed from the dismissal docket

### **C. Motions to Retain and Objections to Motions to Retain**

- (1) Motions to retain must set forth the factual and legal basis for retaining the case and must be filed at least 14 days prior to the dismissal date specified in the notice of dismissal.
- (2) Any objection to a motion to retain must be filed at least 7 days prior to the dismissal date specified in the notice of dismissal.
- (3) If a timely motion to retain is filed and no timely objection is filed, the Court may grant the motion or may set it for hearing.
- (4) If a timely motion to retain and a timely objection are both filed, the Court will consider the motion to retain on submission, or instruct the parties to set the motion to retain for hearing.
- (5) Parties filing motions to retain must file any objection to mediation simultaneously with a motion to retain.
- (6) Parties receiving notice of a motion to retain must file any objection to mediation at least 7 days prior to the dismissal date specified in the notice of dismissal.

D. No Discovery

No further discovery may be conducted in cases retained by the Court and ordered to complete mediation unless permitted by Court order. Further discovery will not extend the deadlines prescribed in these rules unless ordered by the Court.

**Rule 2.8 TRIAL SETTINGS**

Cases set for trial after entry of an order to retain may not be removed from the Court's docket by agreement.

**Rule 2.9 COLLATERAL ATTACK**

Every proceeding seeking to attack, avoid, modify, or set aside any judgment, order or decree of a Court of Grayson County (including suits in the nature of a bill of review, writ of habeas corpus, or otherwise) shall be filed and assigned to the Court in which such judgment, order, or decree was rendered.

**Rule 2.10 ANCILLARY PROCEEDINGS**

Every proceeding ancillary to a civil action shall be assigned to the Court in which the proceeding ancillary is pending.

**Rule 2.11 MOTION TO CONSOLIDATE**

Every motion to consolidate two or more cases shall be heard in the earliest case filed with notice to the latter filed Court and all parties in each case.

**Rule 2.12 RELATED CASES**

Whenever any case filed in a Court is related to another case previously filed in or disposed of by another Court of Grayson County having subject-matter jurisdiction that a transfer of the latter 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, upon notice to all affected parties and Courts, transfer the latter case to such Court.

**Rule 2.13 CASES SUBJECT TO TRANSFER**

The following types of cases shall be subject to transfer under Local Rule 2.13:

- A. Any case arising out of the same transaction or occurrence as an earlier case, particularly if the earlier case was dismissed by plaintiff before final judgment.
- B. Any case involving a plea that a judgment in the earlier case is conclusive of any of the issues of the latter case by way of res judicata, estoppel by judgment, or any pleading that requires a construction of the earlier judgment, or a determination of its effect.



**Rule 2.14 TRANSFER OF CASES, DOCKET EXCHANGE, OR BENCH EXCHANGE**

- A. The Judges of Grayson County may exchange benches or hear cases for one another without the necessity of an order.
- B. A case may be transferred from one Court to another having jurisdiction:
  - 1. Upon motion of a party, for good cause shown;
  - 2. In the event the Judge is disqualified to hear, or recuses himself or herself from hearing the case;
  - 3. When the case should be transferred in the interest of justice;
  - 4. When at least one common party and substantially similar questions of fact or law appear in each case in two or more Courts;
  - 5. By agreement of all counsel and/or parties pro se, and of the Court transferring the case, and of the transferee Court; or,
  - 6. By the Local Administrative Judge to equalize dockets

**TITLE 3. RULES GOVERNING CRIMINAL PROCEEDINGS**

**RULE 3.1 ALL COURTS- DUTIES OF COURT-APPOINTED COUNSEL**

All Court-appointed criminal defense counsel shall be required to do the following:

- A. Appear promptly at all times required by the Court.
- B. It shall be the Counsel's continuing duty to visit an incarcerated defendant regularly until the defendant's case is concluded. 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 approval of the Court.
- D. Comply with all requirements set forth in the Indigent Defense Plan regarding Court-appointed counsel.

**RULE 3.2 EX PARTE MOTIONS FILED IN FELONY CASES**

- A. All ex parte motions filed in felony cases shall be filed by paper with the District Clerk.
- B. A copy of all ex parte motions filed in felony cases shall be delivered to the Court's Court Coordinator after filing.

**RULE 5.3 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 5.4 CONSTRUCTION OF RULES**

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

**RULE 5.5 COURT’S DISCRETION**

Any Court covered by these rules has the discretion to choose not to apply them to their respective Court.

**RULE 5.6 APPLICATION OF RULES**

These rules shall become effective upon publication with the Office of Court Administration.

