

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 93-0187

APPROVAL OF LOCAL RULES OF STATUTORY PROBATE COURTS OF TARRANT COUNTY


ORDERED:

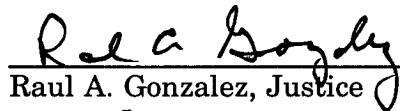
Pursuant to Rule 3a of the Texas Rules of Civil Procedure, the Supreme Court approves the following local rules, which have been submitted to this Court:


Local Rules of the Statutory Probate Courts of Tarrant County, dated August 10, 1993.


The approval of these rules is temporary, pending further orders of the Court.

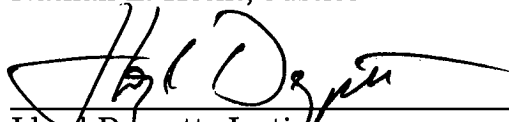
SIGNED AND ENTERED this 25th day of October, 1993.



Thomas R. Phillips, Chief Justice

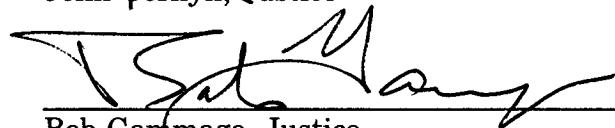

Raul A. Gonzalez, Justice

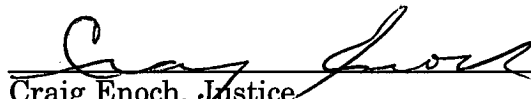

Jack Hightower, Justice


Nathan L. Hecht, Justice


Lloyd Doggett, Justice


John Cornyn, Justice


Bob Gammage, Justice


Craig Enoch, Justice


Rose Spector, Justice

Local Rules of Statutory Probate Courts

of

Tarrant County, Texas

STATUTORY PROBATE COURTS OF TARRANT COUNTY

LOCAL RULES

| | | <u>Page</u> |
|---------------|---|-------------|
| PART 1 | GENERAL RULES | |
| Rule 1.01 | Title, Scope, Authority and Application of Local Rules | 2 |
| Rule 1.02 | Parties Proceeding Pro Se | 3 |
| Rule 1.03 | Assignment of Causes | 3 |
| Rule 1.04 | Transfer of Cases | 4 |
| Rule 1.05 | Jury and Non-Jury Weeks | 5 |
| Rule 1.06 | Bankruptcy | 6 |
| Rule 1.07 | Filing Papers | 7 |
| Rule 1.08 | Resolution of Conflicting Settings | 8 |
| Rule 1.09 | Vacations of Counsel | 9 |
| Rule 1.10 | Judicial Absences | 9 |
| Rule 1.11 | Dismissal Dockets | 9 |
| Rule 1.12 | Appointment of Attorney Ad Litem | 10 |
| PART 2 | RULES FOR DISPOSITION OF CONTESTED AND ANCILLARY MATTERS | |
| Rule 2.01 | Disposition of Contested and Ancillary Matters | 11 |
| Rule 2.02 | Motion for Continuance, Agreed Passes and Settlements | 12 |

| | | |
|-------------------|---|------------|
| Rule 2.03 | Trial Procedure | 13 |
| Rule 2.04 | Motion Practice | 15 |
| Rule 2.05 | Deposition Guidelines | 16 |
| Rule 2.06 | Matters Requiring Immediate Action | 18 |
| Rule 2.07 | Private Service of Process | 19 |
| ----- | | |
| APPENDIX A | | i |
| APPENDIX B | | ii |
| APPENDIX C | | iii |

*Statutory Probate Courts of
Tarrant County Local Rules*

Part 1.

General Rules

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

(a) These rules are the Local Rules of Statutory Courts of Tarrant County, Texas. They shall govern proceedings in the Statutory Probate Courts of Tarrant 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 judges of the probate 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 February 4, 1987, as amended, adopting Rules of Judicial Administration and to the provisions of the Court Administration Act, Sec. 74.093, Government Code, as amended.

