RULES OF PRACTICE IN THE 271ST JUDICIAL DISTRICT COURT OF WISE AND JACK COUNTY, TEXAS, COUNTY COURT AT LAW NO. 1 AND COUNTY COURT AT LAW NO. 2 OF WISE COUNTY, TEXAS

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****FOR FILING AND MAILING PROCEDURES, SEE RULE 11****

RULE 1. TIME AND STANDARDS FOR THE DISPOSITION OF CASES. All cases filed in the 271st Judicial District Court of Jack and Wise Counties, Texas, and County Courts at Law Nos. 1 and 2 of Wise County, Texas should, as far as reasonably possible, be brought to trial or final disposition in conformity with the following time standards:

1.1 CRIMINAL CASES. As provided by law and in accordance with timeliness established by the Court of Criminal Appeals, with preference given to cases wherein the defendant is incarcerated.

1.2 CIVIL CASES OTHER THAN FAMILY LAW.

1.21 Civil Jury Cases--Within 18 months from appearance date.

1.22 Civil Non-Jury Cases--Within 12 months from appearance date.

1.3 FAMILY LAW CASES

1.31 Contested Family Law Cases. Within 6 months from appearance date or within 4 months from the expiration of the waiting period provided by the Family Code where such is required, whichever is later.

1.32 Uncontested Family Law Cases. Within 3 months from appearance date or within 1 months from the expiration of the waiting period provided by the Family Code where such is required, whichever is later.

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

1.5 SETTING REQUESTS. Requests for non-jury settings shall be made through the respective Court Coordinators of each Court. Opposing counsel or pro se parties shall be consulted prior to the request. A confirmation letter shall be mailed to all parties and the Court and shall include:

1.51 an estimated time for trial for the entire case. Estimates of time felt by opposing counsel to be erroneous shall be called to the attention of opposing counsel and the Court Coordinator. Estimates for too much time cause as many problems as those for too little time. Be prepared to dispose of entire case within the estimate.

1.52 a statement of which, if any, discovery and other pretrial matters remain unresolved.

1.53 a certification that a copy of the request has been delivered to all counsel and pro se.

RULE 1A. MEDIATION

1A.1 All contested civil matters will be ordered to mediation to be conducted at the expense of the parties.

1A,2 All cases requesting a jury shall be mediated as early as practical and before Final Pretrial.

1A.3 All contested matters, including temporary orders, tried to the Court, requiring more than thirty minutes, shall be mediated before date of hearing.

RULE 2. The District Clerk shall send the regional presiding judge a copy of the report sent each month to the Office of Court Administration, and such other information regarding docket management systems of the county as may be requested by such presiding judge.

RULE 3. CIVIL CASES

3.1 Uncontested matters (waiver divorces, default judgments, adoptions), will be promptly set and disposed of. The final decree or judgment **MUST** be submitted to the Court before the hearing begins. Settings may be obtained by request to Court Coordinator.

3.11. Court Reporter will be available.

3.2 Non-jury trials may be set to follow the civil jury docket.

3.3 Civil jury trials may be set to follow the criminal jury docket.

3.4 CRIMINAL TRIALS MAY TAKE PRECEDENCE OVER ANY OTHER MATTER IF NECESSITATED BY BACKLOG.

3.5 All civil cases will follow the following scheduling process;

3.51 A First Scheduling Conference will be set by the Court at which time an order for Second Scheduling Conference will be entered which shall include deadlines for Discovery agreed upon by the parties or set by the Court. A date for Second Scheduling Conference will be set. FAILURE OF A LITIGANT TO APPEAR MAY RESULT IN DISMISSAL.

3.511 Texas discovery rules are and should be liberally construed. Motions for Protection, except in the case of bona fide immunity or privilege, are generally a waste of judicial economy and are discouraged. Admissibility of evidence is generally immaterial to discovery. Untimely objections are automatically overruled. Boilerplate objections are automatically overruled. Sanctions may be imposed for frivolous or non-specific objections.

3.512 Documents sought to be excluded shall be segregated and furnished to the Court in a sealed wrapper along with a specific pleading of claimed privilege as to each, with citation of authority. A log of same shall be furnished to the Court and all counsel. **Sanctions may be imposed for frivolous claims of privilege.**

3.52 At Second Scheduling Conference all pending Motions, Special Exceptions, etc., that have been on file a sufficient length of time will be heard; settlement negotiations will be inquired into by the Court; a final pretrial date will be set and a trial date will be set. FAILURE OF A LITIGANT TO APPEAR WILL RESULT IN THEIR LOSING THEIR RIGHT TO HAVE INPUT AS TO SETTING OF DATES AND MAY RESULT IN DISMISSAL.

