

LOCAL RULES OF PRACTICE
81ST AND 218TH JUDICIAL DISTRICT COURT
ATASCOSA, FRIO, KARNES, LASALLE AND WILSON COUNTIES

AND

THE ATASCOSA COUNTY COURT AT LAW

AND

THE ATASCOSA COUNTY COURT

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 81st and 218th Judicial District Court, the Atascosa County Court at Law and the Atascosa County 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 argue objections in the presence of the jury or except at a bench conference, without prior leave of court.

6. Counsel shall not interrupt or talk over opposing counsel or witnesses, except to state formal objections.
 7. Counsel shall remain behind counsel table while examining witnesses. If requested by counsel, counsel may stand at a podium while examining witnesses.
 8. Counsel shall neither make nor insinuate derogatory or insulting remarks about opposing counsel or any party.
 9. 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.
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10. Counsel shall request leave of court before approaching the bench or to approach the witnesses when necessary to work with documentary or tangible evidence.
 11. 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.
 12. 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 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 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 and clothing that is tattered or soiled are among those items not considered appropriate courtroom attire. No hats, caps or sunglasses shall be worn in the courtroom, except for medical reasons.
2. No tobacco use in any form, or vaping, is permitted.
3. No bottles, beverage containers, paper cups or edibles are allowed in the courtroom, except as permitted by the Court.
4. No gum chewing is permitted.

5. No propping of feet on tables or chairs is permitted.
 6. No talking or unnecessary noise is permitted which interferes with the court proceeding.
 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. No person shall bring packages, suitcases, boxes, duffel bags, backpacks, oversize purses, shopping bags or containers into the courtroom without the prior approval of the bailiff.
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10. No person shall be permitted any verbal or physical contact with a prisoner without the prior approval of the bailiff.
 11. No person shall bring radios, tape recorders, computers, cameras, cellular telephones, 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. 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.

E. 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 for a continuance, to pass, postpone or reset any trial, pretrial, or other hearing shall be granted unless counsel for all parties 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 counsel for all parties consent in writing to the request for a continuance and the same is approved by the Court, a motion must be filed pursuant to Rule 251, et seq. of the Texas Rules of Civil Procedure, as applicable, and the motion must be set using the court's website, or in the same manner as all other motions. Any motion that does not meet these requirements will be denied without prejudice to the right to refile.

RULE 1.3 CONFLICT IN TRIAL SETTINGS

A. Duty of Counsel to Notify Court

When an attorney has two or more cases on the dockets for hearing at the same time, it shall be the duty of the attorney to bring the matter to the attention of the courts concerned immediately upon learning of the conflicting settings. Trial settings shall have priority over motion settings.

B. Priority of Cases in Event of Conflict

1. Criminal cases with defendants in custody
 2. Criminal cases with defendant not in custody.
 3. Cases given statutory preference
 4. Preferentially set cases, other than those given statutory preference
 5. The earliest set case
 6. Case with earliest filing date
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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., (for district court) use the court website as instructed on the site. For all other courts contact the Court Coordinator at the appropriate office, as applicable, for available dates, and:
 1. Submit an Order Setting to the Court, with a Request for Setting when obtaining a trial date, or a letter when obtaining a pre-trial date, stating the date the parties have agreed to.

2. At the bottom of all Orders Setting, please list all the parties; and, if the parties are represented by counsel, please list the attorney's name, address and fax number. If they are pro-se litigants, please give their address. Do not put, "...a copy has been sent to all opposing counsel."
 3. If you cannot obtain a date that is agreeable to all counsel, please contact the appropriate coordinator or applicable website.
 4. Always advise the Court in your request to cover letter that you have contacted the opposing counsel and that they are available for hearing on the date you have requested.
 5. When setting or resetting a case for trial, pre-trial, etc., please advise the Court Coordinator as to the estimated time you will need for the hearing.
 6. If, for any reason, you have to cancel a hearing, or if you are running late to a scheduled hearing, please contact the Court Coordinator as soon as possible.
- B. Any attorney practicing in the 81st or 218th Judicial District Court, and the Atascosa County Court at Law, will advise the Court in writing as to any scheduled vacation dates. If an opposing counsel sets a trial date which conflicts with the scheduled vacation, it is the responsibility of the vacationing attorney to file a motion for continuance seeking leave of court to reschedule said setting.
- C. Any attorney practicing in the 81st and 218th Judicial District Court, and the Atascosa County Court at Law, if practicable, shall have access to a fax machine and email access that will be operative 24 hours a day, seven days a week. Said numbers and addresses shall be provided to the Courts, the Clerks of Court, and all opposing counsel. All communications between the Courts and attorneys sent via fax to the numbers provided or to the email provided shall be deemed received.