(c) These rules are standing orders of all Probate County Courts of this county, now existing or as may be created hereafter. 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) "Counsel" as used in these Rules includes attorneys, attorneys ad litem and parties representing themselves pro se.

Rule 1.02: Parties Proceeding Pro Se

Any natural person proceeding on their own behalf without an attorney shall be expected to read and follow these Local Rules and the Rules of Civil Procedure, the Rules of Civil Evidence, the Texas Probate Code, and the Rules of Appellate Procedure as may be appropriate in the particular case. Failure to comply may be sanctioned, fined or punished as in other cases. Pro se parties shall be responsible for providing the Clerk with current addresses and telephone numbers. The address so provided shall be used as the address for serving all pleadings and any other notices on the pro se party.

Rule 1.03: Assignment of Causes

(a) All matters filed in the Probate Courts of Tarrant County, Texas, shall be assigned a number and a court so as to equalize the cases between the Probate Courts in Tarrant County. However, because of the prior involvement by one court in a particular case, a new case involving the facts or parties of the prior case may be assigned to the same court, unless the judge of said court objects. Once a case number has been assigned and docketed to a particular Probate Court, all matters relating thereto, including but not limited to, any subsequent proceedings upon a

testamentary trust or bills of review, shall remain in that court using the same cause number.

(b) If a case includes an Ancillary matter as that term is defined herein, the cause number of all pleadings relating to the Ancillary matter shall be followed by the letter "A". If a case contains more than one Ancillary matter then each subsequent matter shall be designated by sequential letters. (i.e. B, C, etc.) The style on all Ancillary matters shall include the names of the party bringing the action and the opposing party, as well as the name of the estate. A form of the style is set forth in Appendix A. All Contested matters as herein defined shall use the original cause number without the designation of a letter.

(c) "Ancillary matters" shall include any lawsuit brought by or against a personal representative, or brought on behalf of an estate, and which lawsuit does not relate to or concern the routine administration of an estate. Ancillary matters include, but are not limited to, suits concerning note collection, personal injury, or breach of contract. "Contested matters" shall include all other litigated matters, for which there are opposing parties.

Rule 1.04: Transfer of Cases

(a) A request to transfer between Probate Courts in Tarrant County shall be made by the Counsel in charge for the party who is seeking a transfer. It shall be the responsibility of the Counsel representing the party desiring a transfer to obtain the agreement of the judges of the courts from which the transfer is sought and to which the case will be transferred. The appropriate court personnel of the court to which

the case has been requested to be transferred shall notify the court from which the case is requested to be transferred indicating that a case transfer will be accepted. All case transfers are subject to the discretion of the judge of the court in which the case has been filed. The court on its own Motion, after consultation with the judge to which the case is to be transferred, may transfer a cause of action. All Counsel shall be notified of any transfers and given the opportunity to object to any such transfer.

(b) Counsel is encouraged to seek a transfer pursuant to this Rule, before filing a motion for recusal or disqualification under the Government Code, or any amendments thereto. Pursuant to Section 5B of the Texas Probate Code a statutory probate judge has the power to transfer to the probate court from a district or statutory court any cause of action appertaining to or incident to a pending estate. It is the responsibility of the Counsel representing the party seeking a transfer pursuant to this section to submit a proper motion and order for the transfer of any causes of action filed in any district, county or statutory court to the probate court for further proceedings.

Rule 1.05: Jury and Non-Jury Weeks

(a) The probate courts shall generally follow the District Courts of Tarrant County regarding which weeks shall be jury or non-jury.

(b) Non-jury matters may be set and tried in jury weeks subject to the jury docket.

(c) At the court's discretion, subject to the availability of jury panels, the court may call to trial any jury matter during a non-jury week.