3.53 A Final Pre-Trial Order, in the form of Exhibit "A" attached, shall be filed with the Court, through the Court Coordinator, on or before seven (7) days prior to the Final Pretrial.

3.54 Final Pretrial will be conducted under the provisions of Rule 166-175 of the Texas Rules. All motions, special exceptions, etc., not previously ruled upon, will be ruled upon at the Pretrial Conference, and any such matters not properly presented shall be deemed waived. Proposed jury questions and requested instructions SHALL be submitted to the Court at this conference and if not submitted will be considered untimely and may be refused. All parties MUST have authority to settle the litigation at this conference and engage in settlement discussions.

3.541 FAILURE TO ATTEND FINAL PRE-TRIAL CONFERENCE BY A PARTY MAY RESULT IN SANCTIONS, INCLUDING, STRIKING THE PLEADINGS OF THE PARTY NOT COMPLYING; CONTEMPT; DISMISSAL; ADVERSE RULINGS AGAINST THE OFFENDING PARTY ON ALL OUTSTANDING MATTERS; OTHERS AS MAY BE APPROPRIATE.

3.55 The Court will arrange the final order of the cases on the Court's trial docket. In most instances, cases will be assigned position by age--oldest first; however, the court reserves the right, at all times, to set cases at its discretion.

3.551 The Court will attempt to accommodate conflicting settings of counsel. Priorities, as they relate to such conflicts shall be:

(a) Election contests or other matters requiring assignment of a visiting judge;

(b) Criminal cases;

(c) Special or preferential settings;

(d) Whether this or another Court will be without an available case for trial or shall have to disband a jury panel;

(e) Earlier cases filed;

(f) Regular settings;
(g) Pre-trial setting.

3.56 JURY TRIALS. Trials will generally begin on Tuesdays.

3.57 No motion or special exception will be set for hearing until the moving party shall first communicate with opposing counsel to determine whether a contemplated motion or special exception will be opposed. If the motion or special exception will not be opposed, the moving party shall submit a proposed order signed by counsel for all parties indicating approval of same. If the motion or special exception will be opposed, the moving party shall state in the motion or by letter:

> *"A conference was held on (date) with (name), attorney for opposing party, on the merits of this motion, or special exception. Agreement could not be reached; therefore, it is presented to the Court for determination."*

No motion or special exception will be set for hearing unless it is accompanied by the foregoing statement.

3.58 UNLESS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE, NO AGREEMENT BETWEEN ATTORNEYS OR PARTIES TOUCHING ANY SUIT PENDING WILL BE ENFORCED UNLESS IT BE IN WRITING, SIGNED AND FILED WITH THE PAPERS AS PART OF THE RECORD, OR MADE IN OPEN COURT AND ENTERED OF RECORD.

RULE 4. FAMILY LAW MATTERS

4.1 Hearings in family law cases are generally set on Mondays.

4.2 All settings must be obtained from the Court Coordinator and confirmed in writing with copy to opposing counsel/party.

4.3 Final hearings for divorces may be set by the Court.

4.4 INVENTORIES. Subject to Rule 4.62, in all suits for dissolution of marriage, petitioner shall, not later than fifteen (15) days prior to trial, file a complete, sworn, itemized inventory and appraisement of all property belonging to the parties to the marriage, including separate property and community property as well as any property belonging to the children. The inventories shall be filed setting forth the list of property, with the values assigned to each such item of property shown to the right of the description of such property. Not less than eight (8) days prior to trial, respondent shall file an inventory so a comparison of properties and values can be made. Items of property on respondent's inventory but not on petitioner's shall be at the end of the appropriate category.

4.41 Each party shall file a proposed property division not less than eight (8) days prior to trial.

4.42 Inventories required in a marriage dissolution proceeding are considered discovery and the requirements therefor and the documents so filed are subject to sanctions provided by law, including Rule 215, Texas Rules of Civil Procedure.

4.43 In the event an agreement completely settling the property of the parties and all custody and support matters is entered into, the filing of inventories and appraisements shall not be required.

4.5 Failure to appear and be ready to proceed on a temporary matter at the time it is set will result in the Court ruling in favor of the opposing party, or postponing the hearing until all other matters set that particular date are heard, or contempt.

4.6 VISITATION AND ACCESS TO CHILDREN. An agreement with respect to visitation and liberal access to the children of the marriage is encouraged. Normally the possessory conservator shall pick up and return the children. Absent agreement, the order normally shall provide the possessory conservator possession of the children in accordance with Subchapter F, Sections 153.31.01 et seq, Texas Family Code.