**ADOPTION OF THESE LOCAL RULES**

The foregoing Local Rules for Grayson County were approved at a called meeting of the Judges of the District Courts and County Courts at Law of Grayson County, Texas, on the 1st day of February, 2025.

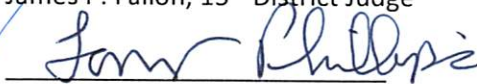
**County Courts at Law Judges:**

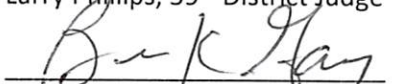
  
James C. Henderson- County Court at Law Number One Judge

  
J. Richard Dunn- County Court at Law Number Two Judge

**District Judges:**

  
James P. Fallon, 15<sup>th</sup> District Judge

  
Larry Phillips, 59<sup>th</sup> District Judge

  
Brian Gary, 397<sup>th</sup> District Judge

## **TITLE 4. RULES GOVERNING FAMILY LAW PROCEEDINGS**

### **RULE 4.1 APPLICATION OF OTHER RULES TO FAMILY PROCEEDINGS**

All parts of Title 1 (all cases) and Title 2 (civil cases) apply to family law cases unless specifically in conflict with a portion of Title 4. (other than those proceedings which are initiated by the Texas Attorney General or the Texas Department of Protective and Regulatory Services)

### **RULE 4.2 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. Except with leave of Court, no hearings on temporary orders shall exceed one hour, which time shall be equalized between the parties.

#### **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. Temporary Orders Entry**

All temporary orders should be presented to the Court for entry within ten (10) days after the hearing or at the entry date set by the Court.

#### **D. **STANDING ORDER FOR FAMILY LAW CASE -See Family Law Standing Order** incorporated herein by reference and attached hereto (five pages).**

#### **E. 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, prior to or at the time of the hearing, all payroll statements, pay stubs, W2 forms and 1099 forms which evidence that party's earnings for the calendar year prior to the temporary hearing, a statement of monthly income and expenses, and copies of that party's federal income tax returns for the two calendar years prior to the temporary hearing.

#### **F. All Texas Department of Protective and Regulator Services cases are to be confidential to all parties except for attorney of records or County caseworkers.**

#### **G. Inventory and Appraisalment**

(1) Within sixty days after Respondent's answer or waiver is filed, each party shall serve on opposing Counsel and self-represented parties, a sworn inventory and appraisalment

of all property (both separate and community) of the parties, including any property belonging to the children of the parties. It is not necessary to serve an inventory and appraisal if the parties have a written agreement completely settling the property of the parties.

(2)The failure to timely file such inventories and appraisements, affidavits or statements may result, in addition to other sanctions provided by law, in a continuance of temporary alimony and/or support or in the discontinuance of same, depending upon the party failing to comply with these rules.

H. INFORMATION FOR INDIVIDUALS WITH NO ATTORNEY:

1. All individuals representing themselves must comply with all of these local rules, the Texas Rules of Civil Procedure; The Texas Rules of Evidence and the Texas Family Code.

2. The following web sites may be of assistance to you while representing yourself.

a. Filing a divorce without minor children:

<https://texaslawhelp.org/guide/i-need-a-divorce-we-do-not-have-minor-children>

b. Filing a divorce with minor children:

<https://texaslawhelp.org/guide/i-need-a-divorce-we-have-children-under-18>

c. Attorney General of Texas Child Support Calculator:

<https://csapps.oag.texas.gov/monthly-child-support-calculator>

**RULE 4.3 ADOPTIONS**

Before adoptions are set for hearing, all adoptions will be reviewed by the Court to ensure prerequisites for adoption have been completed.

**TITLE 5: MISCELLANEOUS**

**RULES 5.1 AUTHORITY FOR RULES**

These rules are adopted pursuant to the Texas Government Code, Section 74.093 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 5.2 TITLE AND CITATION**

These rules shall be known as the Local Rules of Practice of the 15th, 59th and 397th Judicial District Courts, the Grayson County Court at Law #1, and the Grayson County Court at Law #2.

## **ATTACHMENT**

### **GRAYSON COUNTY STANDING ORDER FOR FAMILY LAW CASES**

(Effective for All Family Cases Filed on or after February 1, 2025)

This is an Order of the Courts of Grayson County, Texas. The purpose of this Order is to protect the parties and their children and to preserve the parties' property while a divorce case or suit affecting the parent-child relationship (SAPCR) is pending before the Court.

This Order was not requested by any party.