RULE 2.3 WITHDRAWAL OF COUNSEL

A. Withdrawal

Withdrawal of counsel shall be governed by Rule 10 of the Texas Rules of Civil Procedure, and the following rules.

B. Notice to Client

If another attorney is not to be substitute as attorney for the party, the party must either consent in writing to the motion to withdraw, or the withdrawing attorney shall notify the client in writing of the motion to withdraw and a notice of setting on the motion. Notice shall be sent

by certified mail, return receipt requested.

C. No Delay of Trial

Unless allowed in the discretion of the Court, order of withdrawal shall result in a delay of any trial setting.

RULE 2.4 ALTERNATIVE DISPUTE RESOLUTION

A. Policy

It shall be the policy of the 81st and 218th Judicial District Court and the Atascosa County Court at Law 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 2.5 DISMISSAL FOR WANT OF PROSECUTION

A. Procedure

The Court, on its own motion, may dismiss a case for want of prosecution. The procedure provided in Rule 165a of the Texas Rules of Civil Procedure, as amended, shall apply.

B. Reasons for Dismissal

A case may be dismissed for want of prosecution for any of the following reasons:

1. Failure of a party seeking affirmative relief to take appropriate action when the case has been pending without action for 12 months.
2. Failure of counsel for a party seeking affirmative relief to appear for a pretrial or preliminary hearing, particularly if there has been a previous failure to appear.
3. Failure of a party seeking affirmative relief to make an announcement as scheduled when the case has been set for trial.

RULE 2.6 ORDERS AND DECREES

A. Dismissal if Written Order Not Furnished

Upon failure to furnish the Court with a judgment, order or decree disposing of the case within the sixty (60) day period, the Court shall place the case on the next regularly scheduled dismissal docket, whereupon the case may be dismissed and costs may be taxed at the Court's discretion.

B. 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. At a hearing, the Court may assess costs and attorney's fees within the Court's discretion; or
2. Present the court with the proposed judgment, decree or order, together with a letter requesting the Court to sign the same if the Court has not received a written objection from opposing counsel within ten (10) days from the date of the letter. Each party who submits a proposed judgment for signature shall serve the proposed judgment and a copy of the letter on all other parties who have appeared and remain in the case, in accordance with Rule 21a, Texas Rules of Civil Procedure. If the Court receives a written objection from opposing counsel within the stated time, the proponent of the judgment, decree or order shall schedule a hearing for entry of the same.

TITLE 3. RULES GOVERNING CRIMINAL PROCEEDINGS

RULE 3.1 DISTRICT COURT AND COUNTY COURT AT LAW ARRAIGNMENT

After indictment, all defendants, their attorneys are required to personally appear for the defendant's formal arraignment.

RULE 3.2 DISTRICT COURT AND COUNTY COURT AT LAW-SCHEDULING PLEAS

It is the responsibility of defense counsel to advise the court of the need for a court interpreter, by notifying the Court Coordinator, prior to any scheduled plea, or hearing.

RULE 3.3 ALL COURTS-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's continuing duty to visit the defendant in jail is not satisfied simply by accepting collect telephone calls from an incarcerated defendant. 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.
- D. Comply with all requirements set forth in the Indigent Defense Plan regarding court-appointed counsel.

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 one hour, which time shall be equalized between the parties.

B. 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.

C. Standing Order Regarding Child(ren), Property and Conduct of Parties in Divorce and Suits Affecting the Parent-Child Relationship. The Current Standing Order Regarding Child(ren), Property and Conduct of Parties in Divorce and Suits Affecting the Parent-Child Relationship,

shall be served as required by its terms.

D. Order of Cases

All cases in which counsel announce a settlement or uncontested cases shall be heard first. All other cases shall be docketed according to the counsel's announcement, with those matters requiring the least amount of time to be heard before cases with lengthier announcements.

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.

F. All Texas Department of Protective and Regulator Services cases are to be confidential to all parties except for attorney of records or Atascosa County caseworkers.

ATASCOSA COUNTY

LOCAL RULES OF THE DISTRICT COURTS
COUNTY COURTS AND LAW AND COUNTY COURT

PART 1. GENERAL PROVISIONS

RULE 1.1 PURUPOSE

These local rules govern the electronic filing and all service of court documents, by any method other than e-filing, in Atascosa County. These rules are adopted pursuant to Rule 3 of the Texas Rules of Civil Procedure and may be known as the "Atascosa County Local Rules of the District Courts, County Courts at Law and County Court Concerning the Electronic Filing of Court Documents."

