

LOCAL ADMINISTRATIVE RULES

DISTRICT COURTS & COUNTY COURTS-AT-LAW

OF

ARMSTRONG, POTTER, AND RANDALL COUNTIES, TEXAS

Adopted by the Board of Judges

Effective November 1, 2024

ARMSTRONG, POTTER, AND RANDALL COUNTIES LOCAL RULES

PART I. GENERAL RULES

Rule 1.01 Title, Scope, Authority, and Application of Local Rules

- (a) These rules are the Local Rules of Court of Armstrong County, Potter County, and Randall County, Texas. They shall govern proceedings in the District Courts and Statutory County Courts of Armstrong County, Potter County, and Randall County, Texas, for the purpose of securing uniformity and fairness in those proceedings and in order to promote justice.
- (b) These rules are adopted by the trial judges of the district and county courts acting in Council pursuant to the inherent power of courts to control and guide the trial and disposition of causes, and pursuant to the provisions of the Supreme Court's order of September 13, 1999, as amended, adopting Rules of Judicial Administration and to the provision of the Court Administration Act, Section 74.093, Government Code, as amended.
- (c) These rules are standing orders of all District and Statutory County Courts of Armstrong County, Potter County, and Randall County, now existing or as may be created in the future. Knowing or intentional violation of these rules may be punished by contempt or other sanction authorized by law or by rules of procedure as the trial judge may deem appropriate.
- (d) Enforcement of these rules is at the discretion of the court.

Rule 1.02 Texas Lawyers' Creed -- A Mandate for Professionalism

The courts affirm the importance of honesty, candor and fairness in litigation proceedings as well as a lawyer's duty to the legal system. The courts expect lawyers to avoid abusive tactics in litigation that constitute a disservice to our citizens, are harmful to clients, and demeaning to our profession. The courts expect that lawyers will comply with the Texas Lawyers' Creed -- A Mandate for Professionalism promulgated by the Supreme Court of Texas and Court of Criminal Appeals.

Rule 1.03 Self-Represented Litigants

All requirements of these rules applicable to attorneys or counsel apply with equal force to self-represented litigants. Wherever "counsel" or "attorney" is used it includes a party not represented by an attorney.

Rule 1.04 Random Assignment of Cases

- (a) The clerks' assignment of cases to a particular court shall be at random.
- (b) This rule is subject to any allocation order that may be in effect and kept on file with the District Clerk.

Rule 1.05 Virtual Hearings

- (a) Requesting and Objecting to Virtual Hearings

- (1) A party may request a virtual hearing or trial, or may request that a party or witness be allowed to participate virtually, by filing a written motion prior to the announcement period for the hearing. Thereafter, any party objecting to the motion may file an objection and set it for hearing with proper notice to all parties.
- (b) Procedures for Virtual Hearings
 - (1) Arrangements for virtual hearings must be made prior to the date and time of the hearing. If the court determines that a virtual hearing or trial is appropriate, the court's staff will provide the court's procedures regarding virtual hearings to those parties for whom it has email addresses, including arrangements for the hearing and how evidence will be submitted to the court if the hearing is an evidentiary hearing. Please note that each court may have different procedures for virtual hearings.
- (c) Discretion of Court Related to Virtual Hearings
 - (1) The judge may, at any time, determine that a virtual hearing is not appropriate and may require an in-person hearing upon notice to all parties, or may determine that a virtual hearing is appropriate, after notice and opportunity for objections to be heard.

Rule 1.06 Filing Papers

- (a) All pleadings, motions, notices, orders, and any other paper, document or thing made a part of the record in any civil, family law or criminal case shall be filed with the Clerk.
- (b) All pleadings and motions filed by counsel and self-represented parties shall comply with the "Standing Order Regarding Use of Artificial Intelligence," and contain the "Certification Regarding Use of Artificial Intelligence". (see appendices A and B)

Rule 1.07 Resolution of Conflicting Settings

Except as otherwise provided by statute:

- (a) Where an attorney has settings in two or more courts within Potter, Randall or Armstrong counties which conflict, preference shall be as follows:
 - (1) Trials on the merits in any court take precedence over hearings, motions and other temporary matters in any other court;
 - (2) All contested proceedings in any court take precedence over uncontested or status hearings, depositions, and other out of court discovery activities; and
 - (3) All other conflicts in trial settings shall be resolved as provided in the Rules of the Ninth Administrative Judicial Region, Rule 10. (see Appendix C)

Rule 1.08 Vacation of Attorneys

Any attorney may reserve up to four weeks of vacation in any calendar year by sending a "vacation letter" for each case (with appropriate cause number and style) to the court coordinator and opposing counsel. Any such letter must be received by the court coordinator **prior to** a notice of hearing or trial setting by the court. Once a letter is on file, no hearings, depositions, or trials may be set during the reserved weeks except upon notice and hearing. 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 request after giving all parties to the lawsuit an opportunity to respond to the request.

Rule 1.09 Judicial Vacations/Educational Events

A judge may request a visiting judge be assigned by the Presiding Judge of the Ninth Administrative Region due to vacation, sick leave, attendance at conference, or other matters.

