

**67TH JUDICIAL DISTRICT COURT
FORT WORTH, TARRANT COUNTY, TEXAS**

COURT RULES AND PROCEDURES

INTRODUCTION

Below you will find the Court Rules and Procedures of the 67th Judicial District Court of Tarrant County, Texas. Recognizing that all attorneys practice before more than one judge (Tarrant County has 10 civil district judges) and that there are pro se litigants, it is the Court's hope that these rules and procedures assist all advocates on what is expected in the 67th. Should there be any questions or concerns regarding any of these rules and procedures, you are encouraged to contact the Court's Coordinator.

1. **MOTION PRACTICE**

A. **Written Submission Only**

The Court prefers that motions be set for written submission if possible. Any routine motion, or motions upon which an oral hearing will add little to the issues presented (most discovery motions, special exceptions, default judgments, objections to mediations, motion to withdraw or substitute counsel), should be set for written submission. All motions are set for written submission on a date given by the Court Coordinator, with a minimum of 10 days notice. All such motions require that a proposed Order be submitted. If longer notice provision is required by TRCP, then such requirement overrides court mandated 10 day rule.

B. Oral Hearings

The Court will set an oral hearing on any motion upon request. Time limits for oral hearings will be as follows:

summary judgments – 20 minutes/side
discovery disputes – 20 minutes/side
other motions – 15 minutes/side

Additional time may be granted when absolutely necessary (Court's discretion). The party requesting the oral hearing must submit a proposed Order as soon as practicable but in no case, less than 24 hours before the scheduled hearing.

C. Summary Judgments

The Court prefers that such motions be set for written submission on the documents alone. There are times when an oral hearing may be necessary, as determined by any party or the Court.

D. Discovery Motions

The Court prefers that these motions be submitted without the need for an oral hearing, but oral hearings are set when requested with each side limited to a total of 20 minutes to present their argument. The party filing the discovery motion must also submit a proposed Order. Requirement for a Certificate of Conference will be strictly enforced and no hearing will be set without one. Language and form of the proposed Order must follow the language of the specific relief sought; i.e. a general order only granting the motion to compel will not suffice if the motion to compel which was heard contained many requests.

E. Additional Briefing

The Court tries to read each motion prior to the scheduled hearing and appreciates the submission, to the Judge, of an extra copy of the motion/brief along with copies of case law

(pick your top 5-7). Separate binders of these copies and case law should be forwarded to the Court Coordinator and not filed with the District Clerk. At no time should any motion filed with the District Clerk contain copies of case law.

F. Court Communication

Prior to the time of a scheduled hearing or submission, please advise the Court, IN WRITING, of any changes to, or agreements reached, concerning the motion to be reviewed or heard by the Court.

G. Agreed Motions

Agreed motions, except motions for trial continuances, do not require a placement on the Court's docket. A simple filing with the appropriate order should be made to the District Clerk's office who will forward such motion to the Court for consideration and approval.

2. DISTRICT CLERK FILINGS

Be aware that any and every document delivered to the Tarrant County District Clerk for filing will be computer scanned for public review. Individuals and entities with proper district clerk credentials will be allowed to access all civil files by their own remote computer. Protected and confidential documents attached to any motion/pleading must be attached in a sealed envelope identifying such as confidential/protected. Motions/pleadings are generally not sealed. The Court will follow Rule 76a of the TEXAS RULES OF CIVIL PROCEDURE. Be careful when filing most sensitive documents about your client.

3. SEALED MOTIONS/DOCUMENTS

Without a prior order from the Court, motions and pleadings are never to be filed as "sealed" documents. At times, a need will arise to attach confidential documents to a pleading or motion. Such

confidential documents should be placed in a sealed, fully marked envelope containing the confidential documents submitted pursuant to a protective or sealing order. On the outside of the sealed envelope, attach a cover sheet which identifies the documents as sealed and confidential pertaining to the filed motion/pleading. The sealed envelope and cover sheet are attached to the motion/pleading. The District Clerk will file stamp the motion/pleading and will computer scan for public review the motion/pleading and the cover sheet affixed to the front of the sealed envelope identifying the sealed documents as confidential; the sealed documents are neither computer scanned nor filed for public review. Failure to follow this procedure may result in the public release of your confidential documents. Alternatively, confidential documents may be submitted for *in camera* review.

4. IN CAMERA REVIEW OF DOCUMENTS

Any documents to be delivered to the Judge for an *in camera* review must be placed in an envelope and sealed. All documents must be Bates stamped. A cover letter addressed to the Judge must be attached to the sealed envelope and must **BOLDLY** identify that the attachments are for *in camera* review.

The cover letter and sealed envelope must be delivered to the Judge and not to the District Clerk. Any documents delivered to the District Clerk could very well find its way on the District Clerk's file desk for public display on the internet.