Rule 1.06: Bankruptcy

(a) Notice of Filing

- (1) Whenever any party to 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 immediately telephoning the Court Administrator; and (ii) within three days of any bankruptcy filing, to provide written notice to the affected court(s) and all Counsel that a bankruptcy filing 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

Once a bankruptcy has been concluded, whether by discharge, denial of discharge, dismissal or otherwise, Counsel shall promptly notify the Court Administrator so that the affected cases may be restored to the active docket or be dismissed as may be appropriate.

Rule 1.07: Filing Papers

(a) All pleadings, motions, notices, briefs, proposed orders, proposed judgments, and any other paper, document or thing made a part of the record shall be filed with the Clerk.

(b) All proposed orders and judgments shall be presented to the court after filing, and the presenting Counsel shall either (1) obtain approval of said proposed order or judgment by all other Counsel, or (2) shall send a copy of the proposed order or judgment to all Counsel. If the second method is used, then the presenting Counsel must notify the court of the delivery of the proposed order or judgment to all other Counsel. Notification may be accomplished by sending the court a copy of the letter mailed to all Counsel which letter contained a copy of the proposed order or judgment. It is not necessary to prove that all Counsel actually received the proposed order or judgment, only that it was mailed to their last known address. If the court receives no objection within ten (10) days after notification, the court may act on such proposed order or judgment.

Rule 1.08: Resolution of Conflicting Settings

(a) Where a Counsel has settings in two or more courts 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 proceedings in any court take precedence over 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 Eighth Administrative Judicial Region, Rule 10. Mental Health Cases shall be treated as preferentially set cases as referred to in Rule 10 (b)(2)(III), Rules of the Eighth Administrative Judicial Region. (see Appendix B)

(b) For the purposes of applying the Rules of the Eighth Administrative Judicial District, settings in Statutory Probate Courts, the District Courts or Bankruptcy Courts of the United States or in the general jurisdiction trial court of any sister State will be treated as settings in a district court of Tarrant County.

(c) Any Counsel having a previously scheduled oral argument in any appellate court shall be given a reasonable time to travel to and from that court and make argument provided the attorney advises the trial judge of the scheduled argument before the commencement of trial.

Rule 1.09: Vacations of Counsel

Counsel shall not request a trial date for any period which Counsel has previously been informed by other Counsel is a scheduled vacation. If a case is set for trial by the court on a date for which an Counsel has planned a vacation, Counsel will notify the court as soon as the notice of trial setting is received and the case will be reset for a different time, unless there is a clear showing of abuse or unreasonable delay. If plans for a vacation are made by a Counsel after a trial setting notice has been received, Counsel 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 1.10: Judicial Absences

Whenever a judge anticipates an absence of more than five court days due to vacation, illness, national service, attendance at legal education courses, attendance at the meetings of judicial or bar committees, or otherwise, then that judge shall so inform the judges of the other probate courts.

Rule 1.11: Dismissal Dockets

Each Probate Court in Tarrant County, Texas, may set for dismissal from time to time, all pending matters, including Ancillary and Contested matters, which are not set for trial or hearing, and which have been on file for at least one (1) year. The staff of the Probate Courts shall furnish notice to all parties and their Counsel that any

such matter will be dismissed for want of prosecution pursuant to the provisions of Rule 165a of the Texas Rules of Civil Procedure. The procedures for notice of dismissal and retention shall be in compliance with Rules 165a and 306a of the Texas Rules of Civil Procedure.

Rule 1.12: Appointment of Attorney Ad Litem

(a) An attorney ad litem may be or shall be appointed pursuant to the Probate Code or the Rules of Civil Procedure.

(b) Until an order is signed dismissing an attorney ad litem the ad litem shall be notified of all hearings and/or conferences with the court, and shall be served with all pleadings.

(c) The attorney ad litem, unless directed by the Court otherwise, shall file a written report with the Court of the result of the ad litem's investigation concerning the purpose of the ad litem's appointment.