Rule 1.10 Hearings

- (a) At any time after the filing of an answer or entry of appearance by the opposing party, any party may request a hearing, by
 - (1) Filing with the Court a motion requesting a hearing and an order setting a hearing, accompanied by a certificate of service to opposing counsel; or
 - (2) Requesting the court to schedule the hearing and confirming the setting by letter addressed to the Court, a copy of which shall be served on opposing counsel in accordance with Rule 21a of the Texas Rules of Civil Procedure within 3 days of setting the hearing.
- (b) All requests for a setting shall include an estimate of the amount of court time required for the hearing.
- (c) Prior to requesting a setting, counsel shall attempt to coordinate a setting with opposing counsel. A motion requesting a setting or letter confirming a setting must include a certification that the party seeking hearing in good faith conferred or attempted to confer with the opposing party to reach an agreement on the date and time of the hearing. If a conference was not held, the certificate must explain why it was not possible to confer. Attorneys must use their best efforts to have a conference where required by this rule.
- (d) Failure to comply with this rule may constitute good cause for a continuance.

Rule 1.11 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 make reasonable effort to 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 alleging,
 - (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.
- (c) An application for a temporary restraining order or other ex parte relief should not be requested if the requested relief presents no greater burden than that imposed by the Potter, Randall, Armstrong County Standing Order (see Appendix D).

Rule 1.12 Proposed Orders

Other than emergency orders, or other orders specifically authorized by law to be submitted ex parte, all proposed orders should be submitted to opposing counsel(s) for agreement as to form prior to its transmittal to the Court's queue. No proposed order should be submitted to a court's queue unless specifically requested by the court. If counsel cannot agree the parties should schedule a hearing. Counsel should not file proposed orders before a hearing has been held.

Rule 1.13 Conflicting Engagements

(a) Attorney already in trial in another court:

- (1) When informed that an attorney is presently in trial, the attorney will notify the court where the attorney is assigned. This information will be verified upon request of opposing counsel. The case will be placed on "hold" or reset, depending on when the attorney will be released.
- (2) If the attorney is not actually in trial as represented by the attorney or the attorney's agent, the case will be tried without further notice.

(b) Attorney assigned to two courts for the same date:

- (1) It is the duty of an attorney to call the affected judges' attention to all dual settings as soon as they are known. Any motion for continuance on the ground that an attorney is set for trial or other hearing in two or more courts on the same date shall be filed in all affected courts and shall contain case identifying information as to all conflicting settings.
- (2) Insofar as practicable, judges should attempt to agree on which case has priority; otherwise, the following priorities shall be observed by the judges of the respective courts:
 - i. Criminal cases.
 - ii. Cases given preference by statute.
 - iii. Preferentially set cases.
 - iv. Case set at earliest date.
 - v. Case with earliest filing date.
 - vi. Courts in multi-judge counties should yield to courts in rural counties in all other instances of conflicting settings.
- (3) In the event the affected judges cannot agree on which case has priority under the rule, the priority shall be decided by the Local Administrative Judge if the cases are pending in the same county, or the Presiding Judge of the Ninth Administrative Judicial Region in all other cases.

Rule 1.14 Rules of Decorum

Unless otherwise instructed by the court, all persons entering the courtroom must be dressed in clothing befitting the dignity and solemnity of the court proceedings. All lawyers must dress in business attire, and all other persons must dress business casual, at a minimum. Business casual includes neat jeans and tennis shoes. No person should wear shorts, tank tops, flip flops, or t-shirts with advertising, pictures, writing, or cartoons.

Rule 1.15 Inclement Weather, Emergency and Public Health Scheduling Procedures

- (a) In an effort to balance constitutionally protected due process rights during an emergency with public health and safety concerns of the citizens of Potter, Randall, and Armstrong Counties, the Council of Judges has established the following procedures for conducting court business as a result of inclement weather, emergencies, or other public health concerns:
 - (1) If the County Judge of Potter, Randall, or Armstrong County announces that County buildings will be closed, the District Courts will remain closed until the County Judge announces the reopening of the buildings
 - (2) If Amarillo Independent School District cancels or delays classes, the Courts having hearings or trials in Potter County will be cancelled or delayed.
 - (3) If Canyon Independent School District cancels or delays classes the Courts having hearings or trials in Randall County will be cancelled or delayed.
 - (4) If Armstrong Independent School District cancels or delays classes the Courts having hearings in Armstrong County will be cancelled or delayed.

PART II. RULES FOR DISPOSITION OF CIVIL CASES

Rule 2.01 Trial Weeks

- (a) Jury and non-jury weeks for all trial courts for each calendar year shall be designated no later than December 31 of the preceding calendar year.
- (b) The “trial date” encompassed in the Rule 190 TRCP Scheduling Order will not constitute the actual trial date for the case. The “trial date” set out in the Discovery Control Plan required by Rule 190 TRCP will be considered the “trial ready” date, and shall constitute the date upon which the parties are to be ready for trial and trigger all deadlines for discovery completion under the Rules as though the date was the actual trial date.
- (c) Once the discovery period has expired according to the Scheduling Order, either party may request, in writing, that the case be placed on the non-jury or civil jury trial docket or the court may set the matter for trial at any time on or after the “trial date with notice to the parties if the date is not the “trial date.” Counsel requesting a setting shall further affirm in writing that all discovery has been concluded so far as counsel is aware. A copy of the request will be simultaneously served on all parties.
- (d) Upon receipt of a request for setting, any opposing party shall have 20 days to object in writing detailing the reasons for objection; setting party may file a written response within 10 days.
- (e) Once an objection is lodged, and a response (if any) is registered or 10 days have transpired, the Court upon request, or upon its own initiative, shall set a hearing as soon as feasible to address the objection, set the case, or enter such other orders as the court deems necessary or appropriate.
- (f) In the event a case is not reached on the docket or the trial date is reset, all pretrial deadlines in the plan shall remain firm and unchanged unless otherwise agreed by the parties or ordered by the court.
- (g) Any case not reached will be carried over to the next available docket.