4.7 CHILD SUPPORT. Child support, unless agreed, shall be set by the Court pursuant to the Texas Family Code Chapter 154. This Court will consider the Texas Family Code Chapter156 for modification of prior orders.

4.71 All parties to an action involving child support shall file with the Court a written statement setting forth the accurate gross income of all adult parties to such proceeding for the preceding three (3) calendar years, and the preceding three (3) calendar months. Copies of the Internal Revenue Service income tax reporting forms for the three (3) previous calendar years shall be provided to the Court and other counsel

when net resources are disputed. Counsel shall prepare a written statement showing any items for which a deduction from gross income (except social security tax and income tax withheld) is sought, including a written statement of the reasons that the deduction should be allowed.

4.72 Automatic reduction in a child support order due to emancipation is not a pro rata reduction. Reduction, if no change of circumstances has occurred, is calculated by applying the proper percentage level for the number of children remaining pursuant to Texas Family Code Child Support Guidelines.

4.8 Juvenile cases.

4.81 There is a Juvenile Board for Jack and Wise Counties, which has a Juvenile Administrative Policy.

4.82 The County Judge of Jack County is the Juvenile Judge of Jack County; the County Court at Law Judges of Wise County are the Juvenile Judges of Wise County; and the District Judge is the Alternate Juvenile Judge.

RULE 5. CRIMINAL (271ST JUDICIAL DISTRICT COURT)

5.1 ORDER OF PROCEEDINGS. All criminal cases will have the following entitled Court appearances in the following order. Clients will be required in Court for each appearance:

5.11 Arraignment after indictment - at arraignment, identity will be established, necessity for Court appointed attorney will be determined, indictment will be read, range of punishment will be explained by the Court to the defendant and, if possible, a determination will be made as to whether or not a plea bargain is a viable alternative in the case. If defendant appears for arraignment without an attorney, Court will inquire as to resources of defendant and if defendant is not indigent, reset the arraignment for two to four weeks later.

5.12 Announcement - At the Announcement Docket, the State and the defendant shall be present and discuss the possibility of a plea bargain and date therefor. If no plea bargain appears likely, the case will be set for trial at a date and time certain. Whatever course is set, it must be reported in the record at the Announcement Docket.

5.13 Final Docket Call - A Final Docket Call will be held prior to the criminal jury setting. All attorneys will be notified of the date and time of this docket call. All docketed cases are subject to being called for trial. Unless otherwise notified, only attorneys and defendants involved in the top ten docketed cases must appear at final docket call. PRE-TRIAL MOTIONS MUST BE FILED MORE THAN SEVEN (7) DAYS IN ADVANCE OF THE FINAL DOCKET CALL AND COPIES THEREOF FURNISHED TO THE DISTRICT ATTORNEY, OR BE FOREVER WAIVED UNDER THE PROVISIONS OF ARTICLE 28.01, OF THE TEXAS CODE OF CRIMINAL PROCEDURE. EXCEPTIONS WILL BE ALLOWED FOR APPLICATION FOR PROBATION AND ELECTION AS TO JUDGE OR JURY SETTING PUNISHMENT.

5.14 Trial - Trial settings will be in accordance with the Court's calendar. If the defendant is in jail, the same settings will apply, but the time frame will be faster. The Court reserves the right to use any civil week for criminal settings if necessitated by a backlog of criminal cases.

5.2 MOTIONS TO SUPPRESS – Motions to Suppress will be by submission. If deemed necessary by the Court, an evidentiary hearing will be set.

5.3 PLEAS

5.31 Where the defendant is on bond, guilty pleas will be set for any non-jury day of the Court's calendar unless a plea is agreed to at or before the time when the case is set for arraignment or announcement, in which event the guilty plea will occur at the time scheduled for the arraignment or announcement.

5.32 If the defendant is incarcerated, a plea may be arranged at any time, Monday through Friday.

5.33 IN ALL CASES, PLEA PAPERS MUST BE SIGNED PRIOR TO THE TIME SCHEDULED SO THAT THE PLEA MAY BEGIN AT THE TIME SCHEDULED.

5.4 PROBATION REVOCATIONS

5.41 Probationers on straight probation, with pending motion to revoke, will be denied bond.

5.42 Probationers on deferred adjudication probation, accused of a violation, will be subject to a bond amount determined at the time the motion to adjudicate is filed.

