LOCAL RULES

355th JUDICIAL DISTRICT COURT

HOOD COUNTY, TEXAS

Adopted by Order dated February 1, 1999. Amended February 1, 2001, August 1, 2001, February 1, 2003, May 5, 2004, & January 1, 2009.

RALPH H. WALTON, JR., DISTRICT JUDGE

TABLE OF CONTENTS

Introduction
Order Adopting Rules
Section I: Time Standards for the Disposition of Cases
Section II: Rules of Decorum
Section III: Calendar
Section IV: Criminal Docket and Pre-Trial Procedures
Section V: Civil Docket and Pre-Trial Procedures
Section VI: Motion Practice
Section VII: Trial Procedure
Section VIII: Miscellaneous

Appendices:
Appendix "A" Letter Requesting or Confirming Setting
Appendix "B" Joint Case Questionnaire
Appendix "C" Standard Discovery Order
Appendix "D" Agreement to Reset and Plead Guilty
Appendix "E" Standing Order

INTRODUCTION

Pursuant to the authority granted District Courts under Rule 3a, T.R.C.P, and Art. 33.08, C.C.P., to promulgate Rules of Practice for conducting the business of District Courts, 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 the District Clerk of this Court and available to all persons and attorneys having litigation in this Court.

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 District Judge of this Court, 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 District Judge of the 355th Judicial District Court 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. All prior rules of the District Court of Hood County, Texas, are hereby expressly repealed;
8. These rules shall be effective on February 1, 1999, and thereafter until amended, modified, or repealed by Order of the Court.

ORDERED this 1st day of February, 1999.
Amended February 1, 2001; August 1, 2001, February 1, 2003, May 5, 2004, and January 1, 2009.

RALPH H. WALTON, JR.,
DISTRICT JUDGE
355TH JUDICIAL DISTRICT OF TEXAS

SECTION I: TIME STANDARDS FOR THE DISPOSITION OF CASES

1.1 All cases shall be brought to trial or final disposition in conformity with the following time standards:
a. Criminal Cases. As provided by Article 32A.02, Code of Criminal Procedure.
b. Civil Cases Other Than Family Law.
(1) Civil Jury Cases. Within 18 months from appearance date.
(2) Civil Non-jury Cases. Within 12 months from appearance date.
c. Family Law Cases.
(1) Contested Family Law Cases. Within 6 months from appearance date or within 6 months from the expiration of the waiting period provided by the Family Code where such is required, whichever is later.
(2) Uncontested Family Law Cases. Within 3 months from appearance date or within 3 months from the expiration of the waiting period provided by the Family Code where such is required, whichever is later.
d. Juvenile Cases. In addition to the requirements of Title 3, Texas Family code:
(1) Detention Hearings. On the next business day following admission to any detention facility.
(2) Adjudicatory or Transfer (Waiver) Hearings.
(a) Concerning a juvenile in a detention facility: Not later than 10 days following admission to such a facility, except for good cause shown of record.
(b) Concerning a juvenile not in a detention facility: Not later than 45 days following the filing of the petition, except for good cause shown of record.
(3) Disposition Hearing. Not later than 15 days following the adjudicatory hearing. The court may grant additional time in exceptional cases that require more complex evaluation.
(4) Nothing herein shall prevent a judge recessing a juvenile hearing at any state of the proceeding where the parties are agreeable or when in the opinion of the judge presiding in the case the best interest of the child and of society shall be served.
e. Complex Case. It is recognized that in especially complex cases or special circumstances it may not be possible to adhere to these standards.
f. The Court shall maintain a regular dismissal docket, and if no action is taken by a party seeking affirmative relief within the time prescribed in these time standards directed toward a trial on the merits, the Court will proceed to dismiss the case for want of prosecution in accordance with the procedures set forth in T.R.C.P., 165a.

SECTION II. RULES OF DECORUM

2.1 All officers of the court, parties, witnesses and the public shall at all times conduct themselves with dignity so as not to interfere with the Court's business. Lawyers shall comply with the Texas Lawyers Creed.
2.2 All present shall rise and come to order as the Judge takes the bench.
2.3 All persons in attendance while the Court is in session shall be attentive to the proceedings and cause no distraction.
2.4 No one shall sit on railings, tables, desks, chairarms, place feet on furniture or fixtures, nor prop chairs back. No one shall lean on or rest arms or hands on the bench.
2.5 All persons shall be suitably attired. Except by special permission of the Court, male officers of the Court shall wear suits and ties or sport coats, trousers and ties; no lawyers practicing before the Court may wear jeans. The attire of the female officers shall be equally suitable.
2.6 No gestures, facial expressions nor sounds indicating approval or disapproval of any person, act, testimony or proceeding shall be permitted.
2.7 Participants in all proceedings shall be prompt.
2.8 All officers of the Court shall avoid addressing each other with familiarity, shall use appropriate titles and shall avoid first names while the Court is in session and during official proceedings.
2.9 No reading material shall be permitted in the Courtroom except as may be directly related to current proceedings before the Court.
2.10 No active participant to interrogation shall smoke/chew tobacco or chew gum.
2.11 Counsel shall instruct parties not to directly contact the Judge concerning pending matters. There shall be no ex parte communication with the Judge.
2.12 Counsel shall be responsible to advise clients and witnesses of these rules to avoid embarrassment and delay.

