

**AMENDED
COURT RULES OF THE DISTRICT COURTS
AND THE COUNTY COURT-AT-LAW OF LAMAR COUNTY, TEXAS**

TO ALL ATTORNEYS PRACTICING IN LAMAR COUNTY, TEXAS:

The following rules have been adopted by the Judges of the 62nd and 6th Judicial District of Texas, along with the Judge of the County Court-at-Law of Lamar County, Texas, and shall govern in all civil and criminal cases in the District Courts of Lamar County, Texas, and in those cases in which the District Courts and the County Court-at-Law of Lamar County, Texas has concurrent jurisdiction.

I. RULES OF THE FIRST ADMINISTRATIVE JUDICIAL DISTRICT

The rules of the First Administrative Judicial District of Texas, a copy of which is attached hereto, are hereby adopted and made a part of the rules of the District and County Courts-at-Law of Lamar County.

In addition to the aforesaid rules of the First Administrative Judicial District of Texas, the following rules are hereby adopted.

II. RULES OF DECORUM

1. All attorneys shall appear in Court in appropriate dress. However, the judge of each Court may relax the rules of dress in order to accommodate special conditions such as hot or cold weather.
2. Attorneys shall advise their clients and witnesses to dress appropriately for appearances in Court.
3. Smoking or chewing tobacco or dipping snuff are not permitted in the Courtroom at anytime.
4. At all times when the Judge is on the bench the Court is in session. When Court is in session there shall be:
 - a. No unnecessary noise.
 - b. No reading of newspapers or other periodicals without special permission of the judge.
 - c. No propping of feet on desks, tables or chairs.
5. Neither anything to eat or drink is permitted in the Courtroom at anytime. With the exception that counsel will be permitted to have water at counsel table.
6. Unless specially authorized by the judge, attorneys are to address the Court from their place at counsel table; to stand when addressing the Court; to stay away from the bench and to speak so that the attorney's voice can be heard by opposing counsel. Attorneys shall approach the bench only with the permission or at the request of the Court.

7. When counsel approaches the bench, either by permission being granted or by invitation of the Court, they shall not lean upon the bench or act so as to make it appear that they are engaging the Court in a confidential matter.
8. All remarks of counsel to the Court shall be addressed to the Court and not to the Judge as an individual.
9. On a ruling being made by the Court on any matter, there shall be no further argument thereon, unless expressly invited by the Court or on request made to the Court, and the Judge consents to hear further argument.
10. Attorneys will be seated immediately at the conclusion of their remarks to the Court, and opposing counsel shall not rise to address the Court or address the Court in any manner until the other attorney is seated.
11. Special requested questions are to be handed to the Court at any time during trial up to but not beyond conclusion of the introduction of testimony; but copies need not be supplied opposing counsel until the testimony has been concluded. This rule may be varied by special orders such as are contained in the Final Pretrial Orders.
12. Counsel are not to consume the Court's time by "taking exceptions", as exceptions are allowed as a matter of law. Nor unless invited, shall counsel state the reasons why they consider excluded testimony to be admissible without first obtaining permission, although the foregoing is not to be understood as prohibiting counsel from requesting permission of the Court to speak to the Court at the bench.
13. When testimony is excluded, the trial is not to be delayed while a tender or proffer of evidence is made. The Court will, upon the offeror's motion, permit the offerer to perfect the bill, out of the presence of the jury, before the conclusion of the trial, or at a later time within the time allowed for appeal.
14. During the trial of the case, counsel shall address their questions to the witnesses and their comments to the Court, not to one another. Side-bar remarks will not be permitted and shall be considered as contempt to Court.
15. The Court will censure attorneys for side-bar remarks and attempted post-ruling arguments in the presence of the jury, stating in part that counsel is violating the Court's rules furnished prior to commencement of the trial.
16. A reasonable opportunity will be permitted counsel to argue their respective positions before ruling thereon, but this shall not be utilized as an opportunity to bring matters to the jury's attention not in evidence.
17. Attorneys shall ascertain the time for which all matters are set and shall be punctual in their attendance of Court.
18. Counsel must strictly comply with Rule 8 and Rule 10, Tex.R.Civ.P. in order to withdraw from a case.

19. All attorneys and their clients are required to remain in their respective places while Court is in session. When the jury is discharged or placed in recess by the Court, the Court is not automatically placed in recess, and all persons (including the spectators) shall remain seated until the Court makes the announcement that the Court is in recess.

III. RULES AS TO FILING IN CIVIL CASES

The District Clerk shall keep a receptacle in which they mix six capsules containing the number "62" and two capsules containing the number "6". When a civil case other than a family law matter is presented for filing, the clerk shall draw from said container one capsule. If the capsule contains the number "62", the case shall be filed in the 62nd District Court. If the capsule contains the number "6", the case shall be filed in the 6th District Court. The capsule drawn shall not be returned to the receptacle until all eight capsules have been withdrawn from the receptacle. This procedure shall be followed until all eight of the capsules are removed from the container, at which time the container shall be filled and the capsules withdrawn in cases filed thereafter in like manner. In no event shall the clerk divulge either the numbers in the capsules remaining in the receptacle nor the numbers in the capsules which have been drawn except as to the number in the capsule which has been drawn for the case which is then being filed.