Rule 2.03 Expert Reports Required

- (a) Unless otherwise agreed by the parties or ordered by the court, an expert witness that is retained or specially employed to provide expert testimony in the case must provide a written report that is prepared and signed by the witness in addition to the other requirements of Tex. R. Civ. P. 194.2(f) at the time of the designation of the expert. This rule does not apply to experts designated on attorney's fees.
- (b) The fees charged by the expert for preparation of the report will be paid by the party that retained the expert.

Rule 2.04 Certificates of Conference

- (a) Unless otherwise specified below, an attorney filing a motion or plea seeking any type of relief from a court must confer with an attorney for each party affected by the requested relief to determine whether the motion is opposed. Such a conference may be by phone call, email, facsimile, letter, or by other means the attorneys have used for communication.
- (b) Each motion for which a conference is required must include a certificate of conference indicating that the motion is unopposed, opposed, or agreed.
- (c) If a conference was not held, the certificate must explain why it was not possible to confer, in which event the motion will be presumed to be opposed. This rule does not alleviate the requirement that a conference be held, as attorneys must use their best efforts to have a conference where required by this rule.
- (d) Conferences are not required for motions that will be heard by submission.

Rule 2.05 Uncontested and Agreed Matters

For uncontested or agreed matters, a separate motion and hearing is not required, except as otherwise provided. All uncontested or agreed matters should be presented with a proposed form of order and should reflect the agreement of all parties either (i) by personal or authorized signature on the form of the order, or (ii) in the certificate of conference on the motion. This rule does not apply to cases in which the law requires a hearing.

Rule 2.06 Depositions

- (a) A party seeking an oral deposition must first attempt to communicate with opposing counsel to determine whether an agreement can be reached as to date, time, place, and material to be furnished at the time of deposition.
 - (1) Failure to hold such conference or to make adequate attempts to hold such conference prior to noticing a deposition will be grounds to quash the deposition.
 - (2) Notice of less than ten (10) calendar days under Rules 21a and 199.2(a), Texas Rules of Civil Procedure, is presumed to be unreasonable notice.
 - (3) Any notice of deposition must include a certification substantially in the following form:

“A conference was held (or attempted) with the attorney for the opposing party to agree on a date, time, place and materials to be furnished. Agreement cannot be reached (or counsel will not respond) and the deposition is therefore being taken

pursuant to this notice (or agreement was reached and this notice complies with the agreement).”

- (b) A party objecting to the time or place designated for an oral deposition under Rule 199.4, Texas Rules of Civil Procedure, will include in the party’s objection or motion to quash (if the objection is to the time of the deposition) three alternative times within 14 calendar days of the date specified in the notice or an alternative location (if the objection is to the location of the deposition).

Rule 2.07 Dismissal for Want of Prosecution

- (a) The courts will periodically give notice of their intention to dismiss a cause of action for want of prosecution. Such notice will be given at least sixty (60) days prior to the signing of a 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 and through electronic service to those attorneys and individuals who are registered with the e-filing system for the case subject to dismissal.

PART III. RULES FOR DISPOSITION OF FAMILY LAW CASES

Rule 3.01 Standing Orders in Cases Involving the Dissolution of Marriage and Suits Filed Under Family Code Title 5

The standing order attached to these rules as Appendix D shall apply as stated in that order.

PART IV. BANKRUPTCY PROCEEDINGS

Bankruptcy

(a) Notice of Filing

- (1) Whenever any party of litigation in these courts files for protection under the bankruptcy laws of the United States, it shall be the responsibility of that party’s counsel in these courts: (i) to promptly notify the affected court(s) by telephoning the Court Coordinator; and (ii) within three (3) days of any bankruptcy filing, to provide written notice to the affected court(s) and all counsel that a bankruptcy has occurred giving the name and location of the bankruptcy court, the bankruptcy cause number and style, the date of filing and the name and address of counsel for the bankrupt.
- (2) Compliance with this rule will enable the Courts to pass over cases affected by bankruptcy and to try other cases on the docket.
- (3) Failure to comply with this rule may be punished by sanctioning counsel and, in appropriate cases, the party once the bankruptcy is concluded.

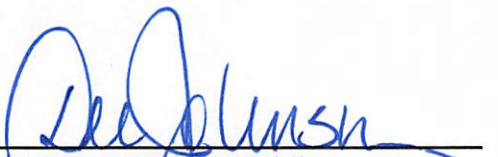
(b) Conclusion of Bankruptcy

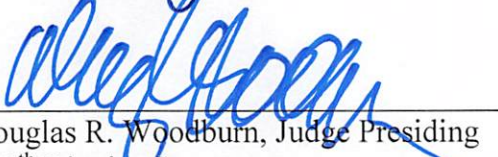
- (1) Once a bankruptcy has been concluded, whether by discharge, denial of discharge, dismissal or otherwise, counsel shall promptly notify the Court

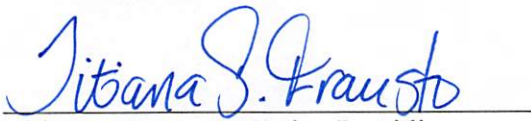
Coordinator so that the affected cases may be restored to the active docket or be dismissed as may be appropriate.