SECTION III: CALENDAR

3.1 The Court will attempt to accommodate conflicting settings of counsel. Priorities, as they relate to such conflicts, shall be:

a) Election contests or other matters requiring assignment of a visiting judge.

b) Criminal cases.

c)Special or preferential settings.

d)Whether this or another Court will be without an available case for trial or shall have to disband a jury panel.

e)Earlier case filed.

f) Regular setting.

g) Pre-trial setting.

3.2 Jury weeks and non-jury days shall be set for each term of Court. The Court Administrator shall maintain a calendar for jury matters and for non-jury matters.
3.3 Request for regular trial settings for all civil jury and non-jury matters shall be in writing and forwarded to the Court Administrator, with a copy to opposing counsel or pro se litigants. Uncontested matters may be set by telephone conference with the Court Administrator, and the requesting attorney shall notify opposing counsel or pro se litigant, in writing, of the date and time of such uncontested hearing, with a copy to the Court Administrator. The Court Administrator shall be responsible for all civil and criminal trial settings, whether jury or non-jury, and shall confirm such settings in writing to the respective attorneys, or pro se litigants. If any attorney or litigant has a conflict or will be unable to appear on the date set for trial or hearing, the Court Administrator shall be notified within ten (10) days after receipt of such notice of setting in order to arrange for resetting; otherwise, such setting will be considered a firm setting and the hearing or trial setting will not be passed except upon mutual agreement of the respective attorneys with consent of the Court or upon proper motion for continuance granted by the court after hearing thereon. A written request for a setting shall certify:

1) That the requesting party's pleadings

are in order;

2) Whether or not a pre-trial setting is necessary;

3) That all necessary discovery has been completed and all necessary ad litem appointments have been made;

4) That service has been perfected on all necessary parties;

5) That a jury fee, if applicable, has been paid; and

6) That a copy of the request has been served on all counsel and pro se parties.

The use of form letter (Appendix "A") will comply with the foregoing requirements.

3.4 If a request for setting of any family law case has not been received by the Court within ninety (90) days of the date of filing of the case, the Court may set the case for trial and notify the parties of the setting. Upon receipt of the notice any party should immediately notify the Court in writing if they believe that the case is not ready for trial or if they want to suggest alternative trial dates.

3.5 In all civil cases (except family law cases), attorneys for plaintiff and defendant shall complete and file with the Court a Joint Case Questionnaire (Appendix "B") within 30 days following answer date for defendant. Failure to file the Joint Case Questionnaire within such time will result in the placement of the case on the Court's dismissal docket. After the Court receives the completed Joint Case Questionnaire, the Court Administrator shall set the case for trial, either jury or non-jury, based on information provided in the Joint Case Questionnaire.

3.6 Any party requiring a hearing on special exceptions, dilatory pleas or other pre-trial matters shall request and obtain a setting thereon at least thirty (30) days prior to the date the case is set for trial on the merits.

3.7 All matters to be heard on regular non-jury days shall be set for 9:00 o'clock a.m., unless otherwise set by the Court. All counsel and parties shall be present and ready, with witnesses, at that time except by leave of the Court first obtained. All counsel and pro se parties shall be seated in the courtroom ready for announcements. The Court Administrator shall provide the Clerk with a list of the matters to be heard, and the Clerk shall have the files available to the Court. When called for, announcements shall give the nature of the matter, an estimate of the time required and any special circumstances, such as out-of-county parties and witnesses. The Court will arrange the order for proceeding, giving preference to uncontested matters and the convenience of all, where possible. Settlement negotiations should be completed prior to the calling of the docket, if at all possible, and failure to timely announce may result in postponing the matter to the end of the day, to another day or such other sanction provided for in these rules, the Rules of Civil Procedure or by law.

3.8 Counsel wishing to avoid assignment to trial during a vacation period not exceeding four (4) consecutive weeks shall advise the Court Administrator at least seventy-five (75) days prior to the beginning of the vacation. This shall not be grounds for resetting cases already set.

