



**LOCAL RULES OF THE  
58<sup>TH</sup>, 60<sup>TH</sup>, 136<sup>TH</sup> AND 172<sup>ND</sup> CIVIL DISTRICT COURTS  
OF JEFFERSON COUNTY, TEXAS  
*Effective October 20, 2025***

**RULE 1. OBJECTIVE OF RULES**

The objective of the rules of the Civil Courts in Jefferson County is to obtain a just, fair, equitable and impartial adjudication of the rights of litigants under the established principles of substantive law and established rules of procedural law. To the end that this objective may be attained with as great expedition and dispatch and at the least expense, both to the litigants and the state, as may be practicable, the rules shall be applied to ensure that, so far as reasonably possible, all matters are brought to trial or final disposition in conformity with the following standards:

- (a) Civil jury cases within 18 months from appearance date:
- (b) Civil non-jury cases within 12 months from appearance date.

**RULE 2. ASSIGNMENT OF CASES**

**FILING AND ASSIGNMENT OF CASES.** Except as provided elsewhere in this Rule, cases will be filed by random selection in courts. Once assigned to a court, a case will remain on the docket of that court for all purposes unless transferred as provided below:

**TRANSFER OF CASES.**

***Prior Judgment.*** Any claim for relief based upon a prior judgment shall be assigned to the court of the original judgment.

***Bills of Review.*** Every suit or proceeding in the nature of a bill of review or otherwise, seeking to attack, avoid or set aside any judgment, order or decree shall be filed in and assigned to the Court in which such judgment, order or decree was rendered.

***Ancillary Garnishments.*** Every ancillary garnishment shall be assigned to the Court in which the suit is pending to which the garnishment is ancillary. Garnishments after judgment shall be assigned to the court which rendered the judgment on which the garnishment is based.

***Administrative Transfers.*** The Administrative Judge of Jefferson County may transfer cases between the Civil District Courts. Motions to transfer and to consolidate shall be filed in the earliest filed case.

***Non-Suits and Refiling.*** If a case is non-suited, then refiled, it must be reassigned to the same Court. The Clerk is to take all steps to effectuate this rule, and any party may move to enforce same.

***Consolidation.*** All consolidations of cases shall be filed and heard where the first-filed case is pending. If the motion is granted, the consolidated case will be given the number of the first filed case and assigned to that court.

***Severance.*** If a severance of a claim or a defendant in a case is ordered, the new case will be assigned to the court where the original case is pending bearing the same file date as the originally filed case. The severed case will be assigned a new cause number.

***Presiding for Another.*** In all cases where a court presides for another court, the case shall remain pending in the original court.

### **RULE 3 – MOTIONS**

***Form.*** Motions shall be in writing and accompanied by a proposed order granting the relief sought. The proposed order shall be a separate instrument.

***Response.*** Responses shall be in writing and accompanied by a proposed order. Failure to file a response may be considered as a representation of no opposition.

***Unopposed Motions.*** Unopposed motions shall be labeled “Unopposed” in the caption.

***Certification Required.*** Before any motion or other contested matter will be heard, the parties must make a good-faith attempt to resolve the disputed matter by agreement. Certificates of conference required by the Texas Rules of Civil Procedure are extended to all motions, pleas and special exceptions except summary judgments, default judgments, agreed judgments, motions for voluntary dismissal or nonsuit, post-verdict motions and motions involving service of citation.

***Summary Judgment Motions.*** Absent leave of court, no summary judgment shall be filed until the expiration of the discovery period. Upon the filing of a summary judgment and pursuant to Texas Government Code §23.303, as added by S.B. 293, Acts of the 89th Legislature, Regular Session, 2025, and effective September 1, 2025, all summary judgments filed on or after September 1, 2025, shall be heard within 60 days of filing. To ensure the Courts are in compliance with the new rule, a notice of hearing is to be filed contemporaneously with the filing of a motion for summary judgment. The notice of hearing shall be filed as a separate document. Absent a setting by the movant, the summary judgment shall be set by the court. Once set by the Court, the hearing time and

date will not be subject to reset without a showing of good cause, made in writing and ruled on by the Court.

