

IN THE SUPREME COURT OF TEXAS

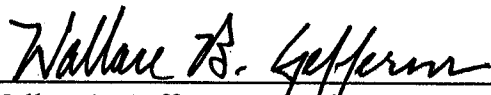
Misc. Docket No. 05- **9206**

**APPROVAL OF REVISIONS TO THE LOCAL RULES
OF THE CIVIL COURTS OF DALLAS COUNTY**

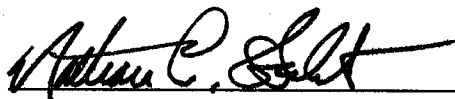
ORDERED that:

Pursuant to Texas Rule of Civil Procedure 3a, the following Revisions to the Local Rules of the Civil Courts of Dallas County are approved.

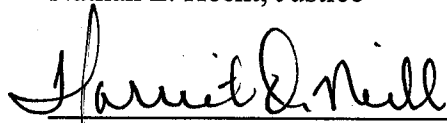
In Chambers, this 7th day of December, 2005.



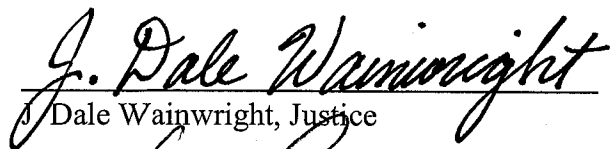
Wallace B. Jefferson, Chief Justice

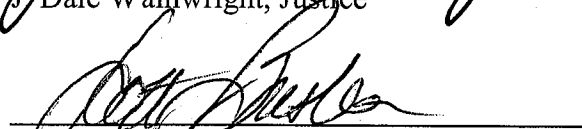


Nathan L. Hecht, Justice



Harriet O'Neill, Justice

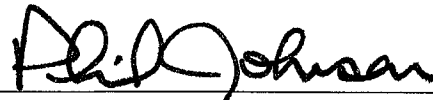

J. Dale Wainwright, Justice


Scott Brister, Justice

David M. Medina, Justice



Paul W. Green, Justice



Phil Johnson, Justice

Don R. Willett, Justice


**ORDER OF THE PRESIDING JUDGE, FIRST
ADMINISTRATIVE REGION OF THE STATE OF TEXAS**

Approval of Revisions of the Local Rules of the Civil Courts
of Dallas County

IT IS SO ORDERED that:

The Presiding Judge of the First Administrative Region of the State of Texas hereby approves the attached Revisions to the Local Rules of the Civil Courts of Dallas County, Texas.

Signed this 28th day of June, 2005.



John Ovard, Presiding Judge

2.02 APPLICATION FOR TRO AND OTHER EX PARTE ORDERS

- a) Counsel presenting any application for a temporary restraining order or other ex parte relief shall notify the opposing party's counsel, or the opposing party if unrepresented by counsel in the present controversy, and provide opposing counsel or party with a copy of the application and proposed order at least 2 hours before the application and proposed order are to be presented to the Court for decision, except as provided in subparagraph b) hereof.
- b) Compliance with the provisions of subparagraph a) hereof is not required if a verified certificate of a party or a certificate of counsel is filed with the application,
 - 1) That irreparable harm is imminent and there is insufficient time to notify the opposing party or counsel; or
 - 2) That to notify the opposing party or counsel would impair or annul the court's power to grant relief because the subject matter of the application could be accomplished or property removed, secreted or destroyed, if notice were required.

(Source – Dallas County Local Rule 2.02 – Modified)

- c) Counsel presenting any application for a temporary restraining order shall at the time the application is presented further certify that to the best of counsel's knowledge, the case in which the application is presented is not subject to transfer under Local Rule 1.06. If the case is subject to transfer, counsel shall fully advise the Court of the circumstances, particularly as to whether there has been any previous application for the same or similar relief or whether the relief sought will conflict with any other previous order, and the Judge to whom the application is presented may decline to act and refer the application or the entire case to the Judge of the Court to which the earlier related case is assigned.