SECTION IV: CRIMINAL DOCKET AND PRE-TRIAL PROCEDURES

4.1 Immediately upon employment or Court appointment, the defense attorney shall give written notice thereof to the District Attorney and the District Clerk stating the name of the accused, the offense(s) charged and cause number, if known. The Clerk will note the attorney's name on the docket sheet and indicate whether he is retained or Court Appointed.

4.2 Immediately following the return of an indictment, the Court Administrator shall notify the accused, his bondsman (if any) and his attorney (if known) to appear for formal arraignment on the date set for such proceedings by the court and shall also notify the accused of the date for the first jury trial setting of the case. All accused persons, their attorneys and bondsmen (if any) shall be required to appear on the date set by the Court for the purpose of formal arraignment

and announcements, unless arraignment has been waived, and if a pre-trial hearing is required in the case, such hearing shall be held on a date set by the Court. The provisions of Art. 28.01 C.C.P., will be strictly complied with, and preliminary matters not raised or filed at least seven (7) days before the pre-trial hearing date will not thereafter be allowed to be raised or filed, except by permission of the Court for good cause shown. Copies of all pre-trial motions shall be forwarded to the District Attorney at the time of filing the originals with the District Clerk.

4.3 Any attorney challenging the admissibility of expert witness testimony under Daubert v. Merrill Dow Pharmaceuticals, Inc. and its progeny shall contact the Court Administrator and request a hearing thereon at least ten (10) days prior to trial.

4.4 Pursuant to this Court's Standard Discovery Order (Appendix "C"), the District Attorney shall provide discovery to the Defense in all criminal cases of the information referred to in the Order. No Motions for Discovery shall be filed by the Defense as the same will not be necessary. The Court will conduct a pretrial hearing when necessary, in accordance with V.A.C.C.P. Art. 28.01, to consider any other relevant pretrial issues (e.g., Motions to Suppress Evidence; Motions for Continuance; and Motions for Change of Venue; etc.).

4.5 The Court Administrator shall set the criminal jury trial docket and shall give written notice to the District Attorney and to the defense attorneys of the cases that are targeted for trial for each criminal jury week. All other attorneys who have received notification of trial settings shall be ready and available to proceed to trial upon one-half day's notice.

4.6 The District Attorney shall advise the Judge by 5:00 o'clock p.m. on the Thursday immediately preceding a jury trial week of the results of any plea bargain negotiations in pending criminal cases. If a plea agreement has been reached by the District Attorney and defense counsel, an Agreement To Reset and Plead Guilty (Appendix "D") must be signed and approved by the Court by 5:00 o'clock p.m. on the Thursday preceding a jury trial week. Otherwise, the case shall remain on the jury trial docket.

4.7 Defendants whose cases are set for an agreed plea hearing shall contact the Hood County Community Supervision & Corrections Office at least ten (10) days prior to the scheduled plea hearing for an appointment to prepare a pre-sentence investigation report. Each defense lawyer is responsible for advising his or her client to make such appointment timely, and if the client is incarcerated, defense counsel shall inform the Community Supervision Department at least ten (10) days before the plea date so that an officer can go to the jail to prepare the pre-sentence investigation report. Failure to comply with this time requirement will result in the postponement of the plea hearing.

4.8 Attorneys accepting appointments to represent indigent defendants in criminal cases shall familiarize themselves with and shall comply with the Local Indigent Defense Rules and Plan for this Court and shall complete a minimum of 8 hours, annually, in continuing legal education in the field of criminal law in order to remain on the Court's appointment list. A sworn affidavit by the attorney verifying that he/she has completed such annual education requirement must be filed with the Court on or before December 31of each year. Failure to file such affidavit will be grounds for removal from the Court's appointment list.

4.9 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 case or delay the scheduled trial of the case.

SECTION V: CIVIL DOCKET AND PRE-TRIAL PROCEDURES

5.1 Pre-trial hearings will be required in every civil jury case, and upon request of any party or on its own motion the Court may set a hearing under Rule 166, Texas Rules of Civil Procedure, to consider such matters as might aid in the disposition of the action.

5.2 It shall be the duty of all parties having places on the trial calendar to present to the Court and to obtain a hearing , if necessary, on all exceptions, motions and dilatory pleas not less than thirty (30) days prior to the date the case is set for trial. All pre-trial motions shall be filed not less than seven (7) days prior to the pre-trial hearing and a copy thereof shall be forwarded to the Court and to opposing counsel. Counsel shall present proposed special questions and instructions to the Judge at the pre-trial hearing.

5.3 Counsel and all pro se parties will be expected at pre-trial to advise the Court which issues will be disputed and will be expected to be familiar with the authorities applicable to the questions of law thereby raised.

5.4 Counsel and pro se parties attending the pre-trial hearing shall be the person who is expected to try the case or shall be familiar with the case and fully authorized to state the parties position on the law and facts, make stipulations and enter into settlement negotiations.