(d) In any case for which an attorney ad litem has been appointed, the ad litem should consider filing an application for security for costs pursuant to Rule 143 of the Rules of Civil Procedure and Section 12 of the Probate Code.

Part 2.

Rules for Disposition of Contested And Ancillary Matters

Rule 2.01: Disposition of Contested and Ancillary Matters

(a) On its own motion or by agreement of the parties and Counsel, the court will refer a case for resolution by an alternate dispute resolution procedure under Chapter 154, Civil Practice and Remedies Code. Any party or Counsel may move for such referral if agreement cannot be reached.

(b) Pre-trial hearings or orders will not be required in every case, but upon request of any Counsel or on its own motion the court may set a hearing under Rule 166, Texas Rules of Civil Procedure, to consider such matters as might aid in the disposition of the action, including the entering of a docket control order. Examples of a pre-trial order and docket control order are attached hereto as Appendix C.

(c) Cases will be set for trial by the court upon written or oral request and representation of any Counsel that the case will be ready for trial. If an oral request is made, the Counsel making such request must immediately follow up such request in writing to all Counsel with a copy to the court. The request may ask for a setting on a specific trial week, but no sooner than 45 days from the date of request, unless leave of court is obtained, or all Counsel agree to an earlier setting. The request must

be sent to all Counsel. Any Counsel will file a written response to the request within 7 days after receipt stating any objection to the request for setting. The objecting Counsel must then request a hearing and, after the hearing, unless the court determines that the case is not ready for trial, the case will be set for trial on the date requested or the nearest date that the docket of the court will permit.

(d) At the time of making a request for setting, Counsel shall inform the court of the estimated time for trial. Counsel shall make a good faith estimate of the time required after consulting all Counsel and considering the following: proper examination of witnesses, introduction of exhibits, cross-examination and rebuttal of witnesses reasonably anticipated to be called by all of the parties. In the event that the time requested is not sufficient, the court may continue the matter until such date and time as the court's docket allows. If the court finds that the Counsel requesting the trial setting has misrepresented the reasonable time required in bad faith, the court may impose appropriate sanctions, including attorney's fees occasioned by any delay in trial, costs and expenses for travel of witnesses and parties who are required to return at a later date as a result of the continued setting.

Rule 2.02: Motion for Continuance, Agreed Passes and Settlements

A trial or hearing date cannot be postponed or changed without the consent of the court.

(a) Except as hereinafter provided, any motion for continuance will be filed no later than five (5) days preceding the trial or hearing date. Any motion for continuance based upon facts which occur on or after the fifth day preceding the trial

or hearing date will be filed as soon as possible and will be heard at a time to be set by the court.

(b) In the event Counsel agree to a continue any trial or other hearing, Counsel initiating the request for continuance shall immediately notify the court of such continuance. If such Counsel fails to notify the court within a reasonable time before the scheduled trial or hearing, the court may impose appropriate sanctions against such Counsel or the party represented by such Counsel. If the parties reach a settlement, Counsel representing the plaintiff, movant or party seeking affirmative relief, shall notify the court of such settlement, and that the trial or hearing date is no longer needed. If such Counsel fails to so notify the court within a reasonable time before the trial or hearing, the court may impose appropriate sanctions against such Counsel or the party represented by such Counsel.

Rule 2.03: Trial Procedure

(a) Any party or Counsel filing special exceptions, pleas in abatement, or other dilatory pleas shall request and obtain a hearing on them at least 30 days prior to the trial date or as soon as possible after the pleading is filed if the pleading is filed within 30 days of the trial date. Any such matters not heard are waived.

(b) All Contested and Ancillary matters are specially set unless otherwise notified. Counsel may request one, and only one, additional setting as a second setting. A second setting will be called to trial, for that date and time, if the case with the number one setting is unable to proceed for any reason.