(Source – Dallas County Local Rule 2.02 – former section 2.02 b) is now 2.02 c)

2.07 CONFERENCE REQUIREMENT

- a. No counsel for a party shall file, nor shall any clerk set for hearing, any motion unless accompanied with a 'Certificate of Conference' signed by counsel for movant in one of the forms set out in Rule 2.07(c). (Source – Dallas County Local Rule 2.07 - Modified)
- b. Prior to the filing of a motion, counsel for the potential movant shall personally attempt to contact counsel for the potential respondent to hold or schedule a conference to resolve the disputed matters. Counsel for the potential movant shall make at least three attempts to contact counsel for the potential respondent. The attempts shall be made during regular business hours on at least two business days.
- c. For the purpose of Rule 2.07(a), a "Certificate of Conference" shall mean the appropriate one of the following three paragraphs (verbatim):

(1)

"Counsel for movant and counsel for respondent have personally conducted a conference at which there was a substantive discussion of every item presented to the Court in this motion and despite best efforts the counsel have not been able to revolve those matters presented.

Certified to the Day of ___, 19__ by"

, or (2)

"Counsel for movant has personally attempted to contact the counsel for respondent to resolve the matters presented as follows:

(Dates, times, methods of contact, results)

Counsel for the movant has caused to be delivered to counsel for respondent and counsel for respondent has received a copy of the proposed motion. At least one attempt to contact the counsel for respondent followed the receipt by counsel for respondent of the proposed motion. Counsel for respondent has failed to respond or attempt to resolve the matters presented.

Certified to the Day ___ of ___, 19__ by"

, or (3)

"Counsel for movant has personally attempted to contact counsel for respondent, as follows:

(Dates, times, methods of contact, results)

An emergency exists of such a nature that further delay would cause irreparable harm to the movant, as follows:

(details of emergency and harm).

Certified to the Day of __, 19__ by"

- d. I, the undersigned attorney, hereby certify to the Court that I have conferred with opposing counsel in an effort to resolve the issues contained in this motion without the necessity of Court intervention, and opposing counsel has indicated that he does not oppose this motion.

Certified to the Day of __, 19_ by"

- e. Sections (a) and (b) of this Rule do not pertain to dispositive motions, e.g. motions for summary judgment, default judgments, motions for voluntary dismissal or nonsuit, post-verdict motions and motions involving service of citation. (Source – Tarrant County Local Rule 2.02: Motion Practice - Modified and Harris County District Court Rule 3.3.6, Extension of Certificates of Conference - Modified)

2.08 SUBMISSION OF PROPOSED ORDERS BY COUNSEL

Counsel seeking affirmative relief shall be prepared to tender a proposed order to the court at the commencement of any hearing on any contested matter. (Source – Local Rules for the United States District Court for the N.D. of Texas, LR 7.1 Motion Practice, subsection (c), Proposed Orders - Modified)

Should the court notify counsel of its decision at any time following the hearing on any contested matter and direct counsel to prepare one or more orders for submission to the court any such order shall be tendered to opposing counsel at least two working days before it is submitted to the court.

The opposing party must either approve the proposed order as to form or file objections in writing with the court. If an order is not approved as to form and no objections are filed within five days of the submission of the proposed order to the court, the proposed order is deemed approved as to form. Nothing herein prevents the court from making its own order at any time after the hearing in accordance with the Texas Rules of Civil Procedure. (Source – Dallas County Local Rule 2.08 - Modified)

4.07 LOCAL RULES AND DECORUM

All counsel and any person appearing pro se in the civil courts of Dallas County shall by entering an appearance acknowledge that he or she has read and is familiar with these Local Rules, the Rules of Decorum set forth in Appendix 2, and The Texas Lawyers Creed set forth in Appendix 3.

(Source – Dallas County Local Rule 4.07)

Every attorney permitted to practice in these courts shall familiarize oneself with and comply with the standards of professional conduct required of members of the State Bar of Texas and contained in the Texas Disciplinary Rules of Professional Conduct, V.T.C.A. Government Code, Title 2, Subtitle G-Appendix and the decisions of any court applicable thereto, which are hereby adopted as standards of professional conduct of these courts.