5.43 Hearing will be held within 30 days of arrest and confinement.

RULE 5A. CRIMINAL (COUNTY COURT AT LAW NOS. 1 AND 2)

5A.1 ORDER OF PROCEEDINGS. All criminal cases will have the following entitled Court appearances in the following order. Clients will be required in Court for each appearance:

5A.11 Arraignment - at the Arraignment Docket, unless waived by defense counsel, identity will be established, the Court's Admonishment of the Right to Counsel will be read, range of punishment will be explained by the Court to the defendant and, if possible, a determination will be made as to whether or not a plea bargain is a viable alternative in the case.

5A.12 Announcement - At the Announcement Docket, the State and the defendant shall be present and discuss the possibility of a plea bargain and date therefor. If no plea bargain appears likely, the case will be set for trial at a date and time certain. A request for a Pre-Trial hearing shall be made at this time, if one is necessary, **on matters not covered by the Court's Standing Criminal Pre-Trial Order, attached hereto as Exhibit "C",** and a date shall be set. PRE-TRIAL MOTIONS MUST BE FILED MORE THAN SEVEN (7) DAYS IN ADVANCE OF THE FINAL DOCKET CALL AND COPIES THEREOF FURNISHED TO THE DISTRICT ATTORNEY, OR BE FOREVER WAIVED UNDER THE PROVISIONS OF ARTICLE 28.01, OF THE TEXAS CODE OF CRIMINAL PROCEDURE. EXCEPTIONS WILL BE ALLOWED FOR APPLICATION FOR PROBATION AND ELECTION AS TO JUDGE OR JURY SETTING PUNISHMENT.

5A.13 Trial - Trial settings will be in accordance with the Court's calendar. If the defendant is in jail, the same settings will apply, but the time frame will be faster.

5A.2 MOTIONS TO SUPPRESS – Motions to Suppress will be by submission. If deemed necessary by the Court, an evidentiary hearing will be set, at the Pre-Trial hearing referred to above in 5A.12.

5A.3 PLEAS

5A.31 Guilty pleas not taken during Arraignment and Announcement may be arranged at any time, Monday through Friday.

5A.32 IN ALL CASES, PLEA PAPERS MUST BE SIGNED PRIOR TO THE TIME SCHEDULED SO THAT THE PLEA MAY BEGIN AT THE TIME SCHEDULED.

5A.4 PROBATION REVOCATIONS

5A.41 Probationers on straight probation, with pending motion to revoke, or on deferred adjudication probation, with pending motion to adjudicate, will be subject to a bond amount determined at the time the motion to revoke or adjudicate is filed.

5A.42 Announcement and Trial dockets shall be conducted as in 5A.12 and 5A.13 referred to above.

RULE 6. AUTHORITY FOR THESE RULES

6.1 Rules are promulgated pursuant to Rule 3a of Texas Rules of Civil Procedure; the Supreme Court Rules of Judicial Administration, adopted February 4, 1987; the Eighth Administrative Judicial Region Rules of Administration, adopted October 1, 1987; and Articles 28.01 and 33.08 of the Texas Code of Criminal Procedure;

6.2 The District Clerks of Jack and Wise Counties and the County Clerk of Wise County will record these rules and this Order in the minutes of the Court;

6.3 A copy of these Rules of Practice and Procedure of this Court and this Order shall be furnished to the Supreme Court of Texas, the Court of Appeals for the Second Supreme Judicial District of Texas and the Presiding Judge of the Eighth Administrative Judicial Region of Texas;

6.4 The District Clerks shall immediately deliver to each attorney residing or maintaining an office in Jack County and Wise County a copy of these Local Rules and this Order, a copy of these Rules shall be furnished by the Clerk to each lawyer and pro se party appearing in this Court;

6.5 These Rules shall be construed and interpreted in addition to, and in conformity with, and not as superseding the Constitution and laws of the State of Texas or the Texas Rules of Civil Procedure or Code of Criminal Procedure. These Rules shall not prohibit the Court from making Orders, settings or procedures which, in the Court's discretion, may further the orderly administration of justice;

6.6 Should any of these Rules, or any part thereof, be held invalid, for any reason, such invalidity shall not affect the validity of the other rules or parts of rules, all of which have been separately considered and adopted; and
6.7 These Rules shall be effective on the date adopted and thereafter until amended, modified or repealed by Order of this Court.