(c) Unless ordered otherwise, at the time the parties and Counsel report for trial they will deliver to the court and the other Counsel a witness list, exhibit list, any motion in limine and any requested instructions and questions if a jury trial, and proposed findings of fact and conclusions of law if a non-jury trial. Any witnesses or exhibits not shown on such list can be used at the trial only upon leave of the court. Prior to commencement of trial all exhibits will be marked, exchanged and examined by Counsel so that the trial will not be delayed by such examination.

(d) Counsel intending to offer videotaped depositions or other films at trial, except those offered solely for impeachment, must make such tapes and films available to opposing Counsel sufficiently in advance of trial so that a hearing on any objections can be held before commencement of trial. Any tapes or films not so tendered will not be permitted into evidence at the trial. All Counsel must timely examine any tendered tapes or films and request a hearing immediately if there are objections to the admissibility of any part of the tapes or films. Any objections not heard prior to trial will be waived.

(e) It is the responsibility of each Counsel practicing before the courts of Tarrant County, Texas to stipulate to all facts which are not in dispute and to waive formal proof as to any documents to be introduced about which there is no dispute as to authenticity.

Rule 2.04: Motion Practice

(a) Counsel are directed to use all reasonable means to resolve pre-trial disputes to avoid the necessity of judicial intervention.

(b) No motions, objections or special exceptions will be set for hearing unless the moving Counsel shall have certified in such motion or in a letter substantially the following:

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

or

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

(c) Court personnel are responsible for scheduling the dates and times for hearings. Upon receiving the date and time of hearing, the moving Counsel shall immediately notify all Counsel in writing as to the date, time and subject matter of the hearing. A copy of this communication shall be provided to the secretary of the court.

(d) On request of a Counsel and with consent of the judge, a matter not requiring a record by the court reporter may be conducted by telephone. The moving Counsel shall be responsible for advising all Counsel of the method and time of hearing and shall be responsible for arranging the conference call.

(e) By agreement, Counsel may submit matters for ruling by the judge without a personal appearance and oral presentation. The judge should be advised in writing when such procedure is desired.

(f) At the time of making a request for setting on a motion, Counsel shall inform the court of the estimated time for hearing. Counsel shall make a good faith estimate of the time required after consulting all Counsel and considering the following: proper examination of witnesses, introduction of exhibits, cross-examination and rebuttal of witnesses reasonably anticipated to be called by all of the parties. In the event that the time requested is not sufficient, the court may continue the matter until such date and time as the court's docket allows. If the court finds that the Counsel requesting the hearing has misrepresented the reasonable time required in bad faith, the court may impose appropriate sanctions, including attorney's fees occasioned by any delay in the hearing, costs and expenses for travel of witnesses and parties who are required to return at a later date as a result of the continued setting.

Rule 2.05: Deposition Guidelines

(a) In an attempt to have uniformity and save time and expense resulting from hearings on discovery matters, the following guidelines will generally be followed by the courts on matters pertaining to oral depositions:

- (1) A party filing a lawsuit in Tarrant County must give their deposition in Tarrant County, if requested.
- (2) A party properly sued in Tarrant County must give their deposition in Tarrant County, if requested.
- (3) The party initiating a deposition may elect to take the deposition orally or on written questions and all Counsel may elect to cross-examine orally or on written questions.
- (4) Unless the parties through their Counsel otherwise agree, reasonable fees charged by an expert for giving of deposition testimony shall be paid by the party requesting the deposition. The fee shall be considered reasonable if the fee is calculated at the same hourly rate which is being charged to the party by whom the expert is employed. If Counsel cannot agree to a reasonable fee the Counsel requesting the deposition may ask the court to set a reasonable fee. The fee for the preparation of an expert's report, not previously reduced to writing and sought under Rule 166b(2)(e)(4), Texas Rules of Civil Procedure, shall be paid by the party by whom the expert is employed.
- (5) Notice of less than ten (10) days under Rules 21a and 200, Tex. R. Civ. P., shall be presumed to be unreasonable.

