

LOCAL RULES OF PRACTICE  
69<sup>TH</sup> JUDICIAL DISTRICT COURT  
DALLAM, HARTLEY, MOORE, AND SHERMAN COUNTIES

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TITLE 1. RULES GOVERNING ALL PROCEEDINGS

RULE 1.1 CONDUCT AND COURTROOM DECORUM

A. Policy

Judges and attorneys have a duty to uphold the highest standards of conduct and to earn and promote public respect for the judiciary, the legal profession and the American system of justice.

B. The Texas Lawyer's Creed

The Standards of Professional Conduct in Section IV of the Texas Lawyer's Creed, as promulgated by the Texas Supreme Court and the Texas Court of Criminal Appeals are adopted and incorporated herein by reference as guidelines for participating in litigation in the 69th Judicial District Court.

C. Conduct Required of Counsel

1. Counsel shall timely appear before the Court at each setting and following each recess.
2. Counsel shall be appropriately attired for all Court proceedings in conservative business attire. Blue jeans, resort wear, sportswear, jumpsuits and similar clothing are not considered appropriate courtroom attire.
3. Counsel shall rise and remain standing while addressing the Court.
4. Counsel shall address all statements, requests and objections to the Court and not to opposing counsel or opposing parties.
5. Counsel shall not interrupt or talk over opposing counsel or witnesses, except to state formal objections.
6. Counsel shall remain behind counsel table while examining witnesses. If requested by counsel and approved by the Court, counsel may move about the courtroom while examining witnesses.

7. Counsel shall neither make nor insinuate derogatory or insulting remarks about opposing counsel or any party.
8. Counsel shall address the Court as “Your Honor” or “Judge” and except with leave of Court, shall refer to all counsel, parties and witnesses (except children) by their surnames, using such titles as Mr., Ms., Mrs., Miss, Dr., etc., as appropriate, and not by first names or nicknames, or any discriminatory or inappropriate classification.
9. Counsel shall request leave of Court before approaching the bench or to approach the witnesses when necessary to work with documentary or tangible evidence.
10. Counsel shall not lean on the bench except as may be necessary to prevent jurors from overhearing bench conferences. Counsel shall not engage in personal discussions with the Court or each other during trial while in the presence of jurors, parties, or witnesses.
11. Counsel shall advise counsel’s clients, witnesses and others subject to counsel’s control of these rules of conduct and courtroom decorum.

#### D Conduct Required of Self-Represented (Pro Se) Litigants

All rules and requirements applicable to attorneys apply equally and with full force to self-represented litigants, including the Texas Rules of Civil Procedure, the Texas Code of Criminal Procedure, the Texas Rules of Evidence and the Texas Rules of Appellate Procedure. Self-represented litigants are required to provide address and contact information so that they may be contacted by Court personnel and all counsel of record. Failure to accept delivery or to pick up mail addressed to the address provided by a self-represented litigant will be considered constructive receipt of the mailed or delivered document and may be established by a postal service receipt for certified or registered mail or comparable proof of delivery.

#### E Conduct Required of All Persons

All persons in the courtroom during trials and other proceedings shall be attentive to the proceedings and shall refrain from any action which may disrupt the proceedings. Therefore, all persons shall comply with the following:

1. All persons prior to entry of the Courtroom shall submit to a security screening by the courthouse security. Any purses, oversized bags, or packages must be submitted to security and approved before allowed into the courtroom.