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

a) Rule on all motions and exceptions in the absence of such counsel;

b) Declare any motions or exceptions of such absent party waived;

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

d) Pass and reset trial;

e) In the event absent counsel represents the Plaintiff, the Court may decline to set the case for trial or may cancel a setting previously made or may dismiss the case for want of prosecution, especially where there has been a previous failure to appear or where no amendment has been filed to meet exceptions previously sustained; or

f) In the event absent counsel represents the Defendant, the Court, if the case has not been previously set for trial, may set the same at any time after seven (7) days have expired following the pre-trial conference at which counsel was absent, and/or may strike any counter-claim or cross-claim and/or deny any pending motions.

5.6 Any attorney challenging the admissibility of expert witness testimony under Daubert v. Merrill Dow Pharmaceuticals, Inc. and its progeny shall contact the Court Administrator and request a hearing thereon at least ten (10) days prior to trial.

5.7 In all cases in which support of a spouse and/or children is in issue, each party shall furnish to the Court and to opposing counsel at the time of the final hearing the following:

a) A summary statement of monthly income and expenses;

b) Payroll stubs or wage statements for the preceding six months;

c) If self-employed, all profit and loss statements, balance sheets, income statements or other evidence of earnings for the previous twelve months;

d) Federal Income Tax Returns for the two years immediately prior to the final hearing.

5.8 In all cases in which division of the marital estate is in issue, each party shall prepare and submit to the Court and to opposing counsel at the time of trial a written summary of that party's proposed division of property and debts.

SECTION VI: MOTION PRACTICE

6.1 Parties are directed to use all reasonable means to resolve pre-trial disputes to avoid the necessity of judicial intervention.

6.2 No motions will be set for hearing unless the moving party shall have certified in such

motion or in a letter substantially the following:

"A conference was held on (date) with (name of attorney for opposing party) on the merits of this motion. Agreement could not be reached. Therefore it is presented to the Court for determination"

or

"A conference was not held with (name of opposing attorney) on the merits of this motion because (explanation of inability to confer)."

6.3 The Court Administrator is responsible for scheduling the dates and times for hearings. Upon receiving the date and time of hearing, the moving party shall immediately notify all other parties in writing of the date, time and subject matter of the hearing. A copy of this communication shall be provided to the Court Administrator.

6.4 On request of a party and with consent of the Judge, a matter not requiring a record by the Court Reporter may be conducted by telephone. The moving party shall be responsible for advising opposing parties of the method and time of hearing and shall be responsible for arranging the conference call.

SECTION VII: 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 Before the trial date attorneys or pro se parties will be notified by the court to report for trial during the trial week and parties need not appear until called. However, all parties and their attorneys are expected to be available for trial upon short notice during the week that the case has been set for trial. Any case not reached during the week that it 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 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 part 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 proceeding 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 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 submit the case to the jury without the benefit of the witness's testimony or may make any 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 jury panel on voir dire of a previous case.

7.11 In all civil jury trial cases, anticipated special questions, definitions and instruction shall be submitted to the Court in writing at the pretrial hearing, or if there is no pretrial 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 rulings 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.

SECTION VIII: MISCELLANEOUS

8.1 Settlement Negotiations

The practice of delaying serious settlement negotiations until after announcement of ready is a major cause of waste of time and effort of counsel, litigants, witnesses and citizens called for jury service and greatly hinders the Court in the disposition of cases that must be tried. Consequently, all trial counsel are urged to make bona fide efforts to settle cases before announcing ready for trial.

8.2 Withdrawal of Attorney

No attorney of record shall be permitted to withdraw from any case without complying with the requirements of T.R.C.P. 10.

8.3 Submission of Judgments

a) All orders, decrees and judgments shall be submitted to the Court by the responsible attorney for entry within thirty (30) days from the date of announcement of the Court's decision or announcement of settlement by counsel, except temporary orders, which shall be submitted to the court within fifteen (15) days after decision.

b) Upon failure to furnish the Court with a final judgment order or decree disposing of the case within the thirty (30) day period set forth above, the Court shall place the case on a dismissal docket, with notice to all attorneys, whereupon the case may be dismissed and costs may be taxed at the Court's discretion.

c) 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 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 counsel 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. 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 paragraph 1) above. If not written objection from opposing counsel is received by the Court, the Court shall sign the proposed judgment, decree or order.

8.4 Private Service of Process

a) For purposes of supervision and discipline the court deems those persons authorized to serve citations and other notices by order pursuant to Rule 103, Texas Rules of Civil Procedure to be officers of the court. Any such person filing a false return or engaging in service contrary to law or rule may be subject to punishment by an order of contempt. Such order may prohibit such person from serving citations and notices in Hood County.

b) Any proposed order authorizing private service under Rule 103 will not be signed by the judge unless accompanied by a certificate signed by counsel requesting such an appointment. Such certificate shall set out the name and address of the person to be so authorized and affirm that such person is not less than eighteen years of age, is not a party, and has no interest in the outcome of the suit in which the authorization is sought.