Counsel, witnesses under their control, and parties should exercise good taste and common sense in matters concerning dress, personal appearance, and behavior when appearing in court or when interacting with court personnel. All lawyers should become familiar with their duties and obligations as defined and classified generally in the Lawyers Creed, Disciplinary Rules, common law decisions, the statutes, and the usages, customs, and practices of the bar.

(Source – Local Rules for the United States District Court for the W.D. of Texas, Rules AT-4, Standards of Professional Conduct, and AT-5, Courtroom Decorum - Modified)

Local Rule 1.13. Suggestion of Bankruptcy. Any party to a pending case shall promptly notify the Court of the filing by any other party of a petition in bankruptcy. Such notice shall be made by filing a Suggestion of Bankruptcy with the clerk of the Court and serving copies on all counsel of record. The Suggestion of Bankruptcy shall be filed as soon as practicable, but in no event more than 20 days after a party receives notice of the filing of a petition in bankruptcy by any other party.

4.08 PRO BONO MATTERS

The civil courts of Dallas County encourage attorneys to represent deserving clients on a pro bono basis. An attorney representing a pro bono client on a matter, set for hearing on a docket for which multiple other cases are also set, may inform the appropriate court staff of his or her pro bono representation. The court will then attempt to accommodate that attorney by moving the matter towards the beginning of the docket, subject to the other scheduling needs of the court. (Source – New)

APPENDIX II.

RULES OF DECORUM FOR THE COURTS OF DALLAS COUNTY

1. COURTS WHERE APPLICABLE

The following rules of decorum shall be applicable to and shall govern cases ~~tried~~ in the Civil District Courts and County Courts at Law of Dallas County, Texas.

2. 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."

3. FORMAL CLOSING

At the end of the trial day the Court shall tell the Jury that the Court will be in recess until "tomorrow morning at _____ o'clock," at which time the Court Bailiff shall state, "The _____ Court of Dallas County, Texas, will be in recess until tomorrow morning at _____ o'clock a.m. Good day, ladies and gentlemen."

4. CONDUCT REQUIRED OF ALL PERSONS WHILE ATTENDING COURT; UNLESS OTHERWISE PERMITTED BY THE TRIAL JUDGE

- a. No reading of newspapers or magazines in the courtroom at any time, unrelated to proper participation in the case then before the Court;
- b. No bottles, paper cups or beverage containers into the courtroom;
- c. No edibles or food containers or packaging in the courtroom;
- d. No feet on tables, chairs or benches;
- e. Do not sit on tables, railings, desks or arms of chairs;
- f. No person shall walk through, sleep or loiter in the courtroom while any proceedings are being held (or court in session);
- g. No making noises or talking by persons unless during the proper participation in the matter then before the Court;
- h. No gum chewing in the courtroom;

i. Before entering a courtroom all persons shall first remove overcoat, hats, etc;

j. Before entering a courtroom all persons shall first ensure that all cell phones, pagers, or other electronic devices as appropriate are turned off or configured in such a manner so as to prevent any interruption of the proceedings before the court; and

k. While appearing before the court, or at any time during the trial of a matter, no person shall by any facial expression, nonverbal gesture, guttural utterances, or any other conduct exhibit approval or disapproval of any testimony elicited or any statement or transaction which has occurred in the courtroom.

5. CONDUCT REQUIRED OF COURT OFFICERS

a. All counsel are admonished to respect the letter and spirit of all Disciplinary Rules including particularly those dealing with testimony by counsel participating in the trial 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.

b. The lawyers, the Judge and all officers of the Court shall be prompt at all sessions and in the dispatch of all court business.

c. All lawyers and court officials shall dress in keeping with proper courtroom decorum. All male lawyers and court officials shall wear coats and ties in connection with any court appearance, and in connection with any other unscheduled appearance counsel may make related to any matter pending before the court. Female lawyers shall similarly dress in keeping with proper courtroom decorum and rely on common sense and good taste in connection with their selection of appropriate courtroom attire.