Civil cases, other than family law cases, which fall within the jurisdictional limits of the County Court-at-Law of Lamar County may be filed directly into that Court without the necessity of a random selection procedure.

IV. RULES AS TO FILING IN FAMILY LAW CASES

The District Clerk shall keep another separate receptacle in which three (3) capsules containing the number "62", three (3) capsules containing the number "6" and six (6) capsules containing the letters "CCL" are placed. When a family law matter is presented for filing, the clerk shall draw from said container one capsule. If the capsule contains the number "62", the case shall be filed in the 62nd District Court. If the capsule contains the number "6", the case shall be filed in the 6th District Court. If the capsule contains the letters "CCL", the case shall be filed in the County Court-at-Law of Lamar County. This procedure shall be followed until all twelve of the capsules are removed from the container, at which time the container shall be re-filled and the capsules withdrawn in cases filed thereafter in like manner.

In no event shall the clerk divulge either the contents in the capsules remaining in the receptacle nor the contents in the capsules which have been drawn except as to the number in the capsule which is then being filed.

Notwithstanding the foregoing, all family law cases that are refiled following a non-suit or other dismissal shall be retained in the same Court that originally drew the case regardless of the prior non-suits or dismissals.

Likewise, all change of custody cases shall be filed in the same Court in which the original order of custody was entered, if the original order was entered in Lamar County. If the original order of custody was not entered in a Lamar County case, the clerk shall file the case in accordance with the general procedure prescribed above.

V. RULES AS TO FILING FEES IN COUNTY COURT AT LAW CASES

The fees assessed in a case filed with the District Clerk in the County Court at Law Court that has concurrent civil jurisdiction with the district courts shall be the same fees as if the filing had been in the district court.

VI. RULES AS TO DISQUALIFICATION OF JUDGE

If, after the drawing of such capsule, the attorney filing the case believes the Judge of the Court to which a case is about to be assigned is disqualified by law to sit in the case, the matter shall be forthwith presented to such Judge for determination unless the judge is unavailable, i.e., not sitting in Lamar County and not reasonably available by telephone. If the judge is unavailable the case shall remain filed in the Court in which it was drawn until the judge has a reasonable opportunity to determine the issue of disqualification. If the judge is disqualified, the case may be reassigned by the clerk drawing a capsule for another Court and thereafter by redesignating the Court to which it will be transferred on the minutes of the Court.

VII. RULES AS TO FILING IN CRIMINAL CASES

All felony criminal cases shall be filed in the 6th Judicial District Court.

VII. RULES AS TO HEARINGS AND SETTINGS

1. Pre-trial and all announcements, applications for continuances, motions, exceptions and preliminary matters in a case shall be presented to and heard by the judge no later than 9:00 a.m., on Monday of the week during which the case is set for trial, unless the Court sets a hearing on any of such matters for an earlier date.

2. A jury assignment shall be kept for each jury week, and all cases shall be placed thereon in the order of their setting.

3. Either District Judge or the County Court-at-Law Judge may, without the necessity of transferring the case to his Court, hear and determine any matter pending in either of the District Courts or in the County Court-at-Law of Lamar County, Texas in those matters in which these Courts share concurrent jurisdiction.

4. All settings shall be made by the Judge. The District Clerk shall notify all interested attorneys.

5. When a case has been set on the trial docket, the setting may be cancelled only with the consent of the Court.

6. No continuance shall be granted after pre-trial day except for cause or causes which were not known to the attorney seeking the continuance on such day, and which could not reasonably have been foreseen.

7. No case shall be set on the jury docket prior to payment of the jury fee, and no request for a jury setting shall be filed by the clerk unless the jury fee has been paid or payment accompanies the request.

8. An attorney seeking to have a case continued or passed on the grounds of trial in another Court, shall, prior to motion day, furnish the Court and opposing counsel with a written statement, disclosing the name of the Court in which such other case is filed, the style of the case, the time for which such case is set and the date on which the conflicting setting was made by the other Court. In the event the case in the other Court is passed, continued or disposed of prior to or during the week in which the case in Lamar County is set for trial, the attorney shall immediately notify the Court and opposing counsel of such fact.

9. When jury cases and non-jury cases are set for the same week, the jury cases shall have a preference to be tried first.

10. As between the Courts of Lamar County, Texas a setting for a specific hour upon the docket of one Court shall have preference over a general undetermined hearing or trial setting on a general docket.