**Hearings.** All motions requiring a hearing must contact the court coordinator to obtain a hearing date. Once a hearing date has been confirmed with the court coordinator, a notice of hearing must be filed and served on all parties and state the time and date of the hearing and whether the hearing is an oral hearing or the matter will be heard by submission. Except as where required by rule or statute, the parties may agree in writing that the matter may be ruled upon by the Court without the need for a hearing. \*\*\**Please note: Each Court will determine submission docket availability.*

**Cancellation of Hearings.** The parties shall notify the Court as soon as it is known that a hearing will be canceled or will not go forward. The party canceling the hearing shall be responsible for timely notice to the Court and to all other parties of the cancellation. Failure to notify the Court and all parties of the cancellation, costs may be assessed by the non-compliant party upon motion and hearing.

**Telephonic Hearing.** A party appearing by telephone must make his/her own arrangements for conferencing with other parties, as the Court will take no action to effectuate a conference call. Each Court will determine whether a party may attend by telephone.

**Zoom Hearings.** Each court will provide its availability for Zoom hearings.

#### **RULE 4 - SETTINGS OF CASES FOR TRIAL**

**Obtaining a setting.** Cases will be set by the clerk of the Court for trial. Upon written request, a party may request a setting or resetting. Written objection to the request must be made within 30 days of the request, or such objection may be considered waived. Older cases will be set by the court sua sponte, on a "Try or Dismiss" basis, meaning that the case will be dismissed for want of prosecution unless an announcement of "ready" is made by a party, as provided below, and the case is tried when called for trial.

A case is considered to be trial-ready as of its first trial setting. It may be reset by the Court for trial from time to time beginning the second month after the first setting, without further notice or request.

**Special Settings.** The top five settings for any given month are automatically designated hereby as preferential settings. A "top five" setting is obtained (a) from the clerk, upon agreement of all parties, or (b) from the Court, upon application by any party. The clerk will attempt to comply with all-party requests for a particular month's setting, on a "first-come, first-served" basis.

A "top five" setting is a preferential setting, and takes priority over all other settings which counsel may have. Counsel are required to advise this Court as soon as they become aware of any actual or potential conflict of schedule, and are likewise required to advise promptly any other affected tribunal that the setting in this Court is extant and preferential.

***Continuances.*** A case which is not "TRY OR DISMISS" may be passed by agreement of all parties, in writing efiled with the Court, on or before the docket call date where applicable or no later than two weeks prior to the first day of the month of the docket on which the case is pending. The notice should state to whom the continuance is to be charged.

In "TRY OR DISMISS" cases, or in cases where there is no unanimous agreement to pass, a written motion must be brought to the Court's attention for ruling as soon as practicable.

***Docket Call.*** Each Court will set its rule for docket call and pretrial hearings and will publish its procedure and schedule on the Court's website.

## **RULE 5 - ADR AND SPECIAL PROCEDURES**

***ADR.*** The Court strongly encourages the use of ADR, particularly mediation. Upon application of any party, the Court will give serious consideration to ordering mediation, and the use of the Dispute Resolution Center of Jefferson County is encouraged in cases where it is appropriate.

***Status Conferences.*** Upon application by any party, or sua sponte, the Court may hold a status conference asking the parties to suggest fresh and innovative approaches to the handling of any cases, particularly complex or novel cases, or those involving numerous parties.

***Special Procedures.*** The Court will carefully consider any suggestions for special procedures and methods which are not inconsistent with the Texas Rules of Civil Procedure.

***Sealing Court Records.*** Court records may be sealed only upon a party's written motion pursuant to TRCP 76a.

## **RULE 6 - PRE-TRIAL MATTERS**

***Motions in Limine.*** Motions in Limine and other such preliminary matters must be scheduled for hearing at a time sufficiently in advance of scheduled jury selection to allow full consideration by the Court, without causing delay in the beginning of jury selection. Thus, if jury selection is scheduled for 9:00 a.m, the motions in limine should

be scheduled for hearing with the clerk sufficiently in advance, so that actual jury selection can begin at 9:00. In some cases, this will require that the motions in limine be scheduled for hearing on the preceding business day. It is the responsibility of the attorneys to have the motions heard and determined in such a fashion that jury selection is not delayed.