RULE 1.2 EFFECT ON EXISTING LOCAL RULES

These rules are adopted in addition to any other local rules of the district courts and county courts at law in Atascosa County. These rules do not supersede or replace any previously adopted local rules. These rules are in addition to current local rules.

RULE 1.3 ELECTRONIC FILING REQUIRED AS MANDATED

The electronic filing and serving of court documents is required except as allowed by Judge's order.

PART 2. DEFINITIONS

RULE 2.1 SPECIFIC TERMS

The following definitions apply to these rules:

- A. "Convenience fee" is a fee charged in connection with electronic filing that is in addition to regular filing fees. A Convenience Fee charged by the District Clerk will be considered as a court cost.
 - B. "District clerk" means the Atascosa County District Clerk.
 - C. "Digitized signature" means a graphic image of a handwritten signature.
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- D. "Document" means a pleading, plea, motion, application, request, exhibit, brief, memorandum of law, paper, or other instrument in paper form or electronic form. The term does not include court orders.
 - E. "Electronic filing" is a process by which a filer files a court document with the district clerk's office by means of an online computer transmission of the document in electronic form through EFM (an entity contracted by OCA and county).
 - F. "Electronic filing service provider (EFSP)" is a business entity that provides electronic filing services and support to its customers (filers). An attorney or law firm may act as an EFSP.
 - G. "Electronic order" means a computerized, non-paper court order that a judge signs by applying his or her digitized signature to order. A digitized signature is a graphic image of the judge's handwritten signature.
 - H. "Electronic service" is a method of serving a document upon a party in a case by electronically transmitting the document to that party's e-mail address.
 - I. "E-filed service" means to file a pleading, plea, motion or form of request by electronically transmitting a copy to the EFSP for transmission.
 - J. "Electronically serve" means to serve a document by means of electronic service.
 - K. "Filer" means a person who files a document, including an attorney.
 - L. "Party" means a person appearing in any case or proceeding, whether represented or appearing pro se, or an attorney of record for a party in any case or proceeding.
 - M. "Regular filing fees" are those filing fees charged in connection with traditional filing.

- N. "Rules" are the Atascosa County Local Rules of the District Courts, County Court at law, and County Court concerning the Electronic Filing of Documents.

RULE 2.2 APPLICATION TO PRO SE LITIGANTS

The term "counsel" shall apply to an individual litigant in the event a party appears pro se, except where prohibited.

PART 3. APPLICABILITY

RULE 3.1 SCOPE

- A. These rules apply to the filing of documents in all non-juvenile civil cases, including cases that are appeals from lower courts, before the various district courts and county courts at law with jurisdiction in Atascosa County.
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- B. These rules apply to the filing of documents in cases before the various district courts, county courts at law and county court referred to in paragraph (a) above that are subsequently assigned to associate judges or any other similar judicial authorities.

RULE 3.2 CLERKS

These rules apply only to the filing of documents with the district and county clerk. These rules do not apply to the filing of documents directly with a judge as contemplated by TEX. R. CIV. P. 74.

RULE 3.3 DOCUMENTS TO BE ELECTRONICALLY FILED

- A. A document that can be filed in a traditional manner with the district clerk must be electronically filed with the exception of the following documents:
1. Citations or writs bearing the seal of the court;
 2. returns of citation;
 3. bonds;
 4. subpoenas;
 5. proof of service of subpoenas;
 6. documents to be presented to a court in camera, solely for the purpose of obtaining a ruling on the discoverability of such documents;
 7. documents sealed pursuant to TEX. R. CIV. P. 76a; and
 8. documents to which access is otherwise restricted by law or court order, including a document filed in a proceeding under Chapter 33, Family Code.
- B. A motion to have a document sealed, as well as any response to such a motion, may be electronically filed.

RULE 3.4 DOCUMENTS CONTAINING SIGNATURES

- A. A document that is required to be verified, notarized, acknowledged, sworn to, or made under oath may be electronically filed only as a scanned image.
- B. A document that requires the signatures of opposing parties (such as Rule 11 agreement) may be electronically filed only as a scanned image.
- C. Any affidavit or other paper described in Rule 3.4(a or (b) that is to be attached to an electronically-filed document may be scanned and electronically filed along with the underlying document.