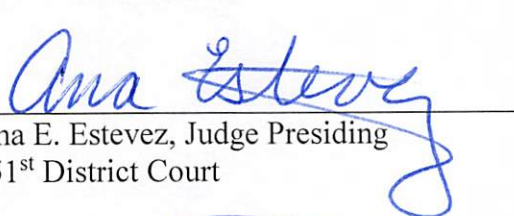
ADOPTION OF RULES

These rules are adopted by the District Court and County Court at Law Judges of Armstrong County, Potter County, and Randall County, Texas on the 1 day of November, 2024.

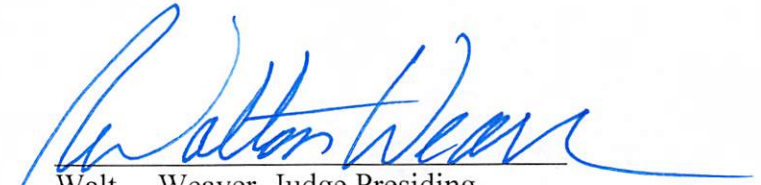

Dee Johnson, Judge Presiding
47th District Court


Douglas R. Woodburn, Judge Presiding
108th District Court


Titiana D. Frausto, Judge Presiding
181st District Court


Ana E. Estevez, Judge Presiding
251st District Court


Steven Denny, Judge Presiding
320th District Court


Walt Weaver, Judge Presiding
County Court at Law #1, Potter County


Matthew Hand, Judge Presiding
County Court at Law #2, Potter County


James Anderson, Judge Presiding
County Court at Law #1, Randall County


Matthew Martindale, Judge Presiding
County Court at Law #2, Randall County



**DISTRICT COURTS & COUNTY COURTS-AT-LAW
OF
ARMSTRONG, POTTER, AND RANDALL COUNTIES, TEXAS**

STANDING ORDER REGARDING USE OF ARTIFICIAL INTELLIGENCE

This Standing Order applies to every pending or hereafter filed case in the of the District and County Courts at Law of Potter, Randall and Armstrong Counties. Nothing in this Order should be construed as to relieve an attorney or self-represented litigant of any legal or ethical obligation required by law, statute, or rule, including rules of procedure, evidence, or the Texas Disciplinary Rules of Professional Conduct.

Generative artificial intelligence systems (such as ChatGPT, Harvey.AI., Claude, Google Copilot, TensorFlow, OpenAI, Bing, Lexis+AI, Westlaw AI-Assisted Research, Ask Practical Law AI, and many others) are being incorporated into common professional use. The abilities of these systems vary widely depending on the application, version, and specific underlying technology used. While the technology is developing quickly, it is currently unreliable and prone to bias, and often fabricates information. The creators of these systems are not attorneys of record, licensed and in good standing to practice law in the State of Texas, and are not bound by the Texas Disciplinary Rules of Professional Conduct.

WHEREAS the signing of a pleading or motion in Texas certifies that each claim, defense, or other legal contention in the pleading or motion is warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

WHEREAS courts have the inherent power to sanction parties for violation of rules, orders, standing orders, and statutory obligations; and

WHEREAS a court on its own initiative may direct a court participant to show cause why his or her conduct has not violated a rule, order, standing order or statutory obligation;

IT IS THEREFORE ORDERED THAT:

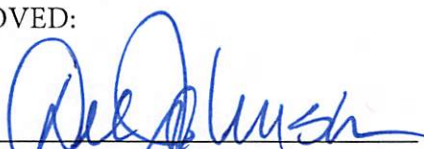
All self-represented litigants and attorneys who utilize any form of artificial intelligence for legal research or drafting in connection with a case shall before using any AI-generated information in a court submission or proceeding sign and submit the attached form, certifying that:

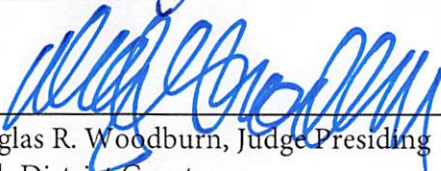
1. all language, quotations, sources, citations, arguments, and legal analysis created or contributed to by generative artificial intelligence were before submission verified as accurate through traditional (non-AI) legal sources by a human being, and
2. that the self-represented litigant or attorneys submitting such information understands and acknowledges that they are and will be held responsible and potentially sanctioned for their or their co-counsel's failure to comply with this Order.

This Order is effective immediately for all cases filed or pending in the of the District and County Courts at Law of Potter, Randall and Armstrong Counties. This Order remains in effect until rescinded or replaced by this Court. This Order is subject to modification or amendment by the undersigned at any time.

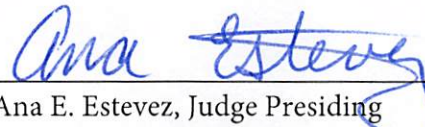
This Order shall be posted on each Court's website, and the district clerks of Potter, Randall, and Armstrong Counties are hereby directed to file this Order with the Office of Court Administration and in the county administrative orders of the Court, and to post a file-marked copy of this Order as a Public Notice at the County Courthouse.