8.5 Parties Proceeding Pro Se

Any natural person proceeding on his own behalf without an attorney shall be expected to read and follow these Local Rules and the Texas Rules of Civil Procedure, the Texas Rules of Evidence, the Texas Code of Criminal Procedure, and the Texas Rules of Appellate Procedure as may be appropriate in the particular case. Failure to comply may result in the person being sanctioned, fined or punished as in other cases. Pro se parties shall be responsible for providing the Clerk with current addresses and telephone numbers.

8.6 Dismissal for Want of Prosecution

a) Any civil case on which there has been no activity for six (6) months or longer will be placed on a dismissal docket. The court will periodically give notice of intention to dismiss for want of prosecution. Such notice will be given at least thirty (30) days prior to the signing of consequent dismissal order.

b) The clerk shall provide notice of the court's intention to dismiss for want of prosecution by complying with the provisions of Paragraph (1) of Rule 165a of the Texas Rules of Civil Procedure.

8.7 Vacations of Attorneys

If a case is set for trial by the Court on a 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.

8.8 Standing Orders

In all civil cases, (except for family law cases), attorneys for plaintiff and defendant shall complete and file with the Court a Joint Case Questionnaire (Appendix "B") within 30 days following answer date for defendant. In all family law cases involving the custody and possession of children, the Court's Standing Order (Appendix "E") for parental counseling shall be complied with by all parties.

8.9 Noncompliance

Any willful failure by a party or attorney to comply with these rules shall subject such offending party or attorney to all sanctions, provided for in these rules, the Texas Rules of Civil Procedure, or by law, including contempt under §21.002, V.T.C.A. Government Code.

COURT PERSONNEL

355th Judicial District Court

Hon. Ralph H. Walton, Jr. (817) 579-3233
District Judge FAX: (817) 579-3243
Hood County Justice Center
1200 West Pearl Street
Granbury, Texas 76048

Ms. Penny Weisend (817) 579-3233
Court Administrator FAX: (817) 579-3243
Hood County Justice Center
1200 West Pearl Street
Granbury, Texas 76048 pweisend@co.hood.tx.us

Mr. Mike Carlisle, CSR (817) 579-3255
Official Court Reporter FAX: (817) 579-3243
Hood County Justice Center
1200 West Pearl Street
Granbury, Texas 76048 *mcarlisle@co.hood.tx.us*

Mr. Harold Clemmons (817) 579-3233
Court Bailiff FAX: (817) 579-3243
Hood County Justice Center
1200 West Pearl Street
Granbury, Texas 76048

Ms. Tricia Walters (817) 579-3233
Administrative Assistant FAX: (817) 579-3243
Indigent Defense Coordinator
Hood County Justice Center
1200 West Pearl Street
Granbury, Texas 76048 *twalters@co.hood.tx.us*

DISTRICT CLERK PERSONNEL

Ms. Tonna Hitt (817) 579-3236
District Clerk FAX: (817) 579-3239
Hood County Justice Center
1200 West Pearl Street
Granbury, Texas 76048

APPENDIX "A"

(Date)

355th District Court Administrator
Hood County Justice Center
1200 West Pearl Street
Granbury, Texas 76048

Re: Cause No. _____
(Style of Case)

Please set the above styled and numbered case for trial/hearing -*(please designate what type of hearing)* on the court's _____ docket *(jury/non-jury-contested/uncontested; criminal/civil)* for the first available date.

The request for this setting has been made in good faith in the belief that (the party requesting the setting) will be ready for (trial/hearing) at the time requested. All of the (party requesting setting)'s pleadings are now in order or will be at least seven (7) days prior to the (trial/hearing) date.

There (are/are no) special exceptions (or other pretrial matters) which should be presented to the Court in advance of trial.

All necessary ad litem appointments have been made.

All other attorneys (and/or pro se parties) in this case on this date are being mailed a copy of this request of setting.

Service was perfected on the Defendant/Respondent on _____, 20____.

Very truly yours,

cc: Opposing counsel(s)/pro se parties
(Please list names of those notified)

THIS CASE HAS BEEN SET FOR THE ____ DAY OF _____, 20____, AT _____ O'CLOCK ____.M.