PART 4. FILING MECHANICS

RULE 4.1 TEXASONLINE

- ~~A. Texas Online is a project of the TexasOnline Authority, a state entity charged with establishing a common electronic infrastructure through which state agencies and local governments may electronically send and receive documents and required payments.~~
- B. To become registered to electronically file documents, filers must follow registration procedures outlined by TexasOnline. The procedure can be accessed from TexasOnline's website at www.texasonline.com.
- C. Filers do not electronically file documents directly with the district clerk. Rather, filers indirectly file a document with the district clerk by electronically transmitting the document to an electronic filing service provider (EFSP) which then electronically transmits the document to TexasOnline which then electronically transmits the document to the district clerk. A filer filing or serving a document must have a valid account with an EFSP and with TexasOnline.
- D. Consistent with standards promulgated by the Judicial Committee on Information Technology (JCIT), TexasOnline will specify the permissible formats for documents that will be electronically filed and electronically served.
- E. Filers who electronically file documents will pay regular filing fees to the district clerk indirectly through TexasOnline by a method set forth by TexasOnline.
- F. An EFSP may charge filers a convenience fee to electronically file documents. This fee will be in addition to regular filing fees.
- G. TexasOnline will charge filers a convenience fee to electronically file documents. This fee will be in addition to regular filing fees and will be in an amount not to exceed the amount approved by the TexasOnline Authority.
- H. The district clerk may charge filers a convenience fee to electronically file documents. This fee will be in addition to regular filing fees, credit card fees, or other fees.

RULE 4.2 SIGNATURES

- A. Upon completion of the initial registration procedures, each filer will be issued a confidential and unique electronic identifier. Each filer must use his or her identifier in order to electronically file documents. Use of the identifier to electronically file documents constitutes a "digital signature" on the particular document.
- B. The attachment of a digital signature on an electronically-filed document is deemed to constitute a signature on the document for purposes of signature requirements imposed by the Texas Rules of Civil Procedure or any other law. The person whose name appears first in the signature block of the initial pleading is deemed to be the attorney in charge for the purposes of Texas Rules of Civil Procedure 8, unless otherwise designated. The digital signature on any document filed is deemed to be the signature of the attorney whose name appears first in the signature block of the document for the purpose of Texas Rules of Civil Procedure 13 and 57.
- C. A digital signature on an electronically-filed document is deemed to constitute a signature by the filer for the purpose of authorizing the payment of document filing fees.

RULE 4.3 TIME DOCUMENT IS FILED

- A. A filer may electronically transmit a document through an EFSP to TexasOnline 24 hours per day each and every day of the year, except during brief periods of state-approved scheduled maintenance which will usually occur in the early hours of Sunday morning.
- B. Upon sending an electronically-transmitted document to a filer's EFSP, the filer is deemed to have delivered the document to the clerk and, subject to Rule 4.3(h), the document is deemed to be filed. If a document is electronically transmitted to the filer's EFSP and is electronically transmitted on or before the last day for filing the same, the document, if received by the clerk not more than ten days tardily, shall be filed by the clerk and deemed filed in time. A transmission report by the filer to the filer's EFSP shall be prima facie evidence of date and time of transmission.
- C. On receipt of a filer's document, the filer's EFSP must send the document to Texas Online in the required electronic file format along with an indication of the time the filer sent the document to the EFSP and the filer's payment information. TexasOnline will electronically transmit to the filer an "acknowledgment" that the document has been received by TexasOnline. The acknowledgement will note the date and time that the electronically-transmitted document was received by TexasOnline.
- D. Upon receiving a document from a filer's EFSP, Texas Online shall electronically transmit the document to the district clerk. If the document was not properly formatted, Texas Online will transmit a warning to the filer's EFSP.

- E. Not later than first business day after receiving a document from TexasOnline, the district clerk shall decide whether the document will be accepted for filing. The district clerk shall accept the document for filing provided that the document is not misdirected and complies with all filing requirements. The district clerk shall handle electronically-transmitted documents that are filed in connection with an affidavit of inability to afford court costs in the manner required by TEX. R. CIV. P. 145. If the clerk fails to accept or reject a document within the time period, the document is deemed to have been accepted and filed.
- F. If the document is accepted for filing, the district clerk shall note the date and time of filing which, with the exception of subsection
- G. If the document is not accepted for filing, the district clerk shall inform TexasOnline of its action, and the reason for such action, the same day action is taken. TexasOnline shall, on that same day, electronically transmit to the filer's EFSP an "alert" that the document was not accepted along with the reason the document was no accepted. The EFSP will electronically transmit the alert to the filer.
- H. Except in cases of injunction, attachment, garnishment, sequestration, or distress proceedings, documents that serve to commence a civil suit will not be deemed to have been filed on Sunday when the document is electronically transmitted to the filer's EFSP, TexasOnline, or the Clerk on Sunday. Such documents will be deemed to have been filed on the succeeding Monday.