IX. RULES AS TO DISMISSAL DOCKETS

Once a year the District Clerk shall notify in writing the attorneys in each divorce case which has been on file for over 12 months without a final decree being entered therein and in all other civil cases which have been on the docket for the previous 24 months without a final judgment being entered therein that said cases will be dismissed for want of prosecution unless good cause in writing is shown to the Court within 30 days from the date of such notification why said case or cases should not be dismissed for want of prosecution.

Nothing contained in these rules shall restrict the right of the District Judges or the County Court-at-Law Judge to make such other orders, rules and directions, not inconsistent with the rules of civil procedure and the statutes of this State, as in his judgment shall seem necessary and proper for the expedient and orderly disposition of the business of the Court.

Signed this the 4th day of February, 2013.



WILL BIARD, District Judge
62nd District Court, Lamar Co., Texas



ERIC CLIFFORD, District Judge
6th District Court, Lamar Co., Texas



BILL HARRIS, County Court
At Law Judge, Lamar Co., Texas

Rules of Procedure of the First Administrative Judicial District of Texas

RULE 1. AUTHORITY

These rules are promulgated pursuant to Section 4 of Article 200a, Vernon's Texas Civil Statutes Annotated.

RULE 2. COUNCIL OF JUDGES

a. The Council of Judges of this Administrative Judicial District is composed of the Presiding Judge of the Administrative Judicial District and the judges of the district Courts within the district. (Source: Art. 200a, Sec. 4)

b. The Presiding Judge of the Administrative Judicial District is Chairman of the Council of Judges. (Source: Art. 200a, Sec. 4)

c. The Chairman shall call and preside over at least one meeting each year of the council of Judges.
(1) For consultation and counsel as to the state of business, civil and criminal, in the several district Courts of the Administrative District, and
(2) To arrange for the disposition of the business pending on the dockets of the several district Courts of the District.

He may call such additional meetings as he deems necessary for the effective administration of justice within the district. (Source: Art. 200a, Sec.4)

d. (1) The Presiding Judge shall lay before each meeting of the Council a list of all cases pending, and the exact status of the various dockets, together with such other information as may be required by the rules and regulations of the council. (Source: Art. 200a, Sec. 4)
(2) Each Judge shall provide a list with respect to each county in his district showing the number of civil cases pending on the docket of each county for more than two years and the number of criminal cases pending in each county for more than 120 days.

e. A copy of these rules shall be filed with the Supreme Court of Texas. (Source: Rule 817, T.R.C.P.)

f. The district clerk, or an assigned deputy of the county of the residence of the Presiding Judge of the Administrative Judicial District shall perform the duties of the clerk of the Council of Judges. (Source: Art. 200a, Sec. 3)

RULE 3. ASSIGNMENT OF JUDGES

a. Judges may be assigned in the manner provided by Sections (b) and (c) of this rule:
(1) For the purpose of holding Court when the regular judge is absent, disabled or disqualified;
(2) For the Disposition of judicial business in instances where the regular judge remains present and trying cases;
(3) When the office of the regular judge is vacant; or (Source: Art. 200a, Sec. 5)
(4) When otherwise authorized by law.

- b. The Presiding Judge of the Administrative District may assign active, retired or former district judges (meeting the qualifications of Art. 200a, Sec.'s 5, 5a, 5b) residing in the Administrative District to any district Court within the Administrative Judicial District or to a Court in another Administrative District upon call of the Presiding Judge of that Administrative District. (Source: Art. 200a, Sec.'s. 5, 5a, 5b)
- c. (1) In election contests or suits to remove a local official, the Presiding Judge of the Administrative Judicial District shall assign a judge of the Administrative District, who is not a resident of the county in which the contested election was held or the local official holds office, to hear and dispose of such suit. (Source: Art. 200a, Sec. 6)
- (2) Upon the filing of any motion to recuse a district judge from a matter pending before his Court, the Presiding Judge shall assign another judge of the Administrative District to hear and determine the motion. (Source: Art. 200a, Sec. 6)
- (3) In a case filed to revoke the certification of the official Court reporter or deputy Court reporter of the Court, the Presiding Judge shall assign a judge of another Court or a retired judge to hear and determine the matter. (Source: Art. 2324b, Sec 13a)
- d. If a sitting District Judge is recused under the provisions of rule 3c(2) from acting in a particular matter, the Presiding Judge shall assign another judge to hear the matter only if there is no other available judge in the county who is not disqualified. Such recusal shall not prevent the District Judge from performing his duties of office in all other matters. (Source: Based on Art. 200a, Sec. 6)
- e. The Presiding Judge or his designee shall keep records of the assignments made, including but not limited to:
 - (1) Name of the judge assigned;
 - (2) Court to which assigned;
 - (3) Duration of the time actually served on assignment, and
 - (4) Expenses incurred by the assigned judge which are payable by the state or county.