RULE 7. COURTROOM DECORUM - All attorneys shall be responsible for familiarizing their clients, witnesses and all other people who are in attendance of the attorney of proper courtroom decorum. Attorneys, as officers of the Court, shall assist in maintaining proper decorum.
7.1 Each daily session shall be brought to order by announcement of the bailiff, clerk or other officer of the court requiring all to rise as the judge takes the bench.
7.2 All in attendance shall be attentive to the proceedings and cause no distraction, including, but not limited to, cellular phones and digital pagers. Conferences, discussions, or conversations to which the Court is not privy shall not take place while court is in session.
7.3 No one should sit on railing, table, desk, chair arms, or prop one's feet on the furniture or fixtures.
7.4 Everyone should be attired in a manner enhancing the dignity of the court.
7.5 Gestures, facial expressions, or sounds indicating approval or disapproval should be avoided.
7.6 All trial participants shall be prompt. All witnesses shall be available when called.
7.7 The court and attorneys shall address each other without familiarity. The use of first names should be avoided.
7.8 After reporting their presence to the bailiff, attorneys should remain behind the bar until their case is called, they are asked to approach the bench or they are requested to sit inside the bar.
7.9 Attorneys shall remain seated at the counsel table during all proceedings except when addressing the Court or jury or when leave prepare has been granted to approach the bench, witness, board or to publish an exhibit to the jury.
7.10 Objections shall be in proper legal form. Argument will not be entertained by the Court on an objection except upon leave of Court granted.
7.11 The State, plaintiff, or moving party shall be seated at the counsel table or side of counsel table nearer the jury box.
7.12 Overt advertising, campaign buttons, and other campaign materials are prohibited in courtroom.
7.13 Counsel shall instruct all parties and witnesses not to contact the Judge concerning pending matters and counsel shall advise all parties and witnesses of these rules.

RULE 8. CONFLICTING ENGAGEMENTS
8.1 Attorney already in trial in another court:
8.11 When an attorney is presently in trial, said attorney shall inform other courts of 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 upon when the attorney will be released.
8.12 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.
8.2 If an attorney is assigned to more than one court for same date:
8.21 It is the duty of an attorney to call the affected judges' attention to all multiple settings as soon as they are known.

8.22 In so far 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:

8.221 Criminal cases.

8.222 Cases given preference by statute.

8.223 Preferentially set cases.

8.224 Case with earliest filing date.

8.225 Case set at earliest date by court official.

8.226 Courts should yield to courts in rural counties in an instance of conflicting setting where necessary to utilize a called jury panel.

8.3 Withdrawal. An attorney may be permitted to withdraw as counsel of record upon motion stating whether the case is set for trial or other hearing. The client whose attorney seeks to withdraw and all parties of record must either consent in writing to the withdrawal or be given three (3) days notice of the hearing. All orders of withdrawal shall state the current address at which the party whose attorney seeks to withdraw may be notified of further court proceedings or explain why a current address cannot be given.

8.4 Substitution. Attorneys may be substituted upon motion and three (3) days notice to all parties. The motion shall state whether the case is set for trial or other hearing.

8.5 Agreed Orders. Counsel may withdraw or be substituted without the necessity of hearing when all parties agree to the substitution and all parties and the client agree to the withdrawal.

8.6 In civil cases no attorney of record shall be permitted to withdraw from any case without presenting a motion and obtaining from the Court an Order granting leave to withdraw. Such motion shall be accompanied by the client's written consent to such withdrawal or a certificate by another lawyer that he has been employed to represent the client in the case, or a copy of such motion shall be mailed to the client at his last known address, certified mail, return receipt requested, with a letter advising that the motion will be presented to the Court on the date set for hearing, and that any objection to such withdrawal should be made to the Court in writing before such time. Proof of delivery or attempted delivery will be required at the hearing. A copy of the motion shall be delivered or mailed to opposing counsel. **Such leave will be denied where the motion is presented so near the trial date as to require delay of trial.** After leave is granted, the clerk shall notify the party of such action and advise the party of any trial settings, and that he may secure other counsel.

RULE 9. SUBMISSION OF JUDGMENTS/ORDERS

9.1 All orders and judgments must be submitted to the Court, through the Court Coordinator, for entry within seven (7) days from the date of the hearing or decision by the Court. All judgments and/or orders in uncontested matters (excluding cases settled on the date of trial) must be presented at the time of hearing on such uncontested matters. In all uncontested divorce matters, the decree of divorce and any required involuntary wage assignment order must be presented to the Court at the time of hearing.

9.2 All final judgments which are not approved by all counsel or opposing parties who appeared before the Court shall be forwarded to the Court, through the Court Coordinator, a copy shall be mailed to all opposing counsel or unrepresented parties by the party preparing the judgment. Said judgment shall be held in the Judge's chambers for ten (10) days and if no objection to the judgment is filed, it will then be signed by the Court without a hearing on entry of judgment. Any objections to the judgment must include form of order setting a hearing on the objection.