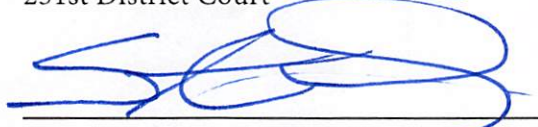
APPROVED:

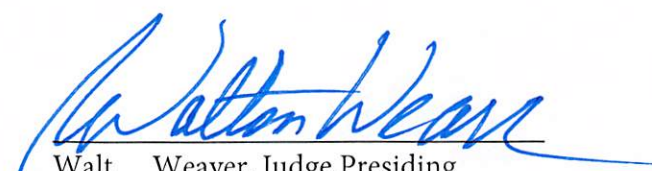

Dee Johnson, Judge Presiding
47th District Court

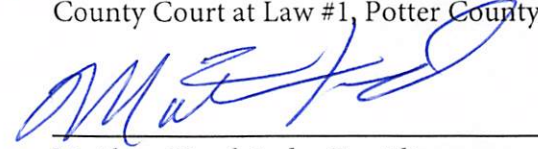

Douglas R. Woodburn, Judge Presiding
108th District Court


Titiana D. Frausto, Judge Presiding
181st District Court

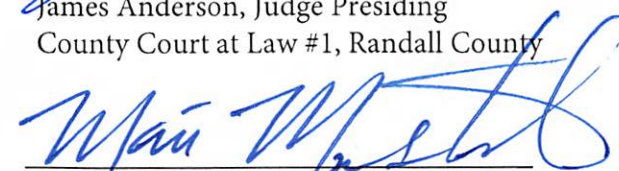

Ana E. Estevez, Judge Presiding
251st District Court


Steven Denny, Judge Presiding
320th District Court


Walt Weaver, Judge Presiding
County Court at Law #1, Potter County


Matthew Hand, Judge Presiding
County Court at Law #2, Potter County


James Anderson, Judge Presiding
County Court at Law #1, Randall County


Matthew Martindale, Judge Presiding
County Court at Law #2, Randall County

**APPENDIX
B**

CAUSE NO. _____

PLAINTIFF

§
§
§
§
§
§
§
§

_____ DISTRICT COURT

v.

IN AND FOR

DEFENDANT

_____ COUNTY, TEXAS

CERTIFICATION REGARDING USE OF ARTIFICIAL INTELLIGENCE

I, an attorney or self-represented litigant in the ____ Judicial District Court, hereby certify as follows:

1. I reviewed and understand this Court's Standing Order Regarding Artificial Intelligence. I will comply with the Standing Order throughout this case.

2. All information created or contributed to by generative artificial intelligence—including language, quotations, sources, citations, arguments, and legal analysis—was before submission to this Court verified as accurate using traditional (non-AI) legal sources by a human being.

3. I understand that I will be held responsible and subject to possible sanction under Texas Disciplinary Rules of Professional Conduct, Texas Rules of Civil Procedure, Texas Civil Practice and Remedies Code Chp. 10, and the inherent power of the Court, or for contempt of court, for failing to comply with the Court's Standing Order or this certification.

Signed on: _____

[ATTORNEY SIGNATURE BLOCK]

REGIONAL RULES OF ADMINISTRATION

NINTH ADMINISTRATIVE JUDICIAL REGION

RULE 1: TIME STANDARDS FOR THE DISPOSITION OF CASES

District and statutory county court judges of the county in which cases are filed should, so far as reasonably possible, ensure that all cases be brought to trial or final disposition in conformity with the following time standards:

a. CRIMINAL CASES

Set for trial within 180 days from date of indictment or information except for good cause shown.

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. This provision shall not apply to cases arising under Chapter 262, Texas Family Code.

(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. This provision shall not apply to cases arising under Chapter 262, Texas Family Code.

d. JUVENILE CASES

In addition to the requirements of Title 3, Texas Family Code:

(1) Detention Hearings

Shall be held promptly, but not later than the second working day after a juvenile is taken into custody; provided, however, that when a juvenile is detained on a Friday or Saturday, then such detention hearing shall be held on the first working day after the juvenile is taken into custody.

(2) Adjudicatory or Transfer (Waiver) Hearings

(a) Concerning a juvenile in a detention facility:

Not later than 10 days following the filing of the petition, except for good cause shown of record.

(b) Concerning a juvenile not in a detention facility:

Not later than 30 days following the filing of the petition, except for good cause shown of record.

(3) Disposition Hearings

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 from 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 interests of the child and of society shall be served.

e. COMPLEX CASES

It is recognized that in especially complex cases or special circumstances it may not be possible to adhere to these standards.

- RULE 2:** The local administrative judge or judges of each county shall, upon request by the presiding judge, cause to be sent to the presiding judge such information regarding docket management systems of the county as may be requested by the presiding judge.
- RULE 3:** The boards of judges, or judges giving preference to civil cases in each county, must adopt and uniformly follow local rules governing the filing, docketing and assignment of civil cases to achieve the time standards of Rule 6 of the Rules of Judicial Administration and meet the requirements of Rules 7, 9 and 10 of the Rules of Judicial Administration. "Board of Judges," as used in these rules, means the judges of the district courts and statutory county courts of a county.
- RULE 4:** The board of judges, or judges giving preference to family law and juvenile cases in each county, must adopt and uniformly follow local rules governing the filing, docketing and assignment of family law and juvenile cases to achieve the time standards of Rule 6 of the Rules of Judicial Administration and meet the requirements of Rules 7, 9 and 10 of the Rules of Judicial Administration.
- RULE 5:** The board of judges, or judges giving preference to criminal cases in each county, should adopt and uniformly follow local rules conforming with Rule 1 for the processing of criminal cases.
- RULE 6:** The district judge or judges of each county must, if required by law, adopt a jury plan governing the selection, management, assignment and time of jury service, and file the same with the district clerk, and, when required, secure the approval of the commissioners court.
- RULE 7:** The board of judges of each county may adopt a plan for judicial absences for vacation, educational events, and a method of notifying the regional presiding judge of the need for visiting judges.
- RULE 8:** (a) The rules adopted by a board of judges within this administrative region must conform to the requirements of these rules.
- (b) Local rules shall not be effective until approved by the presiding judge of the administrative region and by the Supreme Court of Texas.
- RULE 9:** The board of judges of each county may adopt as a part of the local rules a rule providing for regular meetings of the judges, committee assignments and other designations of duties necessary to the work of the courts of the county as required by Chapter 74, Government Code.