RULE 4. RELIEF FROM ASSIGNMENTS

- a. When a judge is assigned under the provisions of Rule 3, the judge shall serve as directed unless relieved under the provisions of Section (b) of this Rule. (Source: Art. 200a, Sec. 5a)
- b. A judge who has been assigned under authority of Rule 3 may present in writing to the Presiding Judge of the Administrative Judicial District a statement declining assignment for good cause shown. If the Presiding Judge refuses to relieve the judge of the assignment, the judge may petition, within five days of the refusal, the Chief Justice of the Supreme Court for relief from the assignment, who may grant or refuse the petition. (Source: Art. 200a, Sec. 5)

RULE 5. ABSENCES

Each active district judge shall notify, or cause to be notified, the Presiding Judge of the Administrative Judicial District of any absence from the bench which would require the assignment of a visiting judge to properly handle the business of the Court. If such absence is of such a nature that the judge is unable to either personally notify the Presiding Judge or have him notified, the District Clerk shall so notify the Presiding Judge.

RULE 6. JUDICIAL SERVICE BY RETIRED AND FORMER JUDGES

Each justice or judge desiring to continue as a judicial officer pursuant to Sections 7 and 7a, Art. 6228b, and Section 5a, Art. 200a, V.A.C.S., after leaving active service shall certify in writing, within 90 days of leaving the bench, his willingness to serve on assignment to the Chief Justice of the Supreme Court and the Presiding Judge of the Administrative Judicial District in which he resides. (Source: Art. 6228b, Sec. 7)

RULE 7. ORDER OF TRIALS

The regulation and facilitation of the order of trials shall be as provided by the local rules of the district Courts of this Administrative District, subject to such laws and rules which may require preferential settings of certain cases for trial and subject further to the following:

1. Each judge shall make a record of the date when a case is set, such record to be either on the docket sheet or notice of setting;
2. In case of conflicting settings, the Court whose date of setting is the earliest shall have preference, and other Courts shall yield to such prior setting; except that criminal cases in all district Courts shall have priority over civil cases.
3. In the event this policy works undue hardship (e.g., where a subsequent setting involves multiple parties and counsel with difficulty in rescheduling), the judge of the Court in which the subsequent setting was made shall attempt to make personal contact with the judge of the Court of the prior setting and make satisfactory arrangements for a deviation from the policy herein announced.
4. Nothing herein shall prevent any Court making a subsequent setting from insisting upon a trial in the event the case in the Court of prior setting is settled, passed, or otherwise disposed of.

RULE 8. DISMISSAL DOCKET

At least once each year, each divorce case which has been on file for more than six months, and each civil case, other than divorce cases, which has been on file more than one year, may be set for hearing for all parties to show cause why same should not be dismissed for want of prosecution without further notice. Nothing in this rule shall prevent any Court from adopting local rules governing the dismissal docket with shorter or longer pendency periods for dismissal.

RULE 9. DECORUM

- a. Formal Opening. Immediately before the scheduled time for the beginning of Court sessions, the Bailiff shall direct all Court officers and spectators to their seats and shall bring order. As the Judge enters the Courtroom, the Bailiff shall state, "Everyone please rise." While everyone is still standing he shall make an appropriate announcement such as, "The _____ Court is now in session, the Honorable _____ Judge Presiding. Be seated please."
- b. Formal Closing. At the end of the trial day the Court shall tell the Jury, if there be a jury, or otherwise will announce to the officers of the Court: "This Court will stand in recess until tomorrow morning at _____ o'clock," at which time the Court Bailiff shall state, "The _____ Court of _____

County, Texas, will stand in recess until _____ at _____ o'clock A.M. Good day, ladies and gentlemen.”

c. Conduct required of all persons while attending Court:

- (1) All persons in the Courtroom during the pendency of any hearing shall be attentive to the proceedings of the Court and shall refrain from any action which is disruptive of the Court proceedings. When Court is in session all persons, before entering the Courtroom, shall first remove overcoats, hats, cigars, etc., and shall quietly be seated in the proper places provided. There shall be:
 - (a) No reading of newspaper or magazines during Court proceedings;
 - (b) No bringing of bottles, paper cups or beverage containers into the Courtroom;
 - (c) No bringing of edibles in the Courtroom (at any time);
 - (d) No propping of feet on tables, chairs or benches;
 - (e) No sitting on tables, railings, desks or arms of chairs;
 - (f) No person shall walk through the Courtroom while any proceedings are being held (or Court in session);
 - (g) No making noises or talking which interferes with the Court procedure; and
 - (h) No smoking, except where judge presiding permits.
- (2) No person should by any facial expression, shaking of the head or any other conduct, exhibit approval or disapproval of any testimony elicited or any statement or transaction which has occurred in the Courtroom.

d. Conduct required of Court officers:

- (1) The Judge presiding shall at all times remain impartial in the proceedings before him, and shall avoid any actions which may be construed as actions intending to influence the jury on any testimony introduced during the trial, or his approval or disapproval of the actions of counsel in the presence of the jury.
- (2) All counsel are admonished to respect the letter and spirit of all canons and ethics including particularly those dealing with testimony by counsel participating in the trial, discussion of cases with representatives of the press, T.V. or radio and discussion of the facts or law of the case with the Court outside of the Courtroom and not in the presence of opposing counsel. The Court may enforce the same by appropriate action.
- (3) The lawyers, the Judge and all officers of the Court shall be prompt at all sessions and in the dispatch of all Court business.
- (4) All female lawyers and Court officials shall dress in keeping with proper Courtroom decorum, and all male lawyers and Court officials shall wear coats and ties while in the attendance of the Court; provided, however, that judicial discretion be exercised otherwise in special situation.
- (5) While the Court is in session all remarks of counsel shall be addressed to the Court and not to opposing counsel or the Judge as an individual.
- (6) In addressing the Judge, lawyers shall at all times rise and remain standing to address the Judge from their position at the counsel table. They shall remain at counsel table while interrogating witnesses, except as may be necessary in handling or displaying of exhibits or demonstrating evidence.
- (7) The Judge shall be respectfully and properly addressed by title at all times; all objections and legal arguments by counsel shall be directed to the Judge and not to opposing counsel, and counsel shall be impersonal in addressing the Judge.
- (8) The Judge shall address counsel with Courtesy and in a professional and impersonal manner, by the use of the term “Counsel” or by the last name preceded by the Courtesy titles “Mr.,” “Miss”, “Mrs.” or “Ms.” Rather than by the first name.

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

(10) Lawyers shall advise their clients and witnesses of proper Courtroom decorum and seek their full cooperation therewith. This will prevent possible embarrassment to the Judges as well as to the lawyers and laymen.

(11) After jury voir dire, no attorney shall ever address the jury or a juror individually or by name without having first obtained leave of Court. During jury argument no attorney should ever address a juror individually or by name.

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

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

(14) During the trial, all lawyers and parties shall keep themselves informed of the time of the commencement or resumption of any Court proceeding, and should not expect any Court attendant to notify them individually of such.

c. Bailiffs.

(1) The Court shall appoint a Bailiff (or Bailiffs), who may be a deputy sheriff, who shall be present at all times while the Court is in session or in recess, unless excused by the Judge. No duty shall be assigned to the bailiff except upon prior approval by the Judge.

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

(3) The Bailiff shall enforce all rules of conduct and decorum and perform any other duties assigned by the Judge. (Source: Local Rules of Several District Courts)

RULE 10. COMMITTEES

- a. The Presiding Judge shall appoint a standing Committee on Rules. This Committee shall review the rules of administration and procedure of this district and the Courts therein for conformity with constitutional and statutory provisions and with the state and district rules of administration and encourage uniformity in so far as possible among the local rules of the Courts of their district.
- b. The Presiding Judge shall appoint standing Committees on Administration and Budget & Policy to make a continuous study of the condition of the dockets of the various Courts of the district, to make recommendations to improve the just disposition of cases therein, and prepare and present a budget for the district and advise the Presiding Judge on policy matters.
- c. The Presiding Judge may appoint such other Committees as, from time to time, may be necessary for the efficient administration of justice in the district.

RULE 11. VOTING

a. All matters requiring a vote of the Council of Judges, shall only require a majority vote and shall be voted on at a regular called meeting or by written mail ballot.

ADOPTION AND EFFECTIVE DATE

These above Rules shall become effective on the date certified hereon, and shall govern and remain in effect until changed by the Council of Judges as provided by law. A copy of these Rules shall be filed with the District Clerk of each county to be spread upon the Minutes of each District Court of this Administrative District and filed with the Supreme Court of Texas as required by Rule 817 of the Texas Rules of Civil Procedure.

I, PAUL G. PEURIFOY, Presiding Judge of the First Administrative Judicial District, on this the 26th day of March, 1979, do hereby certify that the above Rules were adopted by the Council of Judges meeting in Dallas, Texas, on the 24th day of March, 1979.

PAUL G. PEURIFOY, Presiding Judge
Of the First Administrative Judicial
District of Texas

RULES COMMITTEE 1979

Leonard E. Hoffman, Jr., Chairman
Judge, 160th Judicial District Court
Dallas, Texas

James K. Allen
Judge, Criminal District Court No. 5
Dallas, Texas

Guy Jones
Judge, 202nd Judicial District Court
Texarkana, Texas

Donald Carroll
Judge, 7th Judicial District Court
Tyler, Texas

**ADDENDUM TO COURT RULES FOR ALL COURTS
HEARING FAMILY LAW CASES IN LAMAR COUNTY, TEXAS**

TO: ALL ATTORNEYS PRACTICING FAMILY LAW IN LAMAR COUNTY, TEXAS:

The following addendum to the Court rules of the District Courts and the County Court-at-Law of Lamar County have been adopted by the Judges of the 6th and 62nd Judicial Districts of Texas, along with the Judge of the County Court-at-Law of Lamar County, Texas, and shall govern all family law cases in the District Courts and Statutory County Courts at Law of Lamar County, Texas, except cases filed by the Texas Attorney General's Office, cases involving termination of parental rights, adoption cases, and uncontested motions to modify.