Although, these matters are best handled by agreement of the parties, Counsel are not precluded from submitting disputes as to such matters to the court for determination by proper motion and hearings.

(b) Counsel initiating an oral deposition shall first attempt to communicate with all Counsel to determine whether agreement can be reached as to date, time, place and materials, to be furnished at the time of deposition. Any written notice of deposition shall state as follows:

"A conference was held (or attempted) with opposing Counsel to agree on a date, time, place and materials to be furnished. Agreement could not 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)."

Failure to hold such conference or to make adequate attempt to hold such conference prior to noticing a deposition shall be grounds to quash the deposition.

Rule 2.06: Matters Requiring Immediate Action

(a) An application for action or relief, including but not limited to, restraining orders, writs of habeas corpus, receivership, temporary administration, temporary guardianship, proceedings for examination and delivery of the contents of safe deposit boxes or any papers of a decedent pursuant to Sections 36B through 36F of the Texas Probate Code, shall not be presented to a judge until the application or case has

been filed with the clerk and assigned to a court, unless it is impossible to do so. If it is impossible to file an application or case before it is presented to a judge, then it shall be filed as soon thereafter as possible, and the clerk notified of all actions taken by the judge.

(b) Every application for action or relief of any kind shall be presented first to the judge of the court to which it is assigned. If that judge is not available to hear the application, then it may be presented to any other judge of a Statutory Probate Court in Tarrant County, Texas. After a judge has announced a ruling on the application or deferred ruling, the application shall not be presented to any other judge without leave of the judge to which it was first presented.

(c)
Every application for relief ex parte shall contain a certificate signed by Counsel that:

- (1) To the best of their knowledge whether or not the party against whom relief is sought ex parte is represented by Counsel in the matter made the basis of the relief sought; or,
- (2) If the party against whom relief is sought ex parte is represented by Counsel, the certificate shall state the name, address, and telephone of such Counsel, if known.

Rule 2.07: Private Service of Process

(a) For purposes of supervision and discipline the court deems those persons authorized to serve citations and other notices by order pursuant to Rule 103, Texas


Rules of Civil Procedure, to be officers of the court. Any such person filing a false return or engaging in service contrary to law or rule may be subject to punishment by an order of contempt. Such order may prohibit such person from serving citations and notices in Tarrant County.

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

The foregoing Local Rules of the Statutory Probate Courts of Tarrant County

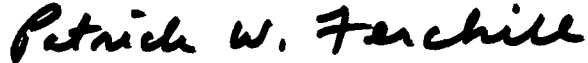
Texas are hereby approved by:

Dated 8-9-93



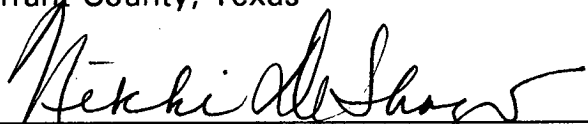
Honorable Robert M. Burnett,
Probate Court Number One,
Tarrant County, Texas

Dated 8-10-93



Honorable Patrick W. Ferchill,
Probate Court Number Two,
Tarrant County, Texas

Dated 9-9-93



~~Honorable Polly Jackson Spencer~~ **NIKKI DESHAZO**
~~Acting Chief Judge, Statutory Probate Courts~~
PRESIDING

APPENDIX B

RULE 10.

CONFLICTING ENGAGEMENTS.

(a) Attorney already in trial in another court:

(1) When an attorney is presently in trial, said attorney shall inform other courts of the court and cause number of the conflicting trial. 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 his or her agent, the case will be tried without further notice.

(b) An attorney assigned to more than one court for the same date:

(1) It is the duty of an attorney to call the affected judges' attention to all multiple settings as soon as they are known.

(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 with earliest filing date.
- (V) Case set at earliest date by court official.
- (VI) Courts should yield to courts in rural counties in an instance of conflicting setting where necessary to utilize a called jury panel.