_____
Court Administrator
Signed on: _____

Appendix "B"

CAUSE NO. _____

_____ § IN THE DISTRICT COURT

VS. § HOOD COUNTY, TEXAS

_____ § 355TH JUDICIAL DISTRICT

JOINT CASE QUESTIONAIRE

This form must be completed and filed by plaintiff after service of citation on all defendants and after conferring with all counsel and pro se parties. **The completed questionaire must be filed with the Court by _____, or the case will be placed on the Court's DISMISSAL DOCKET.** In setting dates, the Court will not consider the concerns of any party who fails to assist in completing this questionaire. If you have any questions, please contact the Court Administrator, Penny Weisend, at (817)579-3233. *This form does not constitute a discovery request, response, or supplementation and is not admissible at trial.*

1. Largest monetary claim by plaintiff(s) or counter-claimant(s):
   ☐ <$50,000.00 ☐ $50,000.00 - $100,000.00 ☐ $100,000.00 - $500,000.00 ☐ > $500,000.00
2. Are there any counterclaims? ☐ Yes ☐ No
3. Will additional parties be added? ☐ Yes ☐ No
4. Have all named defendants been served? ☐ Yes ☐ No
5. Will this case be tried non-jury? ☐ Yes ☐ No
6. Estimated trial time: ☐ 1-2 days ☐ 3-5 days ☐ 6-10 days ☐ > 10 days
   Parties disagree: Plaintiff: _____ days
   Defendant: _____ days
   Estimated time needed for discovery: ☐ 3-6 months ☐ 7-12 months ☐ > 1 year
   Parties disagree: Plaintiff: _____ days
   Defendant: _____ days
7. **Desired discovery level: ☐ Level 1(TRCP 190.2) ☐ Level 2 (TRCP 190.3) ☐ Level 3 (TRCP 190.4)***

   *A case will remain in Level 1, if applicable, or else Level 2 unless and until the Court enters an order establishing a Level 3 discovery plan. *See* TRCP 190.4 & cmt. 1. The Court may enter a Level 3 plan sua sponte or the parties may request entry of such a plan by separate motion. *Id.*

8. Likelihood of experts other than treating physicians or experts on attorney's fees? ☐ Yes ☐ No
9. Other information that may aid or affect the Court in scheduling this case for trial: _____
   _____
   _____
10. NOTE: State and local guidelines call for trial settings in eighteen months or less.
    (a) Suggested trial date: _____
    (b) Suggestions for time needed for pretrial deadlines, if any:
    Joining new parties: _____ months ADR _____ months
    Designating experts: amending pleadings _____ months
    (a) plaintiff's experts _____ months
    (b) defendant's experts _____ months
    (c) **Do the parties request a scheduling conference with the Court? ☐ Yes ☐ No**
11. Name(s) of any attorney or pro se party failing to assist in completing questionaire and reason for such failure:
    _____
    _____
12. Date completed: _____
13. Signatures. Attach a sheet that includes the name, bar number, address, phone number, fax number and signature for each party or pro se party assisting in completing this questionaire.

_____

HON. RALPH H. WALTON, JR., JUDGE PRESIDING

IN THE DISTRICT COURT

OF HOOD COUNTY, TEXAS

355TH JUDICIAL DISTRICT

STANDARD DISCOVERY ORDER

In all criminal cases now or hereafter pending in this Court, the State, through the office of its District Attorney, is ordered to produce and make available to the defendant or his attorney such of the following information and materials as are in the possession, custody or control of the State or any of its agencies or otherwise reasonably available to the prosecution. This information and these materials shall be produced at the office of the district attorney without the necessity of the filing of a motion for discovery.

The State of Texas is to have the following materials and information available to the defense for inspection, photographing, photocopying and duplication, to-wit:

I. RELATING TO DEFENDANT

1. All confessions, incriminating statements and *res gestae* statements purportedly made by the Defendant, including all writings, memos, notes and reports that refer to such confessions or statements;
2. All photographs, sketches, oral recordings and visual recordings of the Defendant;
3. The criminal history of the Defendant as recorded in the TCIC records together with all other crimes, wrongs and acts of which the prosecution has actual knowledge, including all NCIC records reasonably available to the State.
4. Statements by all co-defendants and co-conspirators, whether indicted or unindicted, that mention Defendant by name or other description;

II. RELATING TO WITNESS(ES)

5. The criminal history of all witnesses who could within reasonable probability be called as witnesses for the prosecution as recorded in TCIC records together with all other purported criminal activities of which the prosecution has actual knowledge;

6. All NCIC records in the possession of or reasonably available to the prosecution or peace officers and their administrative support officers involved in the prosecution of the defendant;
7. All plea agreements, offers of plea agreements or suggestions of plea agreements made by or for the prosecution to each and all of the witnesses whose testimony could be offered against the Defendant;
8. The witness list for the prosecution shall be produced to the defense prior to commencement of the jury voir dire examination. Such list shall include all witnesses, whether lay or expert, including witnesses under Rule 701 Texas Rules of Evidence, together with all rebuttal witnesses whose use can be reasonably anticipated by the State;
9. The names of all witnesses who appeared before the Grand Jury shall be endorsed upon the indictment or information by the prosecutor at such time as demanded in writing by the defense;