RULE 10: CONFLICTING ENGAGEMENTS:

- (a) Attorney already in trial in another court:
 - (1) When informed that an attorney is presently in trial, the court will determine where and when assigned. This information will be verified upon request of opposing counsel. The case will be placed on "hold" or reset, depending on when the attorney will be released.
 - (2) If the attorney is not actually in trial as represented by the attorney or the attorney's agent, the case will be tried without further notice.
- (b) Attorney assigned to two courts for the same date:
 - (1) It is the duty of an attorney to call the affected judges' attention to all dual settings as soon as they are known. Any motion for continuance on the ground that an attorney is set for trial or other hearing in two or more courts on the same date shall be filed in all affected courts and shall contain case identifying information as to all conflicting settings.
 - (2) Insofar as practicable, judges should attempt to agree on which case has priority; otherwise, the following priorities shall be observed by the judges of the respective courts:
 - (I) Criminal cases.
 - (II) Cases given preference by statute.
 - (III) Preferentially set cases.
 - (IV) Case set at earliest date.
 - (V) Case with earliest filing date.
 - (VI) Courts in multi-judge counties should yield to courts in rural counties in all other instances of conflicting settings.
 - (3) In the event the affected judges cannot agree on which case has priority under this rule, the priority shall be decided by the Local Administrative Judge if the cases are pending in the same county, or the Presiding Judge of the Ninth Administrative Judicial Region in all other cases.

RULE 11: ATTORNEY VACATIONS

In civil cases not specially set, an attorney may not be put to trial for a period not to exceed four consecutive weeks of a given year if the attorney has, in writing, filed with the appropriate clerk of the county of his residence, with a copy to the appropriate clerk of any other county where the attorney has pending cases, at least 60 days in advance, notice of the attorney's vacation period. At the judge's discretion, a judge may allow more than four weeks vacation period or may shorten the 60-day notice requirement. This may not be used to obtain a continuance of a setting made prior to the filing of a vacation letter.

RULE 12: COURTROOM DECORUM

Counsel shall conduct themselves in accordance with the standards of professionalism set out in THE TEXAS LAWYER'S CREED and shall preserve order and decorum in court proceedings and be courteous to litigants, jurors, witnesses and other lawyers. See Canon 3 B. (3) and (4), Texas Code of Judicial Conduct.

AUTHORITY. These rules are promulgated pursuant to Chapter 74, Government Code.

Adopted by the Council of Judges
of the Ninth Administrative Judicial Region
on January 28, 2008,
and superseding previously adopted Regional Rules of
Administration for the Ninth Administrative Judicial Region.

Kelly G. Moore, Presiding Judge
Ninth Administrative Judicial Region

ATTEST:

Claudette Buske
Administrative Assistant

**STANDING ORDER REGARDING CHILDREN, PROPERTY, AND
CONDUCT OF THE PARTIES FOR ARMSTRONG, POTTER AND RANDALL
COUNTIES**

THE DISTRICT COURTS, AND COUNTY COURTS AT LAW FOR ARMSTRONG, POTTER AND RANDALL COUNTIES, TEXAS ADOPT THIS STANDING ORDER REGARDING CHILDREN, PROPERTY, AND CONDUCT OF THE PARTIES IS BINDING ON (1) THE PARTIES, (2) THE PARTIES' OFFICERS, AGENTS, SERVANTS, EMPLOYEES, AND ATTORNEYS, AND (3) ANY OTHER PERSON WHO ACTS IN CONCERT WITH THE PARTIES OR THEIR AGENTS AND WHO RECEIVES ACTUAL NOTICE OF THESE ORDERS, AND IS ENFORCEABLE BY CONTEMPT OF COURT, INCLUDING A FINE OF UP TO \$500, CONFINEMENT IN THE COUNTY JAIL FOR SIX MONTHS, OR BOTH SUCH A FINE AND CONFINEMENT IN JAIL FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEE AND COURT COSTS.

No party in this lawsuit has requested this order. Rather, this order is a standing order of the Courts that applies in every divorce suit and every suit affecting the parent-child relationship filed in Armstrong, Potter and Randall County, Texas. 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 court. The term "party" as used in this order does not include the Attorney General of Texas, Texas Department of Family and Protective Services, the County District Attorney or the County Attorney. The Courts have adopted this order pursuant to Texas Family Code §§6.501-6.503, 105.001, and 105.009. IT IS THEREFORE ORDERED:

1. **NODISRUPTION OF CHILDREN.** All parties are ORDERED to refrain from doing the following acts concerning the children who are subjects of this cause:
 - 1.1 Removing the children from the State of Texas for the purpose of changing the children's domicile or residence, acting directly or in concert with others, without the written agreement of all parties or an order of this Court; provided, however, that this paragraph shall not prohibit or restrict a party from removing the children if an active prior court order gives that party the right to designate the children's primary residence outside the State of Texas or without regard to geographic location.
 - 1.2 Disrupting or withdrawing the children from the school or day-care facility where the children are presently enrolled without the written agreement of all parties or an order of this Court; provided, however that this paragraph shall not prohibit or restrict a party from so withdrawing the children from a school or day-care facility if that party is changing the children's domicile or residence within that party's rights pursuant to an active prior court order as described in Section 1.1 above.
 - 1.3 Hiding or secreting the children from the other party.
 - 1.4 Changing the children's current place of abode without the written agreement of all parties or an order of this Court; provided, however, that this paragraph shall not prohibit or restrict a party from changing such place of abode if an active prior order gives that party the right to designate the children's primary residence without geographic restriction, or if the new place of abode lies within the geographic limits established by that active prior court order.
 - 1.5 Disturbing the peace of the children.
 - 1.6 Making disparaging remarks about another party or another party's family members, including but not limited to the child's grandparents, aunts, uncles, stepparents, or anyone with whom the other party has a dating relationship.
 - 1.7 Discussing with the children, or with any other person in the presence of the children, any litigation related to the children or the other party.
 - 1.8 If this is an original divorce action, allowing anyone with whom the party has a dating

relationship to be in the same dwelling or on the same premises overnight while in possession of the child. Overnight is defined from 10:00 p.m. until 7:00 a.m.

2. **CONDUCT OF THE PARTIES DURING THE CASE.** All parties are ORDERED to refrain from doing the following acts with the intent to harass, annoy, alarm, abuse, torment, or embarrass another party:

- 2.1 intentionally communicating in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, with the other party by use of vulgar, profane, obscene, or indecent language or in a coarse or offensive manner, with intent to annoy or alarm the other party.
- 2.2 threatening the other party in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, to take unlawful action against any person, intending by this action to annoy or alarm the other party.
- 2.3 placing a telephone call, anonymously, at an unreasonable hour, in an offensive and repetitious manner, or without a legitimate purpose of communication with the intent to annoy or alarm the other party.
- 2.4 intentionally, knowingly, or recklessly causing bodily injury to the other party or to a child of either party;
- 2.5 threatening the other party or a child of either party with imminent bodily injury;

3. **PRESERVATION OF PROPERTY AND USE OF FUNDS DURING DIVORCE CASE.** If this is a divorce case, both parties to the marriage are ORDERED to refrain from the following conduct:

- 3.1 Intentionally, knowingly, or recklessly destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of the parties or either party 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;
- 3.2 Intentionally falsifying a writing or record, including an electronic record, relating to the property of either party;
- 3.3 Destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties, regardless of whether it is personal or real property and whether it is claimed as separate or community property.
- 3.4 Misrepresenting or refusing to disclose to the other party or to the Court, on proper request, the existence, amount, or location of any tangible or intellectual property of one or both of the parties, regardless of whether it is personal or real property and whether it is claimed as separate or community property, including electronically stored or recorded information.
- 3.5 Damaging, destroying or tampering with the tangible or intellectual property of one or both of the parties, including any document that represents or embodies anything of value, regardless of whether it is personal or real property and whether it is claimed as separate or community property, including electronically stored or recorded information.
- 3.6 Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of either party, regardless of whether it is personal, real property or intellectual property and whether it is claimed as separate or community property, except as specifically authorized by this order or a subsequent order of this Court.
- 3.7 Incurring any indebtedness, including cash advances from a credit card or line of credit, other than legal expense in connection with this suit, except as specifically authorized by this order or a subsequent order of this Court.
- 3.8 Making withdrawals or transfers from any account in any financial institution for any purpose, except as specifically authorized by this order or a subsequent order of this Court.

- 3.9 Spending any sum of cash in either party's possession or subject to either party's control for any purpose, except as specifically authorized by this order or a subsequent order of this Court.
- 3.10 Withdrawing or borrowing in any manner for any purpose from any retirement, profit-sharing, pension, death, or other employee benefit plan or employee savings plan or from any individual retirement account or Keogh account, except as specifically authorized by this order or a subsequent order of this Court.
- 3.11 Signing or endorsing the other party's name on any negotiable instrument, check, or draft, such as tax refunds, insurance payments, and dividends, or attempting to negotiate any negotiable instrument payable to the other party without the personal signature of the other party.
- 3.12 Taking any action to terminate, close, restrict, or limit lines of credit, credit cards, charge cards, or financial accounts in the name of or subject to the control of the other party, whether owned individually or jointly, except by subsequent order or written agreement signed by each party permitting such action.
- 3.13 Entering, operating, or exercising control over the motor vehicle in the possession of the other party.
- 3.14 Discontinuing or altering the withholding for federal income taxes on wages or salary while this suit is pending.
- 3.15 Terminating or in any manner affecting the service of water, electricity, gas, telephone, cable television, or other contractual services, such as security, pest control, internet, landscaping, or yard maintenance at the other party's residence or in any manner attempting to withdraw any deposits for service in connection with such services.
- 3.16 Unlawfully intercepting or recording the other party's electronic communications.
- 3.17 Opening, diverting, or disposing of mail or e-mail or any other electronic communication addressed to the other party.
- 3.18 Excluding a spouse from the use and enjoyment of the marital residence in which the spouse had been residing within the thirty (30) day period prior to the date the original petition for divorce was filed.
- 3.19 Communicating with the other party's employer or a person with whom the other party has a business relationship without a legitimate purpose.
- 3.20 Entering any safe deposit box in the name of or subject to the control of a party, whether owned individually or jointly, except by subsequent court order or written agreement signed by each party permitting such entrance.