THIS ORDER MAY BE ENFORCEABLE BY CONTEMPT.

#### **1. GENERAL ORDERS**

##### **1.1 Who Must Obey this Order**

The Court ORDERS the parties in every divorce and every suit affecting the parent-child relationship filed in Grayson County to obey this Order.

A SAPCR includes, but is not limited to, modification cases, paternity cases, and original suits affecting the parent-child relationship.

The Court further ORDERS any person who acts in concert with or participation with a party, or a party's agent or attorney, who receives actual notice of this Order, to obey this Order.

##### **1.2 If this Order Conflicts with a Different Order**

If any part of this Order conflicts with any part of an active court order, including a protective order, Child Protective Services order, or a temporary or final order in a divorce case or SAPCR, then the parties must obey that part of the active court order.

##### **1.3 When this Order Starts and Ends**

This Order takes effect (starts) when an original petition is filed in a divorce case or SAPCR. This Order remains in full force and effect as a temporary restraining order for fourteen days after the original petition is filed. If no party contests this Order by presenting evidence at a hearing or before the fourteenth day after the original petition is filed, this Order shall continue in full force and effect as a temporary injunction until further order of the Court. This Order terminates (ends) when the Court signs a final order or the case is dismissed.

##### **1.4 Petitioner Must Attach Copy of this Order to Petition**

The petitioner in a divorce case or SAPCR shall attach a copy of this Order to the original petition filed in the case and each copy of the petition. At the time the petition is filed, if the petitioner has not attached a copy of this Order to the petition, the District Clerk shall ensure that a copy of this Order is attached to the petition and every copy of the petition presented.

1.5 Attorneys' Fees

The Court may order a party who violates this Order to pay another party's reasonable and necessary attorneys' fees incurred to enforce this Order. An award of attorneys' fees is in addition to any other remedies available to enforce this Order.

**2. ORDERS ABOUT CHILDREN**

The following orders are about any child who is the subject of this case. All parties are ORDERED:

2.1 Do NOT hide the child from another party.

2.2 Do NOT change the child's current residence unless:

(a) all parties agree in writing to the change,

(b) the Court orders the change, or (c) an active court order gives you the exclusive right to designate the child's primary residence and the new residence is within the geographical area, if any, allowed in that order.

2.3 Do NOT disrupt or withdraw the child from the school or daycare facility where the child is presently enrolled unless:

(a) all parties agree in writing to the change,

(b) the Court orders the change,

(c) an active court order gives you the exclusive right to make decisions about the child's education, or

(d) an active court order gives you the exclusive right to designate the child's primary residence and the withdrawal is related to designating a new primary residence for the child.

2.4 Do NOT make derogatory comments about another party, another party's family members, or another party's dating partner, in the presence of or within hearing of the child, or on social media accessible to the child.

**3. ORDERS ABOUT CONDUCT DURING THE CASE**

All parties are ORDERED:

3.1 Do NOT communicate with any other party in a way that is threatening or harassing.

3.2 Do NOT threaten to take unlawful action against any party, member of a party's family or household, or a party's property.

3.3 Do NOT call, email, text, or use any other electronic communications to contact another party at an unreasonable hour, in an offensive or repetitious manner, anonymously, or without a legitimate purpose of communication.

3.4 Do NOT open or divert mail addressed to any other party.

- 3.5 Do NOT access any other party's email account, financial account, social media account, or any other electronic account.
- 3.6 Do NOT illegally intercept or record any other party's electronic communications.

#### **4. ADDITIONAL ORDERS THAT APPLY IN DIVORCE CASES**

- 4.1 Orders about Property and use of Money during Divorce Cases.

"Property" includes personal property and real property, without regard to whether the property is claimed as separate property or community property.

Divorcing spouses are ORDERED:

- (a) Do NOT destroy, remove, conceal, encumber, transfer, or otherwise harm or reduce the value of the property of one or both spouses.
- (b) Do NOT hide property from your spouse. Do NOT misrepresent or refuse to disclose to your spouse or the Court, on proper request, the existence, amount, or location of any property of one or both spouses.
- (c) Do NOT damage, destroy, or tamper with the tangible or intellectual property of one or both spouses, including any document that represents or embodies anything of value.
- (d) Do NOT sell, transfer, assign, mortgage, encumber, or alienate in any manner property of either spouse, unless specifically authorized by this Order.
- (e) Do NOT incur any debt, other than legal expenses in connection with this case, unless the debt is specifically authorized by this Order.
- (f) Do NOT withdraw or transfer money from any account in any financial institution for any purpose, except as specifically authorized by this Order.
- (g) Do NOT spend any cash in either spouse's possession or subject to either spouse's control for any purpose, except as specifically authorized by this Order.
- (h) Do NOT withdraw or borrow 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 Order.
- (i) Do NOT sign or endorse your spouse's name on any negotiable instrument, check, or draft, such as tax refunds, insurance payments, and dividends. Do NOT attempt to negotiate any negotiable instrument payable to your spouse without your spouse's personal signature.
- (j) Do NOT take any action to terminate or limit credit or charge cards in your spouse's name or possession or lines of credit in your spouse's name.
- (k) Do NOT enter, operate, or exercise control over the motor vehicle in your spouse's possession.