I.

**COURT RULES OF THE DISTRICT COURTS AND
THE COUNTY COURT-AT-LAW OF LAMAR COUNTY, TEXAS**

1.01 Except as modified by this Addendum, all Court rules of the District Courts and the County Court-at-Law of Lamar County, Texas, as adopted on December 1, 1997, shall apply to family law cases.

II.

TEMPORARY ORDERS

2.01 TEMPORARY ORDERS

Upon the filing of each divorce or annulment proceeding, there shall be granted upon the Court's own motion in accordance with Section 3.58 of the Texas Family Code a Temporary Restraining Order Ex-Parte for the preservation and protection of the parties. Such order shall restrain or prohibit both parties from the following:

- (1) intentionally communicating with the Petitioner and Petitioner's children, either in person, by telephone or in any other manner, directly or indirectly, except for resolution of bona fide family matters and at reasonable times and places and under reasonable circumstances;
- (2) intentionally, knowingly, or recklessly destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of the parties, or either of them, with intent to obstruct the authority of the Court to order a division of the estate of the parties in a manner that the Court deems just and right, having due regard for the rights of each party and any children of the marriage;
- (3) intentionally falsifying any writing or record relating to the property of either of them;
- (4) intentionally misrepresenting or refusing to disclose to the other or to the Court, on proper request, the existence, amount, or location of any property of the parties, or either of them;

- (5) intentionally or knowingly damaging or destroying the tangible property of the parties, or either of them; or
- (6) intentionally or knowingly tampering with the tangible property of the parties, or either of them, and causing pecuniary loss or substantial inconvenience to the other.

2.02 ATTORNEY RESPONSIBILITY

The attorney filing any divorce or annulment action is directed to personally furnish to his client a copy of such temporary order in the form as attached hereto as Attachment 1. The Clerk of this Court is directed to attach to each petition such order for service on the Respondent or Defendant. Unless good cause is shown within ten (10) days of filing date why such temporary order should not become a temporary injunction pending the conclusion of the proceeding, such a temporary order will become a temporary injunction in this cause. In the event there are other matters which need to be considered, such as excluding a spouse from the occupancy of the residence where the party is living, temporary conservatorship of children, or temporary support, such matters will be heard after notice to opposing party on the first date set for the hearing of contested non-jury matters. No such matters will be heard on an ex-parte basis absent exigent circumstances and extraordinary relief shall be obtained only after a hearing before the Court. **Copies of the temporary order may be obtained from the District Clerk.**

2.03 TEMPORARY RESTRAINING ORDER APPROVED BY THE COURTS

The temporary restraining order referred to herein is attached hereto as Attachment 1.

2.04 EXCEPTIONS TO TEMPORARY ORDERS

If, upon the filing of a divorce or annulment proceeding, both parties have signed and filed a waiver of their rights to a temporary order as provided above, the temporary order will not be automatically granted. Either party shall continue to have the right by motion to request later restraining order.

III.

SETTING FOR TRIAL AND PRE-TRIAL

3.01 At any time after the filing of an answer, upon request of any party or the Judge's own motion, the Judge or the District Court Clerk, acting upon direction of the Judge, shall set the case for trial on the merits. On the sixtieth (60th) day after all parties have appeared, every case will be deemed by the Court ready for trial and the forty-fifth (45th) day period for case preparation provided by Rule 245, Texas Rules of Civil Procedure, shall be deemed to be satisfied from the said sixtieth (60th) day and thereafter.

3.02 Prerequisites before a date for trial can be set:

a. Parenting Course. In all family law cases involving children under 18 years of age, the parties must attend and complete a parenting course. A list of parenting courses approved by the Court shall be available through each Court, and the Court may make any orders necessary regarding the payment of fees for said course. The parties must each provide the Court with a certificate of completion from the course prior to or with a request for setting. The Court shall have authority to enforce this provision by sanctions.

b. Inventory and Appraisalment. Except as provided below, in all cases requiring the division of property and or liabilities by the Court, sworn inventories and appraisals whether ordered by temporary order or not, shall be filed with the Court within 45 days of the date all parties have made an appearance. Each inventory shall list the value of each item of property and shall list each liability, together with the total amount of the liability, the number of periodic payments in arrears, if any, the property securing its payment, and the name of the creditor. Updated statements of account on all assets, including but not limited to all benefits arising from a party's employment (such as pensions, profit-sharing plans, savings or thrift plans, whether vested or unvested) shall be identified, and the last information as to the employee's rights and monetary interests in such plan shall be incorporated into the inventory as exhibits. The employee spouse shall also provide the other party with the name and address of the plan administrator and the requirements for a qualified domestic relations order on each plan in which the employee spouse is a participant or in which he or she has an interest.

If both parties file a property settlement agreement within 45 days after a Respondent has made an appearance, the above inventory and appraisalment requirement is waived.