RULE 10. FILING AND MAIL PROCEDURES. A current directory of court personnel is as follows:

District Judge and Staff:
Judge John H. Fostel
Cathy Cortez, Court Coordinator
Sandy McDaniel, Indigent Defense Coordinator
Jeff Goodwyn, Court Reporter
P. O. Box 805
Decatur, TX 76234
(940)627-3200

District Attorney:
Greg Lowery
P. O. Box 306
Decatur, TX 76234
(940)627-5257

District Clerk: (Wise County)
Brenda Rowe
P. O. Box 308
Decatur, TX 76234
(940)627-5535

District Clerk: (Jack County)
Traci Pippin
100 Main Street
Jacksboro, TX 76458
(940)567-2141

County Court at Law No. 1:
Judge Melton D. Cude
Debbye Barnett, Court Coordinator
Amberly Johnson, Court Reporter
P. O. Box 901
Decatur, TX 76234
(940)567-5005

County Court at Law No. 2:
Judge Stephen J. Wren
Debbie Gardner, Court Coordinator
Lori Lowe, Court Reporter
P. O. Box 250
Bridgeport, TX 76426
(940)683-0268

County Clerk: (Wise County)
Sherry Lemon
P. O. Box 359
Decatur, TX 76234
(940)627-3351

Mail shall always be properly addressed and have adequate postage.
10.1 All mail, including original orders for settings, requiring the Judge's attention or signature shall be delivered to the Court Coordinator at the address listed above.
10.2 Original documents to be filed shall be mailed to the respective Clerk.
10.3 If items are to be forwarded by the Judge or Court Coordinator to Clerk, other counsel or returned to sender, the mail wrapper shall contain envelopes of appropriate size, properly addressed with sufficient postage affixed for forwarding. **If time is of the essence** in meeting filing deadlines, the original motion or other document should be sent directly to the Clerk at the Clerk's address as listed in the directory and a separate order or fiat sent to the Court Coordinator at the address listed for the Court Coordinator in the directory.

10.31 Counsel are responsible for seeing that their office personnel are aware of and carry out mail procedures.

EXHIBIT "A"

(Heading)

JOINT FINAL PRE-TRIAL ORDER

This cause came before the court at a scheduling conference held on _____, 19____, pursuant to this court's local rules, we herewith file this Joint Final Pre-Trial Order, prior to the final Pre-Trial Conference scheduled for _____, 19___.

A. COUNSEL FOR THE PARTIES:
Plaintiff(s):
Defendant(s):

B. NATURE OF ACTION:
(NOTE: This section should be very brief and merely state the type of case.)

C. CONTENTIONS OF THE PARTIES:
(NOTE: The contentions of each party shall be succinctly stated in a form suitable to be read to the jury.)

D. STIPULATIONS AND UNCONTESTED FACTS:

E. CONTESTED ISSUES OF FACT AND LAW

F. LIST OF WITNESSES:
(NOTE: The witnesses of each party shall be listed by name and address and separated into categories of fact witnesses and expert witnesses. Unanticipated rebuttal and rejoinder witnesses need not be listed.)

G. LIST OF EXHIBITS:
(NOTE: Each party shall set forth a separate list of numbered Exhibits.)

H. LIST OF ANY PENDING MOTIONS:

I. PROBABLE LENGTH OF TRIAL: The probable length of trial is _____ days.

J. CERTIFICATIONS

The undersigned counsel for each of the parties in this action do hereby certify and acknowledge the following:

(1) All deadlines contained in the Court's Scheduling Orders have been complied with.

(2) Each exhibit in the List of Exhibits herein: (a) is in existence; (b) is numbered; and (c) has been disclosed and shown to opposing counsel.

APPROVED AS TO FORM AND SUBSTANCE:

_____ _____

Attorneys for Plaintiff(s) Attorneys for Defendant(s)

(NOTE: Each attorney of record shall personally sign and certify to the pre-trial order. The signature of one attorney for another "by permission" will not be accepted by the court.)