4. **PERSONAL AND BUSINESS RECORDS IN DIVORCE CASE.** If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following acts:

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

5. **INSURANCE IN DIVORCE CASE.** If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following acts, except by written agreement signed by each party permitting such acts:

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

6. **SPECIFIC AUTHORIZATION IN DIVORCE CASE.** If this is a Divorce case, both parties to the marriage are specifically authorized to do the following:

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

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

- 7.1 The Petitioner shall attach a copy of this order to the original petition and to each copy of the petition at the time the petition is filed. If the Petitioner has failed to attach a copy of this order to the petition and any copy of the petition, the clerk shall notify Petitioner of this Order and request Petitioner correct the filed petition and each copy and attach a copy of this order. If the Petitioner fails or refuses to do so, the clerk shall notify the administrative judge for the district.
- 7.2 This order is effective upon the filing of the original petition and shall remain in full force and effect as a temporary restraining order for fourteen days after the date of the filing of the original petition. If, after service, no party contests this order by presenting evidence at a hearing on or before fourteen days after the date of service of the original petition, this order shall continue in full force and effect as a temporary injunction until further order of this court. This entire order will terminate and will no longer be effective only upon further order of the court, entry of a final order or dismissal of the case.
- 7.3 In addition to any other remedies available for the enforcement of this order, at the Court's discretion, the Court may award reasonable and necessary attorney fees against a party found to have violated a provision of this order.

8. **EFFECT OF OTHER COURT ORDERS.** If any part of this order conflicts with any part of a protective order that has already been entered or is later entered, the protective order provisions prevail. Any part of this order not changed by some later order remains in full force and effect until the court signs a final decree, other final order, or a dismissal order.

9. **PARTIES ENCOURAGED TO MEDIATE/COLLABORATE.** The parties are encouraged to settle their disputes amicably without court intervention. The parties are encouraged to use alternative dispute resolution methods, such as mediation or the collaborative law process, to resolve the conflicts that may arise in this lawsuit. The Court will not order mediation *sua sponte*.

10. **PARENT EDUCATION AND STABILIZATION.** Parents of minor children are ORDERED to attend a parent education and stabilization program or an approved parenting class within sixty (60) days of the filing date of the Petition for Divorce and/or Suit Affecting the Parent Child Relationship, unless waived by the court.

11. **APPLICATION FOR EX PARTE ORDERS.** By presenting any application for an ex parte order, counsel is deemed to represent to the Court that:

- a. to the best of counsel's knowledge, the party against whom the relief is sought is not represented by counsel; or
- b. if the party against whom the relief is sought is represented by counsel, that (i) such counsel has been notified of the application and does not wish to be heard by the Court thereon; or (ii) counsel presenting the application has diligently attempted to notify opposing counsel, has been unable to do so, and the circumstance do not permit additional efforts to give such notice.

12. **TIME LIMITS IN TEMPORARY HEARINGS.** In all matters in which temporary managing

conservatorship is in issue, the parties shall be granted not more than two (2) hours to present the case, which time shall be equally divided. Additionally, no party will be allowed to call more than the party and one other witness to testify. In all other temporary matters, including a modification of a temporary order, the parties shall be granted not more than one (1) hour per party to present the case, which. Counsel should request a special setting at the time the application for temporary relief is presented to the Court for scheduling when, because of unusual circumstances, the limits are unworkable or inappropriate. The Court shall then determine the amount of time that shall be allotted for the hearing.

13. **DOCUMENTS REQUIRED IN TEMPORARY HEARINGS.** In all cases in which temporary support of a spouse and/or the child is in issue, each party shall be required to furnish:

- 13.1 A statement of monthly income and expenses in a form substantially similar to the form found in the current Texas Family Law Practice manual published by the State Bar of Texas or in a form approved by this Court.
- 13.2 Copies of that party's federal income tax returns for the two calendar years prior to the temporary hearing.
- 13.3 All payroll statements, pay stubs, W2 forms, and 1099 forms which evidence that party's earnings for the calendar year prior to the temporary hearing and from January 1 of the current year through the date of the temporary hearing.

14. **PROPOSED PROPERTY DIVISION FORM REQUIRED.**

- 14.1 In all cases in which the character, value or division of property or debts is in issue, each party shall file a proposed property division form including all of the separate and community property owned or claimed by the parties and all debts and liabilities owed by the parties. It is recommended that each party file this proposed property division form in a form substantially similar to the form found in the current Texas Family Law Practice manual published by the State Bar of Texas or in a form approved by the Court.

15. **BOND WAIVED.** It is ORDERED that the requirement of a bond is waived.

THIS STANDING ORDER REGARDING CHILDREN, PROPERTY, AND CONDUCT OF THE PARTIES IS EFFECTIVE IN ALL DIVORCE SUITS AND SUITS AFFECTING THE PARENT-CHILD RELATIONSHIP FILED ON OR AFTER APRIL 8, 2020.

/s/ Dan Schapp

JUDGE, 47TH DISTRICT COURT

/s/ James Anderson

JUDGE, Randall County Court at Law #1

/s/ Douglass R. Woodburn

JUDGE, 108ST DISTRICT COURT

/s/ Matthew C. Martindale

JUDGE, Randall County Court at Law #2

/s/ John B. Board

JUDGE, 181ST DISTRICT COURT

/s/ R. Walton Weaver

JUDGE, Potter County Court at Law #1

/s/ Ana E. Estevez

JUDGE, 251ST DISTRICT COURT

/s/ Matthew H. Hand

JUDGE, Potter County Court at Law #2

/s/ Pamela C. Sirmon

JUDGE, 320TH District Court