Failure by any party to file an inventory and appraisalment may result in a denial by the Court in allowing the failing party to present any evidence regarding property at the hearing. All inventories shall be supplemented through the date which is seven (7) days from the day before trial and provided to opposing counsel. When a suit is tried, copies of all inventories and supplemental inventories shall be made available to all counsel and the Court for use in trial.

c. In all child support cases (whether by original divorce or motions to modify or for contempt), the parties from whom child support is sought shall furnish the following:

- (1) the most recent year's tax return, with W-2s and 1099s; and
- (2) the current wage information from all sources, including year-to-date income.

This information shall be furnished to the opposing party within 45 days of the date all parties have made an appearance. For hearings for temporary support, the above information shall be provided at the hearing. The Court shall have the authority to enforce this provision by sanctions.

d. In all family law cases, the parties shall mediate the case no later than five (5) months after the commencement of the case or the filing of the motion, unless all parties agree not to mediate or unless otherwise provided by order after motion showing good cause. The parties shall select a mediator by agreement; if the parties are unable to agree on a mediator, they shall advise the Court, which will then appoint the mediator. Before a date for trial is set, the parties must provide the Court their agreement not to mediate, signed by both parties or their attorneys, or a letter from the mediator advising the Court whether the case has settled or not settled. The Court shall have authority to enforce this provision by sanctions.

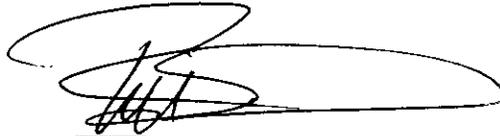
3.03 ADOPTION AND EFFECTIVE DATE

These rules shall be effective in all Courts to the extent applicable on or after the 1st day of December, 1997, or the date approved by the Texas Supreme Court, whichever occurs first.

Adopted by the 6th Judicial District Court, the 62nd Judicial District Court, and the County Court-at-Law of Lamar County, Texas, on the 1st day of December, 1997, amended on March 10, 2001, September 17, 2009 and February 4, 2013.



ERIC CLIFFORD, Judge 6th Judicial
District Court



WILL BIARD, Judge 62nd Judicial
District Court



BILL HARRIS, Judge County
Court-at-Law Court

LAMAR COUNTY STANDING ORDER REGARDING CHILDREN, PROPERTY AND CONDUCT OF THE PARTIES

NO PARTY TO THIS LAWSUIT HAS REQUESTED THIS ORDER. Rather, this order is a standing order of the Lamar County District Courts and the Lamar County Court at Law (hereinafter "the Courts") that applies in every marriage dissolution suit and every suit affecting the parent-child relationship filed in Lamar County, except cases initiated by the Attorney General of Texas or the Department of Family Protective and Regulatory Services. The Courts have adopted this order because the parties and their children should be protected and their property preserved while the lawsuit is pending before the Courts.

IT IS THEREFORE ORDERED:

1. **NO DISRUPTION OF CHILDREN.** All parties are ORDERED to refrain from doing the following acts concerning any child the subject of this suit:
 - a. removing any child from the State of Texas, acting directly or in concert with others, without written agreement from all parties or a court order;
 - b. disrupting or withdrawing any child from the school or day-care facility where the child is presently enrolled without written agreement of all parties or a court order;
 - c. hiding or secreting any child from any party;
 - d. changing any child's current place of abode without the written agreement of all parties or a court order;
 - e. disturbing the peace of any child;
 - f. making disparaging remarks regarding any party or any party's family in the presence or within the hearing of any child; and,
 - g. using or possessing any dangerous drug or controlled substance, not prescribed by a physician, during any period of possession of any child or 12 hours before.

2. **CONDUCT OF THE PARTIES DURING THIS CASE.** All parties are ORDERED to refrain from doing the following acts:
 - a. Using vulgar, profane, obscene or indecent language, or a coarse or offensive manner, while communicating with any party or child, whether in person, by telephone or in writing (including text messaging or other forms of electronic communication such as email or fax).
 - b. threatening another party or any child in person, by telephone or in writing (including text messaging or other forms of electronic communication such as email or fax) to take unlawful action against any person.
 - c. placing one or more telephone calls to any party, at an unreasonable hour, in an offensive or repetitious manner, anonymously or without a legitimate purpose of communication.

- d. opening, diverting, withholding or interfering with the delivery of mail addressed to any party;
- e. causing bodily injury to any party or child of any party;
- f. changing any party's password or access to code to an account at any business, financial institution, computer network, social networking site and the like without that party's express, written consent.