2. All persons shall be appropriately attired for Court proceedings and in a manner reasonably befitting the dignity and solemnity of Court proceedings. Tank tops, T-shirts that are tattered or soiled or which contain lewd or inappropriate language, shorts, sweat suits, pajamas, and clothing that is tattered, soiled or revealing are among those items not considered appropriate courtroom attire. No hats, caps, hoods or sunglasses shall be worn in the courtroom, except for medical reasons. Men's shirts shall be tucked into their pants.
3. No tobacco use in any form (including vaping) or gum chewing is permitted.
4. No bottles, beverage containers, paper cups or edibles are allowed in the courtroom, except as permitted by the Court.
5. No propping of feet on tables or chairs is permitted.
6. No talking or unnecessary noise which interferes with the Court proceeding is permitted.
7. No person may, by facial expression, shaking or nodding of the head, or by any other conduct, express approval or disapproval of any testimony, statement or transaction in the courtroom.
8. All persons shall rise when the judge enters the courtroom, and at such other times as the bailiff shall instruct.
9. Except for attorneys, no person shall be permitted any verbal or physical contact with a prisoner without the prior approval of the bailiff.
10. No person shall bring radios, tape recorders, computers, cameras, pagers or other electronic devices into the courtroom unless the device is required for the court proceeding and prior approval has been given by the bailiff or the Court. Persons may bring cellular phones into the court room as long as the phones are on silent and kept out of the person's immediate sight. Counsel may bring cellular telephones or computers into the courtroom as long as the devices are on silent or turned off. No videotaping or still photography is allowed in the courtroom or areas outside the courtroom except with the Court's permission.
11. No children aged 16 and under will be permitted in the courtroom during any Court proceeding without the prior approval of the Court.

12. No reading of newspapers, periodical books or electronic media is allowed in the courtroom.

F. Enforcement

The bailiff of the Court shall enforce the rules of conduct and courtroom decorum.

RULE 1.2 REQUESTS FOR CONTINUANCE OR POSTPONEMENT

A. Consent or Notice Required

No request to pass, postpone, or reset any trial, pretrial, or other hearing shall be considered by the Court without a hearing unless all attorneys and self-represented litigants consent, or unless all parties not joining in such request have been notified and have had an opportunity to object.

B. Contents of Motion

Unless all attorneys and self-represented litigants consent in writing to the request to pass, postpone, or reset any trial, pretrial conference, or hearing and the request is approved by the Court, a motion must be filed pursuant to Rule 251, *et seq.*, of the Texas Rules of Civil Procedure, or Article 29.01, *et seq.*, of the Texas Code of Criminal Procedure, as applicable. The motion must be accompanied by a proposed order setting the motion for hearing.

C. Proof Required

If a continuance is sought because of a litigant's (but not an attorney's) hospitalization, automobile accident or other accident, or conflicting setting in another court, proof of such event must be provided.

D. Hearing for Continuance via Zoom

In the Court's sole discretion, litigants requesting a continuance may be required to appear by Zoom before a continuance is granted.

RULE 1.3 INTERPRETERS

It is the responsibility of counsel to advise the Court of the need for a court interpreter, by notifying the Court Administrator within five days prior to any scheduled hearing.

#### RULE 1.4 WITHDRAWAL OF COUNSEL

Withdrawal of counsel in both civil and criminal cases shall be governed by Rule 10, Texas Rules of Civil Procedure, except for withdrawal of appointed counsel in criminal cases, which shall comply with Texas Code of Criminal Procedure Art. 26.04.

#### RULE 1.5 REMOTE HEARINGS

Remote hearings in civil cases shall be governed by Rule 21(d), Texas Rules of Civil Procedure and plea hearings in criminal cases shall be governed by Texas Code of Criminal Procedure Art. 27.18.

#### RULE 1.6 VACATIONS OF ATTORNEYS

- A. Any attorney appearing in this Court may designate days for vacation by e-filing a letter with the District Clerk and by emailing the Court Administrator a copy of the letter.
- B. Notification as provided in paragraph A will not cancel or otherwise affect trials or hearings previously scheduled, but will preclude the subsequent scheduling of trials and hearings.

### TITLE 2. RULES GOVERNING ALL CIVIL PROCEEDINGS

#### RULE 2.1 APPLICATION FOR EX PARTE ORDERS

Counsel presenting any application for an ex parte order shall, at the time the application is presented to the Court, inform the Court:

- A. 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 circumstances do not permit additional efforts to give such notice, or (iii) reasons exist that informing opposing counsel would effectively deny the applicant the relief requested.

#### RULE 2.2 PRETRIAL AND TRIAL SETTINGS

- A. When setting or resetting a case for trial, pre-trial hearing, etc., parties must contact the Court Administrator for available dates, and:
  - 1. Submit an Order Setting to the Court stating the date the parties have agreed to from those available dates.