5. TELEPHONE CONFERENCE

The Court does allow telephonic conferences to resolve most motions when such conferences are practical and cost efficient to do so. The Court is inclined to accommodate attorneys who are not located in the DFW Metroplex, yet who wish to attend routine motions by telephone. Arrangements with the Court Coordinator must be made. Unless advised differently, no court reporter will be used for a telephonic conference.

6. DISMISSAL DOCKET

The Court conducts a monthly dismissal docket. Proper and timely notice is given to all parties (pro se) or to their attorneys. Any request to retain must be in writing and filed with the District Clerk prior to the hearing date. The Court will retain a case on its docket upon proof of good cause to retain only. A filing of a motion to retain does not automatically remove a matter from the Court's dismissal docket. Until the Court has signed the Order to Retain, the case will not be removed from the dismissal docket.

Upon notification to the Court that a case has settled, the parties must present to the Court all documents necessary for the Court to enter a final judgment, dismissal or nonsuit by no later than 31 days after such settlement notification. Failure to do so will place the case on the Court's dismissal docket.

7. SCHEDULING ORDERS

The Court requires a scheduling order for most cases. If no scheduling order is issued, then the Court will issue a standard trial setting notice. As soon as all answers have been received by the District Clerk, the Coordinator will issue the applicable scheduling order form. Attorneys are asked to complete the form by a date certain or attend the scheduled hearing. Forms may be obtained by contacting the Coordinator or via the internet.

The Court is not prone to change an agreed upon trial date. A Motion for Continuance signed by all attorneys does not guarantee that the Court will approve such request. A revised proposed Scheduling Order must be attached to the Motion for Continuance.

8. MEDIATION

The Court does not require mediation but does highly recommend that the parties attempt such. The Court does encourage the attorneys to choose a mediator but will assign one from its list if an agreement cannot be reached. The Court will assign some cases

to Tarrant County Dispute Resolution Services.

If an agreement is reached, the Court requires that all necessary documents finalizing the settlement be submitted for the Court's signature by no later than 31 days after the agreement is reached.

9. TRIAL SETTINGS

All trial settings are made by the Court Coordinator. Cases are set on a one week trial docket with the number one case called for Monday morning, usually at 8:15 A.M. Cases not reached for trial will be issued a reset notice that sets forth the new trial date. The Court Coordinator will contact the attorneys, or parties (pro se), by telephone or by mail at least one week prior to the beginning of trial to advise them of their setting status.

10. TRIAL CONTINUANCE

The Court will consider timely filed motions for continuances; however, as already noted herein, scheduling orders with agreed trial settings will not likely be changed. Additionally, agreed motions for continuances are not automatically granted and may require a hearing.

Continuances must be requested as soon as practical but in no case should such request be made any later than the Wednesday preceding the week of trial. (Tarrant County Local Rules)

11. PRE-TRIAL CONFERENCES

For most cases, the Court is setting such conferences at least 7 to 10 days prior to trial. All requirements for such conferences are included in the scheduling orders. Courtesy copies of the party's most recent pleading, witness and exhibit lists, motions in limine and the proposed jury charge must be submitted to the Court. The Coordinator prepares a trial notebook with these courtesy copies for the Judge's use.

As per the scheduling order, attorneys must exchange lists of exhibits and witnesses, as well as motions in limine prior to the scheduled pre-trial conference. The Court requests that the attorneys attempt agreements as to the exhibits. Thereafter, the Court will conduct a hearing concerning any arguments regarding the lists and motions in limine.

At the pre-trial conference, the Court requires identification or designation of specific deposition excerpts if intended for trial usage. Prior to the reading, a copy of the excerpt must be made available to the Court, the reporter and opposing counsel.

For Bench trials, the Court requires the submission of proposed Findings of Fact and Conclusions of Law instead of a proposed Jury Charge.

12. TRIAL EXHIBITS

Pursuant to the Order Approving Revised Uniform Format Manual for Texas Reporters' Records signed on May 25, 2010, by THE SUPREME COURT OF TEXAS, effective July 1, 2010, the following guidelines shall be followed:

A. Photographs

Photographic images other than documents (e.g., photos of physical exhibits must be included within the computer file as images with a resolution of not less than 2,048 x 1,536 pixels (approximately 3 megapixels). Higher resolutions are not encouraged. If a full color rendition is necessary, color depth should be between 12-bit and 18-bit. Otherwise, grayscale images are encouraged. Photographs may be captured directly with a digital camera or scanned from a photographic print.

B. Separator Pages

If an exhibit number is not on the exhibit image, there must be a page preceding the image to show the exhibit number.

C. Audio Files

If an audio recording is part of the record, the audio file must be included as an MPEG-1 Audio-Layer 3 file (usually referred to as .mp3). The preferred sampling rate for the file is 44.1 kHz and the preferred bit rate for the audio file is 64 kbits/second, though a court may request bit rates as high as 128kbits/second. The Mp3 audio files must use a constant bit rate. The files must not be password-protected, encrypted, or protected by rights management. Each audio file must not exceed 100 MB. If the recording is too long to fit in one file, it may be broken in multiple files.