III. RELATING TO EVIDENCE

10. All physical evidence that could be offered at trial against the Defendant including but not limited to fingerprints, video recordings, audio recordings, documents, papers, books, accounts, letters, photographs, objects or tangible things not privileged which constitute or contain evidence material on any matter involved in this case and which are in the possession, custody or control of the State or any of its agencies; this does not include work product of the prosecutor or the prosecutor's staff or investigators (such as witness statements, officer's notes and reports) unless such material contains impeachment material or exculpatory evidence and is otherwise ordered to be disclosed;
11. Witness statements when and if and at any time it reasonably appears that information contained therein may provide exculpatory evidence or impeachment material for the defense; such materials must be produced for the defendant forthwith after its discovery by the prosecution;
12. All exculpatory evidence known to the prosecution and required to be produced in accordance with the "Brady Rule";

IV. RELATING TO EXPERT WITNESSES

13. All scientific reports regarding any and all evidence that could be offered at trial against the Defendant; if such reports are not in existence the State is required within a reasonable time to reduce same to writing; such reports must include the qualifications of the

expert, the materials considered by the expert and basis for the opinions and conclusions of the expert. The defense must be afforded reasonable access to such materials and such privacy as may be needed to make a proper examination of the materials. The defense is also permitted to have experts inspect such materials at reasonable times and places. The defense may not conduct testing, destructive or otherwise, on any of the materials in the absence of an agreement with the prosecution or a further order of this Court.

14. Either party challenging an expert witness or testimony to be offered by the opponent must file a pretrial motion for a Daubert/Kelly hearing in conformity with the Art. 28.01 C.C.P. to be held by this Court at least 10 days prior to trial.
15. Pursuant to Art. 39.14(b)C.C.P., the Court orders that each party shall disclose to the other the name and address of each person that party may use at trial to present evidence under Rules 702, 703 and 705 Texas Rules of Evidence. The prosecution and the defendant must both disclose to the other party not later than twenty (20) days prior to the date the trial is scheduled, the name and address of each person that party may use at trial to present evidence under Rules 702, 703 and 705 Texas Rules of Evidence. The name and address of the defendant does not have to be disclosed as a possible witness. Each party shall list such witnesses in a document containing the caption of the case and serve it upon the opposing party as provided by Rule 21a, Texas Rules of Civil Procedure.

The prosecution remains under a continuing duty to discover and make available for inspection, copying and duplication all additional information and materials similar to that which is described above within a reasonable time after they become reasonably available to the prosecution. There is also a continuing obligation to provide names and addresses of witnesses forthwith after discovery whose names were not reasonably available to the party at a prior time.

Defendants with retained counsel are expected to bear all discovery expenses. In the event the defense counsel has been appointed by the Court to represent an indigent defendant, the prosecutor's office and their agents are required within reason to furnish copies, photocopies and duplications for no charge to the defense. If the defense intends to submit any other expenses for payment through the Court, a Motion must be filed with the Court and approved before payment will be approved.

It is the obligation of the defendant, counsel for the defendant and counsel for the State to avoid filing motions that duplicate, track or cover, directly or indirectly, any of the provisions of this order. Any such motions will be overruled in their entirety without hearing.

DEFENDANT AND COUNSEL FOR THE DEFENDANT SHOULD NOTE THAT THIS STANDARD DISCOVERY ORDER DOES NOT CHANGE OR AFFECT THE NECESSITY TO TIMELY FILE ON BEHALF OF THE DEFENDANT THE

1) ELECTION FOR JURY PUNISHMENT;
2) APPLICATION FOR PROBATION;
3) REQUEST FOR NOTICE OF EVIDENCE AND MATERIALS UNDER RULE 404(B) & ART.37.07 SEC. 3 C.C.P;
4) "GASKIN RULE" MATERIALS;
5) ANYTHING ELSE NOT SPECIFICALLY ADDRESSED BY THIS ORDER;
6) MOTION FOR AN INTERPRETER.

THE PROSECUTORS AND DEFENSE ATTORNEYS ARE NOTIFIED AND CAUTIONED THAT IN THIS COURT THEY ARE EXPECTED TO OBSERVE THE TERMS OF THE TEXAS LAWYER'S CREED.

Signed this _____ day of _____, 20_____.