EXHIBIT "B"

WISE COUNTY STANDING ORDER REGARDING
CHILDREN, PROPERTY AND CONDUCT OF THE PARTIES

No party to this lawsuit has requested this order. Rather, this order is a standing order of the Wise County District Court that applies in every divorce suit and every suit affecting the parent-child relationship filed in Wise County. The District Court of Wise County has adopted this order because the parties and their children should be protected and their property preserved while the lawsuit is pending before the Court. Therefore, **IT IS ORDERED**:

1. **NO DISRUPTION OF CHILDREN**. Both parties are ORDERED to refrain from doing the following acts concerning any children who are subjects of this cause:
1.1 Removing the children from the State of Texas, acting directly or in concert with others, without the written agreement of both parties or an order of this Court.
1.2 Disrupting or withdrawing the children from the school or day-care facility where the children are presently enrolled, without the written agreement of both parties or an order of this Court.
1.3 Hiding or secreting the children from the other parent or changing the children's current place of abode, without the written agreement of both parents or an order of this Court.
1.4 Disturbing the peace of the children.
1.5 Making disparaging remarks about each other or the other person's family members, to include but not be limited to the child's grandparents, aunts, uncles, or stepparents.
1.6 Discussing with the children, or with any other person in the presence of the children, any litigation related to the children or the other party.
1.7 If this is an original divorce action, allowing anyone with whom the party is romantically involved, to remain overnight in the home while in possession of the children. Overnight is defined from 10:00 p.m. until 7:00 a.m.

2. **CONDUCT OF THE PARTIES DURING THE CASE**. Both parties are ORDERED to refrain from doing the following acts:
2.1 Using vulgar, profane, obscene, or indecent language, or a coarse or offensive manner to communicate with the other party, whether in person, by telephone, or in writing.
2.2 Threatening the other party in person, by telephone or in writing to take unlawful action against any person.
2.3 Placing one or more telephone calls, at an unreasonable hour, in an offensive or repetitious manner, without a legitimate purpose of communication, or anonymously.
2.4 Opening or diverting mail addressed to the other party.

3. **PRESERVATION OF PROPERTY AND USE OF FUNDS DURING DIVORCE CASE**. If this is a divorce case, both parties to the marriage are ORDERED to refrain from the following acts:
3.1 Destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties.
3.2 Misrepresenting or refusing to disclose to the other party or to the Court, on proper request, the existence, amount, or location of any property of one or both of the parties.
3.3 Damaging or destroying the tangible property of one or both of the parties, including any document that represents or embodies anything of value.
3.4 Tampering with the tangible property of one or both of the parties, including any document that represents or embodies anything of value, and causing pecuniary loss to the other party.
3.5 Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of either party, whether personal property or real estate property, and whether separate or community, except as specifically authorized by this order.
3.6 Incurring any indebtedness, other than legal expense in connection with this suit, except as specifically authorized by this order.
3.7 Making withdrawals from any checking or savings account in any financial institution for any purpose, except as specifically authorized by this order.
3.8 Spending any sum of cash in either party's possession or subject to either party's control for any purpose, except as specifically authorized by this order.
3.9 Withdrawing or borrowing in any manner for any purpose from any retirement, profit-sharing, pension, death, or other employee benefit plan or employee savings plan or from any individual retirement account or Keogh account, except as specifically authorized by this order.
3.10 Signing or endorsing the other party's name on any negotiable instrument, check, or draft, such as tax refunds, insurance payments, and dividends, or attempting to negotiate any negotiable instrument payable to the other party without the personal signature of the other party.
3.11 Taking any action to terminate or limit credit or charge cards in the name of the other party.
3.12 Entering, operating, or exercising control over the motor vehicle in the possession of the other party.
3.13 Discontinuing or altering the withholding for federal income taxes on wage or salary while this suit is pending.
3.14 Terminating or in any manner affecting the service of water, electricity, gas, telephone, cable television, or other contractual services, such as security, pest control, landscaping or yard maintenance at the other party's residence or in any manner attempting to withdraw any deposits for service in connection with such services.
3.15 Intercepting or recording the other party's electronic communications.

4. **PERSONAL AND BUSINESS RECORDS IN DIVORCE CASE**. If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following acts:
4.1 Concealing or destroying any family records, property records, financial records, business records or any records of income, debts, or other obligations.
4.2 Falsifying any writing or record relating to the property of either party.
4.3 "Records" include e-mail or other digital or electronic data, whether stored on a computer hard drive, diskette or other electronic storage device.

5. **INSURANCE IN DIVORCE CASE**. If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following acts:
5.1 Withdrawing or borrowing in any manner all or any part of the case surrender value of life insurance policies on the life of either party, except as specifically authorized by this order.
5.2 Changing or in any manner altering the beneficiary designation on any life insurance on the life of either party or the parties' children.
5.3 Canceling, altering, or in any manner affecting any casualty, automobile, or health insurance policies insuring the parties' property of persons including the parties' minor children.