d. The following clothing is not appropriate under any circumstances: casual cotton pants; denim pants, jeans, jean jackets, shirts or skirts; any tight, short, sleeveless or revealing clothing; shorts, skorts, capris, and crop pants; sweat suits and other athletic like attire such as leggings, spandex and drawstring pants, t-shirts, golf shirts, and casual tops/shirts and pullovers, and athletic footwear, flip flops, thong sandals and other types of casual sandals, topsiders and moccasins.

e. 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 to handle or display exhibits or other appropriate evidence, as permitted by the Court.

f. The Judge shall be respectfully and properly addressed at all times; and counsel shall be impersonal in addressing the Judge.

g. Counsel shall refrain from inviting clients and witnesses into the court clerk's office and the Chambers except upon the direction of the Judge.

h. When the Judge addresses counsel it shall be impersonally as "Counsel" or by last name, rather than by first name.

i. 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.

j. Lawyers shall advise their clients and witnesses of proper courtroom decorum and attire and seek their full cooperation therewith.

k. After jury voir dire no attorney shall address a juror individually or by name without having first obtained leave of Court. During jury argument no attorney shall ever address a juror individually or by name.

l. 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.

m. There will be no arguments on objections in the presence of the jury. If counsel desires to argue his point after making his objection and being overruled on an objection, he shall ask the Court to exclude the jury, or ask to approach the bench if appropriate, before he proceeds with such argument. However, argument may be permitted on objections at the discretion of the Court.

n. It shall be improper to approach the Bench or a witness without first obtaining permission to do so.

o. Once an attorney has entered the courtroom and appeared before the Court, he shall not leave without first obtaining permission to do so, or as appropriate upon recess.

p. During the trial of a matter only those counsel participating in the cause then being heard together with the clients shall sit at the counsel table; counsel not participating in the case then under consideration shall not sit at counsel table but shall remain seated within the courtroom, or other locations by consent of the Court.

q. No lawyer, party, or witness should request any member of the Court's staff to notify them of the commencement or resumption of any Court proceedings.

6. BAILIFFS

a. The Bailiff shall be present at all times when 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.

b. 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.

c. The Bailiff shall enforce all rules of conduct and decorum and perform other duties assigned by the Judge.



COURT ADMINISTRATOR
JO ANNE MORGAN
jmorgan@dallascourts.org

JAY PATTERSON
JUDGE, 101ST DISTRICT COURT

July 5, 2005

Supreme Court of Texas
Attention: Ms. Lisa Hobbs, Rules Attorney
P.O. Box 12248
Austin, Texas 78711-2248

Re: Proposed Revisions to the Local Rules of the Civil Courts of Dallas County

Dear Ms. Hobbs:

Thank you for the guidance in your e-mail to me dated June 20, 2005. I am sending this letter to you on behalf of Judge John Ovard, Presiding Judge, First Administrative Region of the State of Texas, and the judges of the civil courts of Dallas County, Texas. Please accept this letter and its enclosures as the request to the Supreme Court of Texas that it approve the enclosed Revisions to the Local Rules of the Civil Courts of Dallas County.

You will find the following enclosed: (i) the original order signed by Judge John Ovard on June 28, 2005, approving the Revisions; (ii) a copy of the Revisions themselves including the proposed revisions to Rules 2.02, 2.07, 2.08, 4.07 and Appendix II and proposed new rules 1.13 and 4.08; and (iii) the existing Local Rules of The Civil Courts of Dallas County for your convenience. I previously e- mailed to you a set of the proposed Revisions.

Should we prepare a revised set of the Local Rules incorporating the proposed Revisions or wait on any questions and input from you before doing so? Is there anything else we should be doing to assist you or the Court in this process? We appreciate the trouble you are going to on our behalf. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Jay Patterson".

Jay Patterson

cc: Hon. John Ovard (without enclosures)
Hon. Catharina Haynes (without enclosures)
Hon. Mark Greenberg (without enclosures)
Mr. Ryan Greene (without enclosures)
Mr. Frank Carroll (without enclosures)