2. In the Order Setting Hearing, or in an accompanying Motion, parties must advise the Court that opposing counsel has been contacted and that they are available for hearing on the requested dates.
3. When setting or resetting a case for trial, pre-trial, etc., parties must advise the Court Administrator as to the estimated time needed for the hearing.

## RULE 2.3 ALTERNATIVE DISPUTE RESOLUTION

### A. Policy

It shall be the policy of the 69th Judicial District Court to encourage the peaceable resolution of disputes and early settlement of pending litigation, including family law litigation, by referral to alternative dispute resolution (ADR) pursuant to the Texas Alternative Dispute Resolution Procedures Act, Texas Civil Practice and Remedies Code, Chapter 154.

### B. ADR Mandatory

No jury trial or trial before the Court requiring four or more hours shall be conducted in any case until all contested issues have been referred to an ADR procedure, and ADR has been unsuccessful; or the Court has determined that ADR is inappropriate for the case.

### C. Manner of Referral

It is anticipated that the parties shall cooperate in referring such issues to an ADR procedure under terms and conditions as are mutually agreeable, without the need for Court intervention. If the parties are unable to cooperate or agree to a referral of such issues to an ADR procedure, then a motion to require mediation shall be filed and set for hearing.

### D. Objection to Referral

If the Court enters an order of referral to an ADR procedure, any party may object to such referral pursuant to Texas Civil Practice and Remedies Code, Chapter 154. Upon the filing of an objection, the Court shall schedule a hearing. If the Court finds that there is a reasonable basis for the objection, the Court may, in its discretion, order that the case not be referred to an ADR procedure and order the case to proceed to trial on the merits.

## RULE 2.4 ORDERS AND DECREES

### A. Procedure for Entry of Order

If counsel is unable to secure all opposing counsel's approval as to form, counsel may:

1. File a motion for entry of the proposed judgment, order or decree and secure a hearing for the same, with notice to all opposing counsel pursuant to Rule 21a, Texas Rules of Civil Procedure.

## TITLE 3. RULES GOVERNING CRIMINAL PROCEEDINGS

### RULE 3.1 DUTIES OF COURT APPOINTED COUNSEL

All court-appointed criminal defense counsel shall be required to do the following:

- A. Appear promptly at all times required by the Court.
- B. It shall be the counsel's continuing duty to visit an incarcerated defendant regularly until the defendant's case is concluded. Counsel should be able to assure the trial court that counsel has devoted sufficient time to visit an incarcerated defendant should a dispute arise concerning counsel's fulfillment of this duty.
- C. Ensure that an incarcerated defendant is provided with appropriate attire for a jury trial. This provision shall not be construed to permit counsel to purchase clothing for a defendant without first seeking approval of the Court.

### RULE 3.2 PRIORITY OF CRIMINAL TRIAL SETTINGS

The Court Administrator will set criminal cases for trial in the following order:

1. Those cases to which Section 23.101 of the Government Code, in the order set forth in Section 23.101.
2. Preferentially set cases.
3. Case with earliest filing date.

### RULE 3.3 CONTINUANCES OF CRIMINAL DOCKET SETTINGS

A criminal case set on the Court's docket may be continued in accordance with Rule 1.2. A criminal case may not be continued for more than three settings unless good cause is shown in a Motion for Continuance filed with the Court and unless both the state and the defense agree on a date certain for a docket setting. After a criminal case has been continued for three settings, "good cause" shall not include a conflicting setting in another court, a failure of defense counsel to be paid, or insufficient time for defense counsel to review discovery (unless discovery has been only recently provided).