6. **SPECIFIC AUTHORIZATIONS IN DIVORCE CASE**. If this is a divorce case, both parties to the marriage are specifically authorized to do the following:
6.1 To engage in acts reasonable and necessary to the conduct of that party's usual business and occupation.
6.2 To make expenditures and incur indebtedness for reasonable attorney's fees and expenses in connection with this suit.
6.3 To make expenditures and incur indebtedness for reasonable and necessary living expenses commensurate with such expenditures and indebtedness incurred for the past six months.
6.4 To make withdrawals from accounts in financial institutions only for the purposes authorized by this order.

7. **SERVICE AND APPLICATION OF THIS ORDER**.
7.1 The Petitioner shall attach a copy of this order to the original petition and to each copy of this petition. At the time the petition is filed, if the Petitioner has failed to attach a copy of this order to the petition and any copy of the petition, the Clerk shall ensure that a copy of this order is attached to the petition and every copy of the petition presented.
7.2 This order is effective upon the filing of the original petition and shall remain in full force and effect as a temporary restraining order for fourteen days after the date of the filing of the original petition. If no party contests this order by presenting evidence at a hearing on or before fourteen days after the day of the filing of the original petition, this order shall continue in full force and effect as a temporary injunction until further order of this Court. This entire order will terminate and will no longer be effective when the Court signs a final order or the case is dismissed.

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

9. **PARTIES ENCOURAGED/ORDERED TO MEDIATE**. The parties are encouraged to settle their disputes amicably without court intervention. In the event the parties are unable to settle their disputes, they are hereby ORDERED to use alternative dispute resolution methods, such as mediation, to settle those items that cannot be agreed to before setting a hearing on temporary orders or final orders.

THIS WISE COUNTY STANDING ORDER REGARDING CHILDREN, PROPERTY AND CONDUCT OF THE PARTIES SHALL BECOME EFFECTIVE ON FEBRUARY 1, 2008.

EXHIBIT "C"

IN THE COUNTY COURT AT LAW §
COUNTY OF WISE §
STATE OF TEXAS §

COURT'S STANDING CRIMINAL PRE-TRIAL ORDER

In order to promote informal discovery and prevent a complaint of ineffective assistance of counsel the following Court's Standing Pre-Trial Order is decreed:

I. The Prosecuting Attorney without written request shall disclose to the Defendant, and make available to the Defendant for inspection and copying at least 7 days prior to trial, the following:

1) All known mitigating, impeachment or favorable evidence.
2) All written, oral or video statements made by the defendant or any co-defendants to any person.
3) A list of all State's witnesses, including expert witnesses expected to be called on the trial in chief.
4) The results of any scientific tests expected to be used at trial.
5) The results of any physical or mental examinations of the defendant or any witness.
6) The prior convictions, if any, of the defendant that the State intends to use at the trial of the case.
7) Prior felony and misdemeanor convictions involving moral turpitude of any State's witness.
8) Specific evidence of other crimes, wrongs or acts of the defendant, if any, that the State intends to use during the trial.
9) Details of any plea agreements in relation to any co-defendant, accomplice or informant.
10) All physical evidence including photographs, videos, maps and drawings.
11) A recommended sentence for a Plea of Guilty.
12) Witness statement after the witness has testified on direct for the State.

To the extent an open file policy satisfies the above requirements; the State is not required to furnish a formal discovery document. Any "boilerplate" motions filed including (even in part) matters referred to above shall be wholly disregarded.

II. The Defense Attorney will be responsible for the following:

1) To interview the defendant in depth.
2) To review the Penal Code for the elements of the offense, the punishment range, and the possibility of probation.
3) To seek informal discovery from the State. **Formal discovery motions will only be heard on matters outside of this Order.**
4) To file **factually specific** (not "boilerplate") Motions to Suppress if the circumstances surrounding the case indicate questioning the relevant stop, detention, arrest or search of the defendant.
5) To reimburse prosecuting attorney's office for the costs of obtaining copies of documents and physical evidence.
6) To obtain a Plea Bargain recommendation and convey the same to the defendant with a discussion of his rights.
7) To interview such witnesses as may be favorable to the defendant.
8) In the event the State's recommendation is not acceptable to the defendant, and pre-trial is needed, obtain a hearing on said pre-trial motions. Issues known from the Prosecutor's open file policy not raised prior to trial shall be considered untimely if raised for the first time during trial.
9) In the event of a trial, subpoena defense witnesses.
10) In the event of a jury trial, assure that defendant is dressed in street clothes.
11) Appointed and retained counsel shall remain as defendant's counsel for all purposes until permitted to withdraw.

III. The Court Reporter shall be responsible for the following:

1) Recording all pre-trial hearings, trial, final arguments, sentencing and any post-trial hearings.
2) In cases involving numerous exhibits, to mark the States exhibits in advance of trial.