_____

JUDGE PRESIDING

CAUSE NO. _____

THE STATE OF TEXAS	§	**IN THE DISTRICT COURT**
VS.	§	**355TH JUDICIAL DISTRICT**
_____	§	**HOOD COUNTY, TEXAS**

AGREEMENT TO RESET AND PLEAD GUILTY

TO THE HONORABLE JUDGE OF SAID COURT:

On this date, the captioned cause being set on the docket of this Court, comes now the undersigned counsel for State and counsel for Defendant, and would show that both of said undersigned counsel consent to the continuance of this cause for the purpose of an agreed plea of guilty.

RESET DATE: _____ **TIME SET:** _____

PLEA BARGAIN AGREEMENT: The Defendant has agreed to enter a plea of GUILTY to the charge herein and the State agrees to recommend the following to the Court:

Plea: _____
_____.

Court Costs: $_____

Defendant or Defense Counsel shall contact the Hood County Adult Probation Department at (817) 579-1120 for the purpose of scheduling a pre-sentence investigation. The pre-sentence investigation shall be completed no later than 14 days before the date of the plea setting.

The Defendant hereby consents to the release to the Court and the District Attorney of the Pre-sentence Investigation Report required by Article 42.12, Section 9 of the *Texas Code of Criminal Procedure* prior to sentencing in this case and specifically authorizes the Judge of this Court, and the Office of the District Attorney to inspect this report upon its completion by the probation officer. The Defendant also understands that if the plea bargain agreement set out above includes a recommendation of probation by the State, he will be required to execute and file with the Clerk of the Court a Sworn Application for Probation.

_____
Robert Christian
Counsel for the State
Fax (817) 579-3247

_____
_____
Counsel for the Defendant
Fax _____

Note: Cases will not be placed on the docket nor plea papers prepared until a Pass Agreement has been signed and returned to the District Attorney's Office prior to the court date.

APPEARANCE

Based upon the foregoing representation of the parties, this case is set for the above appearance in the 355th Judicial District Court in Hood County, Texas, and Defendant, Defense Attorney and District Attorney are instructed to appear at the date and time set for the hereinabove. The Probation Office of this Court is hereby directed to prepare a Pre-sentence Investigation Report pursuant to Article 42.12, Section 9(a) of the *Texas Code of Criminal Procedure* and furnish a copy of said report to the Court, the District Attorney, and the Defendant or Defense Attorney prior to the date of sentencing set forth above.

Signed this the _____ day of _____, 2009.

_____
JUDGE RALPH H. WALTON, JR.
355th Judicial District, Hood County, Texas

Appendix "E"

IN THE DISTRICT COURT
355th JUDICIAL DISTRICT
HOOD COUNTY, TEXAS

STANDING ORDER

The undersigned judge of the 355th Judicial District Court of Hood County, Texas, finds that the best interest of the children involved in suits affecting the parent-child relationship or in suits to modify existing orders of conservatorship or possession require that any person seeking to become a managing conservator (temporary or permanent, sole or joint) and any person seeking to be appointed possessory conservator (temporary or permanent) or seeking access to a child or any other party to such suits shall successfully complete a parenting program concerning the developmental needs of children with emphasis on fostering the child's emotional health during periods of stress.

A list of approved programs and dates and times for such programs shall be obtained from the District Clerk's office. Parties who wish to satisfy the requirement with another program may submit information regarding the program to the Court for approval prior to enrollment in the program.

This ORDER applies to all persons seeking to become a managing or possessory conservator (whether sole, joint, temporary or permanent) in all original actions affecting the parent-child relationship and to all persons who are parties to actions to modify existing orders of conservatorship or possession. The attorney filing the case shall provide a copy of this ORDER to the petitioner/movant. The District Clerk shall provide a copy of this ORDER to all pro se parties. Additionally, the District Clerk shall attach a copy of this ORDER to each citation or notice of hearing which is to be served in any suit affecting the parent-child relationship.

Any person filing a waiver of citation or service shall provide a copy of this ORDER to the person signing the waiver and shall execute and file a statement confirming compliance with this ORDER.

The program shall be successfully completed within 45 days from the date of filing of suit, and evidence of completion shall be filed with the Clerk of this Court at least seven (7) days prior to the final hearing.

A party's failure to successfully complete the program pursuant to this rule may result in the Court not appointing the party managing conservator or possessory conservator or in the Court not granting specified periods of possession or access until the Court is supplied with evidence of successful completion of this program. Additionally, the Court may take appropriate action for failing to comply with this ORDER, including but not limited to sanctions for contempt of court, striking pleadings, or invoking any sanction provided by Rule 215, T.R.C.P. The failure or refusal by a party to attend or complete a course required by this Order may not delay the court from rendering a judgment in a suit affecting the parent-child relationship.

SO ORDERED this the 10 day of January, 2001.

RALPH H. WALTON, JR.
DISTRICT JUDGE