### RULE 3.4 GRAND JURY PROCEEDINGS

- A. The Court shall select and impanel a Grand Jury for each county in the district for six-month terms beginning in January and July of each year.
- B. In Dallam County, grand juries shall meet in the jury room east of the District Courtroom. If Court is in session during a scheduled grand jury meeting, the grand jury shall meet in the Dallam County Courtroom, subject to the prior approval of the County Judge. If the Dallam County Courtroom is not available as a grand jury room and the Court is in session, then the grand jury date shall be rescheduled.
- C. In Hartley County, the grand jury shall meet in the grand jury room in the Hartley County Justice Center.
- D. In Moore County, the grand jury shall meet in the grand jury room adjacent to the offices of the District Judge. The grand jury may also meet in the jury room of the district courtroom as long as Court is not in session and as long as the Court Administrator is notified in advance. The grand jury may also meet in the Commissioners' Courtroom, subject to the prior approval of the County Judge.
- E. In Sherman County, the grand jury shall meet in the jury room of the District Courtroom. If Court is in session during a scheduled grand jury meeting, the grand jury may meet in the Commissioners' Court Room, subject to the approval of the County Judge.

### TITLE 4. RULES GOVERNING FAMILY LAW PROCEEDINGS

(other than those proceedings which are initiated by the Texas Attorney General or the Texas Department of Protective and Regulatory Services)

#### RULE 4.1 TEMPORARY HEARINGS

##### A. Scheduling

All temporary hearings shall be set on a date and at a time scheduled by the Court. At the time set for the temporary hearing, counsel shall make an announcement of the estimate of time required to present the case. Except with leave of Court, no hearings on temporary orders shall exceed two hours, which time shall be equalized between the parties.

##### B. Number of Witnesses at Temporary Hearing

Each spouse involved in a hearing on temporary orders shall be allowed to testify themselves and to present one additional witness. Additional witnesses will be allowed by the Court only upon a showing of good cause.



C. Notice Required When Responding Party Seeking Affirmative Relief

An application to the Court for a temporary order and notice of any hearing thereon which is presented by a party responding to an application for temporary orders in which that party is seeking affirmative relief shall be served on the adverse party in accordance with Rule 5 and Rule 21a of the Texas Rules of Civil Procedure, as amended.

D. Standing Order Regarding Property and Conduct of Parties in Divorce-*See the 69<sup>th</sup> District Family Standing Order regarding Children, Property, and Conduct of Parties incorporated by reference.*

E. Documents Required

In all cases in which temporary support of a spouse and/or the child is in issue, each party shall be required to furnish, prior to or at the time of the hearing, 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, a statement of monthly income and expenses, and copies of that party's federal income tax returns for the two calendar years prior to the temporary hearing.

TITLE 5: MISCELLANEOUS

RULES 5.1 AUTHORITY FOR RULES

These rules are adopted pursuant to the Texas Government Code, Section 75.011 and Rule 3a of the Texas Rules of Civil Procedure, as amended and the constitutional, statutory and inherent powers of the courts to regulate proceedings before them and to provide for the orderly and efficient dispatch of litigation.

RULE 5.2 TITLE AND CITATION

These rules shall be known as the Local Rules of Practice of the 69th District Court.

RULE 5.3 PARTIAL CIVIL INVALIDITY

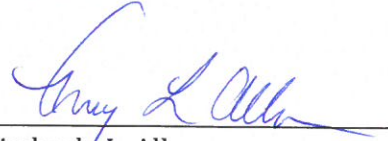
In the event any of the foregoing rules or any part thereof is held to be invalid for any reasons, such invalidity shall not affect the validity of the remaining rules and parts of rules, all of which have been separately numbered and adopted.

RULE 5.4 CONSTRUCTION OF RULES

Unless otherwise expressly provided, the past, present or future tense shall each include the other; the masculine, feminine or neuter gender shall each include the other; and the singular and plural shall each include the other.

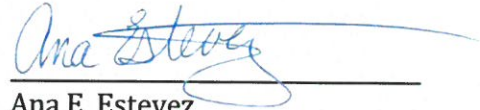
RULE 5.5 APPLICATION OF RULES

These rules shall become effective upon publication with the Office of Court Administration.



Kimberly L. Allen  
69<sup>th</sup> District Judge

Approved this 8<sup>th</sup> day of May, 2024



Ana E. Estevez  
Presiding Judge  
9<sup>th</sup> Administrative Judicial Region