***Proposed Jury Charges.*** Proposed jury charges shall be delivered to the Court prior to the beginning of jury selection, without prejudice to the parties' right to supplement the same during trial.

***Exhibits.*** The parties are to mark and exchange exhibits, to agree upon authenticity and/or admission if possible, and to bring objections to the Court's attention by setting a hearing no later than the Friday before jury selection. Failure in this regard may result in waiver of objections. A digital copy of the exhibits shall be provided to the Court Reporter.

***Special Equipment. Models. and Displays.*** All special equipment, models and displays shall be brought into the courtroom sufficiently in advance of trial to avoid disruption or delay. Attorneys will contact the Court to make arrangements for setting up any such equipment, models, or displays.

Video equipment shall be set up and tested before Court convenes.

## **RULE 7 - TRIAL MATTERS**

***Video Depositions and Presentations.*** Video depositions shall be edited for brevity and to remove extraneous material and abandoned objections. **Each Court may have individual rules on the time allowed for video depositions.**

Video depositions and presentations, in final edited form, shall be made available to the opposing party or parties sufficiently in advance of presentation so that any objections may be brought to the Court's attention and a ruling secured, without any delay in the progress of the trial. Failure to furnish the edited version of a video to opposing counsel as required hereby may result in its exclusion: failure to make objections thereto prior to Court's convening, as required hereby, may result in a waiver of objections.

Line and page designations must be furnished along with the edited version of any video deposition.

***Non-Video Depositions.*** Line and page designations must be furnished to opposing counsel, to the court reporter, and to the Court, before a deposition is read. In addition, the proponent shall furnish the court with a copy of a deposition to be read for the purpose of ruling on objections. It is highly desirable to arrange in advance for a separate person to read the answers to a deposition, rather than have the same person read both question and answer. **Each Court may have its own rules requiring deadlines for**

**submission of line and page designations. Additionally, each court governs the time frame in which objections must be set for hearing in advance of trial.**

***Schedule of Trials.*** Punctuality is expected of the attorneys, in trial, as in other matters.

***Courtroom Decorum.*** There will be no gum chewing, eating, drinking, or use of tobacco products, in the courtroom: this prohibition includes snuff and chewing tobacco. Beverages and food items may not be brought into the courtroom.

Attorneys, parties, witnesses, and others, will be neat, clean, and conservatively dressed. There will be no thong-type shoes, no tank top shirts, or other such informalities.

All attorneys appearing before the court shall be dressed in proper business attire. Attorneys shall be civil, dignified, and courteous in dealing with the Court, court personnel, witnesses, and (particularly) with each other. The provisions of TRCP 269, particularly sections (e), (f), (g), and (h) will be zealously observed. Attorneys shall be careful to permit others to finish speaking before they begin, remembering that interrupting is not only discourteous, but abuses the court reporter, as well.

Attorneys shall address and refer to veniremen, jurors, counsel, court personnel, and witnesses (except their own clients and children under 12 years of age), by proper title and last name (e.g. Mr. Baize, Dr. Jones, Rev. Patterson, Lieutenant Gordon, Miss Hopkins. etc.), and never by first name or nickname, or by last name alone.

Absent leave of court, no TV or video cameras, or sound or image reproducing equipment of any kind, will be permitted in the courtroom during any court proceeding, and no court proceeding may be filmed or recorded in any manner.

## **RULE 8 - GENERAL**

***Collegiality and Discovery.*** The resolution of discovery dispute(s) will be expedited, to a substantial extent by a good-faith attempt to resolve the problem before Court intervention. Attorneys shall certify each such attempt in accordance with hereof.

***Keeping the Court Informed.*** Settlements, cancellations, and all other matters materially affecting the Court or the Court's schedule shall be promptly reported to the court clerk. The Court shall be kept fully and accurately apprised of conflicting settings and calls to trial, and when another conflicting matter settles, or the conflict is resolved in any fashion, the attorney shall notify this Court as soon as possible. ***PLEASE NOTE: ALL NOTICES OF SETTLEMENT MUST BE MADE IN WRITING AND EFILED WITH THE COURT.***

***Ad Litem.*** A rotation system will be used to appoint attorney ad litem and guardian ad litem beginning at the top of the list. Attorneys seeking appointments must complete an

accredited training course pursuant to Tx. Estates Code Subchapter E. §1054.201-203 and submit a copy of the certification to the courts to be added to list.