APPENDIX C

STYLE

JOINT PRE-TRIAL ORDER

APPEARANCE OF COUNSEL

(List the parties, their respective counsel and the address and telephone numbers of counsel in separate paragraphs.)

STATEMENT OF THE CASE

(Give a brief statement of the case for the information of the Court.)

MOTIONS

(State if there are any pending motions.)

CONTENTIONS OF THE PARTIES

(State concisely in separate paragraphs what each party claims.)

ADMISSIONS OF FACT

(List all facts which have been stipulated and admitted and require no proof.)

CONTESTED ISSUES OF FACT

(List all factual issues in controversy necessary to the final disposition of this case.)

AGREED APPLICABLE PROPOSITIONS OF LAW

(Delineate those legal propositions not in dispute.)

CONTESTED ISSUES OF LAW

(State briefly the issues of law in dispute, with a memorandum of authorities supporting each issue.)

EXHIBITS

1. Each counsel will attach to the JOINT pre-trial order a copy of the list of all exhibits to be offered and will make all such exhibits available for examination by opposing counsel. This rule does not apply to rebuttal exhibits, which cannot be anticipated.
2. Any counsel requiring authentication of an exhibit must so notify in writing the offering counsel within five (5) days after the exhibit is made available to opposing counsel for examination. FAILURE TO DO SO is an ADMISSION of authenticity.
3. Any other objections to admissibility of exhibits must, where possible, be made at least three (3) business days before trial, and the Court notified in writing with copies to all counsel accompanied by supporting legal authorities and copies of the exhibits in dispute.
4. The offering party will MARK HIS OWN EXHIBITS.
5. All exhibits will be OFFERED and RECEIVED in evidence as the FIRST ITEM OF BUSINESS at the trial.

WITNESSES

1. List the names and addresses of witnesses who will or may be used with a brief statement of the subject matter and substance of their testimony.
2. Include in this section the following:

"In the event there are any other witnesses to be called at the trial, their names, addresses and the subject matter of their testimony shall be reported to opposing counsel as soon as they are known. This restriction shall not apply to rebuttal or impeaching witnesses, the necessity of whose testimony cannot be anticipated before the time of trial."

SETTLEMENT

(Include a statement that all settlement efforts have been exhausted that the case cannot be settled, and will have to be tried).

TRIAL

(Include in this paragraph the following:

- a. Probable length of trial; AND
- b. Availability of witnesses, including out-of-state witnesses.)

ATTACHMENTS

(Include the following REQUIRED attachments:

- I. For a jury trial: Proposed Special Issues, including instructions or definitions.
- II. For a non-jury trial: Proposed findings of fact and conclusions of law, with supporting authorities in a memorandum of law.)

(JUDGE)

Attorney for _____

Attorney for _____

DOCKET CONTROL ORDER

1. _____ NEW PARTIES shall be joined and served by this date. The party causing such joinder will provide copies of this order to the new parties.
2. _____ EXPERTS for all moving parties shall be designed by this date. Experts for all other parties shall be designated, 30 days after this date. No additional experts will be permitted to testify except for good cause shown.
3. _____ DISCOVERY shall be completed by this date. Counsel may by agreement continue discovery beyond this deadline; such continued discovery, however, shall not constitute grounds for any delay of the trial date.
4. _____ AMENDMENTS to the moving parties' pleadings shall be filed by this date. Where responsive pleadings are necessary, all responding parties' pleadings must be filed within ten (10) days of this date.
5. _____ JOINT PRE-TRIAL ORDER shall be filed by this date in the form enclosed with the notice of this order.
6. _____ PRE-TRIAL CONFERENCE will be held. Trial counsel are ordered to attend and be prepared to discuss all aspects of the suit and trial.
7. _____

SPECIAL ORDERS: _____

SIGNED THIS _____ day of(Month), 19(Y).

(JUDGE)