3. **PRESERVATION OF PROPERTY**. If this is a suit to dissolve a marriage, both parties to the marriage are ORDERED to refrain from the following acts:
- a. destroying, removing, concealing, encumbering, transferring or otherwise harming or reducing the value of any item of property of one or both of the parties;
 - b. misrepresenting or refusing to disclose to the other party or to the Court, on proper request, the existence, amount or location of any property of one or both of the parties;
 - c. damaging or destroying the tangible property of one or both of the parties, including any document that represents or embodies anything of value;
 - d. tampering with the tangible property of one or both of the parties, including any document that represents or embodies anything of value, and causing any pecuniary loss to the other party;
 - e. incurring any indebtedness except as specifically authorized by this order;
 - f. making withdrawals from any account for any purpose except as specifically authorized by this order;
 - g. withdrawing or borrowing in any manner for any purpose from any retirement, profit-sharing, pension, death or other employee benefit plan or employee savings plan or from any individual retirement account (IRA) or Keogh account, except as specifically authorized by this order;
 - h. signing or endorsing the other party's name on any negotiable instrument or attempting to negotiate any negotiable instrument payable to the other party without the personal signature of the other party;
 - i. taking any action to terminate or limit credit or debit cards in the name of the other party;
 - j. taking any action to obtain credit in the name of the other party;
 - k. entering, operating or exercising control over any motor vehicle in the possession of the other party;
 - l. discontinuing or reducing the withholding for federal income taxes on wages or salary while this suit is pending;
 - m. terminating or in any manner affecting any utility (gas, water, electric, etc...) or contract services (security, pest control, landscaping, etc...) at any property owned, occupied or controlled by the other party or in any manner attempting to withdraw any deposits for service in connection with such services.

4. **SPECIFIC AUTHORIZATION IN MARRIAGE DISSOLUTION CASES.** If this is a case to dissolve a marriage, the parties to the marriage are specifically authorized to do the following:

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

5. **PERSONAL AND BUSINESS RECORDS IN MARRIAGE DISSOLUTION CASES.** If this is a case to dissolve a marriage, the parties to the marriage are ORDERED to refrain from doing the following:

- a. concealing, destroying, disposing of or altering in any manner family records, property records, business records or any records of income, debts, liabilities or other obligations;
- b. falsifying any writing or record relating to the property of either party. "Records" as used herein includes paper documents as well as data stored or maintained in any electronic or digital format.

6. **INSURANCE IN MARRIAGE DISSOLUTION CASES.** If this is a case to dissolve a marriage, the parties to the marriage are ORDERED to refrain from doing the following:

- a. withdrawing or borrowing in any manner all or part of the cash surrender value of any life insurance policy on the life of either party or child of either party, except as specifically authorized by this order;
- b. changing or in any manner altering the beneficiary designation on any life insurance on the life of either party or the child of either party;
- c. cancelling, altering or in any manner affecting any casualty, auto or health insurance policy insuring any property owned by either party, including the child of either party.

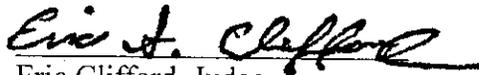
7. **SERVICE AND APPLICATION OF THIS ORDER**

- a. Petitioner/Movant/Applicant shall attach a copy of this Order, signed by the Petitioner/Movant/Applicant, to the original petition/motion/application and to each copy. The clerk ***shall not*** accept for filing a petition/motion/application if the Petitioner/Movant/Applicant has failed to attach a signed copy of this Order to the original petition/motion/application and each copy.
- b. this Order is effective upon the filing of the petition/motion/application and shall remain in full force and effect as a temporary restraining order for fourteen (14) days after the date of

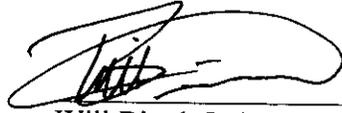
filing of the original petition/motion/application. If no party contests this order by presenting evidence at a hearing on or before fourteen (14) days after the date of the filing of the original petition/motion/application, this order shall continue in full force and effect as a temporary injunction until further order of the Court. This entire order will terminate and will no longer be effective once the Court signs a final dispositive order in this suit.

8. **EFFECT OF OTHER COURT ORDERS.** If any part of this Order conflicts with any part of a Family Violence Protective Order (hereinafter “the Protective Order”) currently in effect at the time of the filing of this suit, or a Protective Order issued after the filing of this suit, involving the parties to this suit, the terms and provisions of the Protective Order prevail over conflicting portions of this Order. Any part of this Order not changed by some later order remains in full force and effect until the Court signs a final dispositive order in this suit.

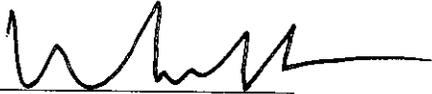
This Lamar County Standing Order Regarding Children, Property and Conduct of the Parties shall become effective on February 1, 2013.



Eric Clifford, Judge
6th District Court
Lamar County, Texas



Will Biard, Judge
62nd District Court
Lamar County, Texas



Bill Harris, Judge
County Court at Law
Lamar County, Texas

I, _____, do hereby state that I have received a copy of the Lamar County Standing Order Regarding Children, Property and Conduct of the Parties, have read it in full and understand it and agree to be bound by its terms.

Petitioner/Movant/Applicant