(l) Do NOT alter withholding for federal income taxes on your wages or salary while this case is pending.

(m) Do NOT cancel or change utilities or contractual services in any way or attempt to withdraw any deposits for utilities or contractual services. Utilities include, but are not limited to, water, electricity, gas, telephone, Internet, and cable television services. Contractual services include, but are not limited to, security, delivery, pest control, landscaping, or yard maintenance.

(n) Do NOT exclude your spouse from the residence you and your spouse currently share or have shared within the thirty (30) days before the original petition for divorce was filed in this case.

(o) Do NOT enter any safe deposit boxes in the name of or subject to the control of either spouse, whether owned individually or jointly, unless authorized by later court order or written agreement signed by both spouses permitting such entrance.

(p) Do NOT delete any data or content from any social-network profile used or created by either spouse or any child who is the subject of this case.

#### 4.2 Orders about Personal and Business Records in Divorce Cases

"Records" include, but are not limited to:

- Family records (including photographs, calendars, journals, and diaries);
- Property records;
- Financial and business records;
- Any records of income, debts, or other obligations (including a canceled check, deposit slip, and other records from a financial institution, a record of credit purchases or cash advances, a tax return, or financial statement); and
- Emails, text messages, videos or chat messages, or other digital or electronic data, whether stored on a computer hard drive, diskette, in a removable storage device, in cloud storage, or other electronic storage medium.

Divorcing spouses are ORDERED:

a) Do NOT conceal or destroy any record (b) Do NOT falsify any record. (c) Do NOT modify, change, or alter the native format or metadata of any record.

#### 4.3 Orders about Insurance in Divorce Cases

Divorcing spouses are ORDERED:

(a) Do NOT withdraw or borrow in any way all or any part of the cash surrender value of life insurance policies on the life of either spouse, except as specifically authorized by this Order.



(b) Do NOT change or alter in any way the beneficiary designation on any life insurance on the life of either spouse or any child who is the subject of this case.

(c) Do NOT cancel or alter in any way the casualty, automobile, or health insurance policies insuring you, your spouse, or any child who is the subject of this case or any property owned by or in the possession of you, your spouse, or any child who is the subject of this case.

4.4 Specific Authorizations in Divorce Cases

Divorcing spouses are specifically authorized by this Order to:

(a) Engage in acts reasonable and necessary to the conduct of that spouse's usual business and occupation.

(b) Spend and incur debt for reasonable attorneys' fees and expenses in connection with this case.


(c) Spend and incur debt for reasonable and necessary living expenses for food, clothing, shelter, transportation, school, and medical care, including reasonable and necessary expenses for minor children.

(d) Withdraw money from financial institution accounts only for the purposes authorized by this Order.

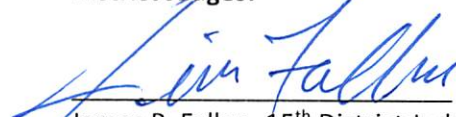
This ORDER is effective as of February 1, 2025. Signed by the Judges of Grayson County, Texas and filed with the District and County Clerks of Grayson County, Texas on February 1, 2025

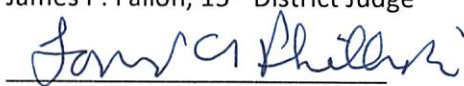
**County Courts at law Judges:**

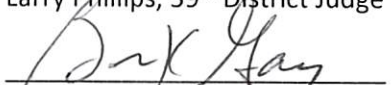
  
James C. Henderson- County Court at Law Number One Judge

  
J. Richard Dunn- County Court at Law Number Two Judge

**District Judges:**

  
James P. Fallon, 15<sup>th</sup> District Judge

  
Larry Phillips, 59<sup>th</sup> District Judge

  
Brian Gary, 397<sup>th</sup> District Judge