In a complex matter, the court may depart from the list to appoint a person as an attorney ad litem or guardian ad litem due to the person's relevant specialized education, training, certification, skill, language proficiency or knowledge of subject matter.

By agreement, attorneys may choose any qualified person to serve as an attorney ad litem or guardian ad litem with approval of the Court.

Any qualified attorney may register with the court and have the attorney's name added to the list.

***Withdrawal of Counsel.*** Motions by counsel to withdraw shall state whether or not the client has agreed to the withdrawal, and, if so, the motion shall be signed by the client evidencing such agreement. In such agreed withdrawals, the Court will consider the motion without hearing, but in all other cases, the withdrawing attorney must provide evidence that the client has received a copy of the motion and notice of a hearing thereon at least 30 days in advance thereof. Counsel must also provide, in the motion, the client's full address, email address and telephone number, and certify that the same are, as of the time of filing of the motion, still those of the client. All motions should comply with TRCP Rule 10. The order of withdrawal shall include the following language:

*IT IS FURTHER ORDERED that withdrawing counsel shall immediately notify the party in writing of this ORDER and of any additional settings or deadlines of which the attorney has knowledge at the time of the withdrawal and has not already notified the party. Notice of delivery to a party shall be mailed to the party's last known address by both certified and regular first-class mail. If the attorney in charge withdraws and another attorney remains or becomes substituted, another attorney in charge must be designated of record with notice to all other parties in accordance with TRCP Rule 21a.*

***Pro Se Parties.*** The Court will attempt to accommodate pro se parties, consistent with the rights of other parties. Accordingly, every effort should be made to ensure that pro se parties, are fully notified and informed of all proceedings, so as to avoid expensive and time-consuming rescheduling. The Court's indulgence of pro se parties' lack of sophistication will generally require a high degree of caution by attorneys to see that their own positions are procedurally defensible.

Provisions should be made for a record in all proceedings involving a pro se, and adequate time scheduled therefore.

**The Jury.** We should never forget that the jury is the focal point in the relationship between the legal community and the community as a whole. The jury is, in a real sense, the larger community looking at us and at what we do.

We should, of course, be courteous to and considerate of the jurors. More importantly, we should make every effort to demonstrate to them that their efforts and sacrifices are not in vain, and that the legal system is worthy of their contributions. If any attorney anticipates a legal issue will arise during trial, they must set a hearing on the issue prior to jury selection to prevent disruptions to the presentation of evidence. Failure to timely set hearings may result in waiver of said objection.

Attorneys shall, accordingly, conduct jury trials with punctuality and dispatch, doing the utmost to make the trial presentation as cogent, as concise, and as coherent as possible.

### **RULE 9. VACATIONS OF COUNSEL**

**Designation of Vacation.** An attorney may designate not more than four weeks of vacation during a calendar year as vacation during which that attorney will not be assigned to trial or required to engage in any pretrial proceedings. This rule operates only where lead counsel, as defined by TRCP 8, is affected unless the trial court expands coverage to other counsel.

**Summer Vacations.** Written designation for vacation weeks during June, July or August must be filed with the district clerk by May 15. Summer vacation weeks so designated will protect the attorney from trials during those summer weeks. *(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.)*

**Non-Summer Vacations.** Written designation for vacation in months other than June, July or August must be filed with the district clerk by February 1. Non-summer vacation weeks may not run consecutively for more than two weeks at a time. Non-summer vacation weeks so designated will not protect an attorney from a trial by an order signed before the designation is filed.



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HON. KENT WALSTON,  
58<sup>TH</sup> DISTRICT COURT



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HON. BAYLOR WORTHAM,  
136<sup>TH</sup> DISTRICT COURT



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HON. JUSTIN SANDERSON,  
60<sup>TH</sup> DISTRICT COURT



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HON. MITCH TEMPLETON,  
172<sup>ND</sup> DISTRICT COURT