D. Video Files

If a video recording is part of the record, the video file must be included as an MPEG-4 Part 14 file (usually referred to as .mp4). Data compression is encouraged, though the submitter must assure that the video and audio content have sufficient quality. The files should not be password-protected, encrypted, or protected by rights management. Each video file must not exceed 5 GB. If the recording is too long to fit in one file, it may be broken into multiple files.

***Uniform Format Manual Section 8**

13. JURY CHARGE

As noted above, the Court requires that the proposed jury charges of each party be exchanged prior to the pre-trial conference.

Prior to the beginning of trial, the Court requires that each party supply the Court with a diskette (Word) containing their proposed charge. The Court uses the Pattern Jury Charge promulgated by the State Bar of Texas as a guide.

Per new rules of the Texas Supreme Court effective February,

2005, each juror will be supplied a copy of the Court's Charge.

14. VOIR DIRE

Some cases may require the use of a juror questionnaire. The Court will entertain a reasonable request to use such questionnaire if the request and a copy of the proposed questionnaire is submitted to the Court and counsel for all parties at least 30 days prior to trial.

The Court has no set time limits for voir dire. However, during the pre-trial conference, the Court will discuss this issue and may set such time limits if it believes that requested time is unreasonable and unnecessary.

The Court does not conduct its own voir dire; however, the Court may do so if it believes such is necessary.

During the panel voir dire, no attorney shall challenge for cause in front of the jury panel or allow the jury panel to be tainted by an individual panel member's response. After the conclusion of the panel voir dire, attorneys may request that a panel member remain in the courtroom for individual voir dire to establish a challenge for cause.

15. COURTROOM DECORUM

The Court will start most jury trials on Monday morning at 8:15 A.M. with a mid-morning break, a lunch break and an afternoon break. The Court requests that all attorneys be seated and ready to start by no later than 8:15 A.M. There are times when the Court may require attendance earlier than 8:15 A.M. and all attorneys are requested to meet such time requests. For trials, the Court will end at 4:45 P.M. each day.

The Court requires that attorneys use the podium at all times.

However, the Court does allow “wandering” during voir dire if no record is being made.

All attorneys are required to stand when making an objection. This requirement is necessary in that it allows the witness to know when to stop talking and allows the reporter to identify, for the record, the person making the objection.

The Court requests that “table talk” be limited as much as possible, especially in the presence of a jury.

The Court requests that legal assistants sit with their attorneys as much as possible to avoid needless courtroom movement.

The Court does not require that attorneys request the Court’s permission prior to approaching a witness.

For most cases, jurors will be allowed to take notes during the trial. Appropriate instructions will be given by the Court.

Access to courtroom facilities is limited in that no party or attorney may enter the area behind the courtroom unless permission is granted. At no time will such permission be granted when there is a jury present.

If a party is in need of audio or video aids, the Court has limited resources. Be prepared to supply your own aids. When possible, arrangements by the attorneys should be made to share such equipment when needed.

The Court requires identification of specific deposition excerpts prior to reading. Such identification requires that a copy of such be made available to the Court, the reporter and opposing counsel.

16. WITNESS

Should a witness step from the podium to explain an exhibit, the questioning attorney must insure that the witness is arranged so that the witness is facing the court reporter.

As previously noted herein, all objections must be made when standing so that the witness knows to stop talking until the Court rules on the objection.

Following the taking of an oath by the witness, the Court will give specific instructions as to the witness's conduct while on the stand.

17. EX-PARTE COMMUNICATIONS

All inquiries concerning motions and other court business should be directed to the Court Coordinator.

18. GRATUITIES

No gratuities shall be accepted by the Court or any staff member.

19. AD LITEM APPOINTMENTS

The Court maintains a list of potential ad litem appointments. All potential candidates for such appointments should submit a resume to the Coordinator with a letter stating that the person has no relationship with the Court that could be construed or may appear to be a conflict of interest. Ad litem fees are calculated based upon the complexity of the matter involved, the hourly charge of the ad litem, and the value of the work done by the ad litem. Ad litem fees must be kept reasonable under all circumstances.

At no time, will the Court appoint a specific ad litem identified in the written motion of an attorney.

20. TEXAS LAWYER'S CREED

We are all members of a most proud, much honored and prestigious profession. The make up of our profession has changed dramatically over the years, but the purpose of our existence remains firm and steadfast. The success of what we attorneys endeavor to accomplish is never measured by the number of victories or the size of the judgment but by the manner in which we have conducted our lives, both professionally and throughout our community, with a fellow attorney or advocate, be they in opposition or not. Therefore, I ask that each attorney be familiar with the Texas Lawyers' Creed prior to entering the 67th Judicial District Court of Tarrant County, State of Texas.

Donald J. Cosby
Presiding Judge
67th Judicial District Court