RULE 4.4 FILING DEADLINES NOT ALTERED

The electronic filing of a document does not alter any filing deadlines.

RULE 4.5 MULTIPLE DOCUMENTS

- A. Except as provided by subsection (b) below, a filer may include only one document in an electronic transmission to TexasOnline.
- B. A filer must electronically transmit each document separately to TexasOnline.

RULE 4.6 OFFICIAL DOCUMENT

- A. The district and county clerk's file for a particular case may contain a combination of electronically-filed documents and traditionally-filed documents.
- B. The district and county clerk may maintain and make available electronically-filed documents in any manner allowed by law.

RULE 4.7 E-MAIL ADDRESS REQUIRED

In addition to the information required on a pleading by TEX. R. CIV. P. 57, a filer must include an e-mail address on any electronically-filed document.

RULE 4.8 DOCUMENT FORMAT

- A. Electronically-filed documents must be computer-formatted as specified by TexasOnline. Electronically-filed documents must also be formatted for printing on 8 1/2 -inch by 11-inch paper.
- B. An electronically-filed pleading is deemed to comply with TEX. R. CIV. P. 45.

PART 5. SERVICE OF DOCUMENTS OTHER THAN CITATION

RULE 5.1 COMPLETION OF SERVICE AND DATE OF SERVICE

- A. Electronic Service shall be complete upon transmission of the document by the filer to the party at the party's e-mail address
- ~~B. Except as provided by subsection (c) below, the date of service shall be the date the electronic service is complete.~~
- C. When electronic service is complete after 5:00 p.m. (recipient's name), then the date of service shall be deemed to be the next day that is not a Saturday, Sunday or legal holiday.

RULE 5.2 TIME FOR ACTION AFTER SERVICE

Whenever a party has the right or is required to do some act within a prescribed period of time after service of a document upon the party and that document is electronically served, then three days shall be added to the prescribed period of time.

RULE 5.3 CERTIFICATION OF SERVICE

- A. Documents to be electronically served upon another party shall be served before the time or at the same time that the document is filed.
- B. A filer who electronically serves a document upon another party shall make a written certification of such service that shall accompany the document when that document is filed. The written certification shall include, in addition to any other requirements imposed by the Texas Rules of Civil Procedure, the following:
 - 1. the filer's e-mail address or telecopier (facsimile machine) number;
 - 2. the recipient's e-mail address;
 - 3. the date and time of the electronic service; and
 - 4. a statement that the document was electronically served and that the electronic transmission was reported as complete.

PART 6 ELECTRONIC ORDERS AND VIEWING OF ELECTRONICALLY-FILED DOCUMENTS

RULE 6.1 COURTS AUTHORIZED TO MAKE ELECTRONIC ORDERS

- A. A judge may electronically sign an order by applying his or her digitized signature to the order. Judges are not required to electronically sign orders.
- B. Upon electronically signing an order, the judge shall electronically forward the order to the district and/or county clerk who may treat the electronic order as the official copy of the order. Alternatively, the district clerk may print the electronic order and treat the printed order as the official copy of the order.
- C. The district and/or county clerk may electronically scan a traditional court order. The scanned court order may then serve as the official copy of the court order. The district clerk is not required to electronically scan traditional court orders in order to create official electronic court orders. Electronic scanning of traditional court orders is at the option of the district clerk.

RULE 6.2 VIEWING OF ELECTRONICALLY-FILED DOCUMENTS

- A. The district and/or county clerk shall ensure that all the records of the court, except those made confidential or privileged by law or statute, may be viewed in some format by all persons for free.
- B. Independent of the Texas and/or county Online system and the requirement of viewing access described in subsection (a), the district clerk may choose to provide for both filers and the general public to electronically view documents or court orders that have been electronically filed or scanned. Where such provision has been made, persons may electronically view documents or court orders that have been electronically filed or scanned.
- C. Nothing in this rule allows for the viewing of documents or court orders, in any form, that are legally confidential (e.g., papers in mental health proceedings) or otherwise restricted by judicial rule or order.
- D. It is the order of the court that the following proceedings are restricted from public view:

RULE 6.3 GOVERNING THE PROCEDURE FOR MAKING A RECORD COURT PROCEEDINGS BY ELECTRONIC AUDIO OR AUDIO-VISUAL RECORDING

- A. Application. The following rules govern the procedures in County Court, County Court at Law, Attorney General and Child Protective and Regulatory Services Courts in proceedings in court matters in which a record is made by electronic audio or audio-visual recording, as well as appeals from such proceedings.
- B. Duties of Court Recorders. No stenographic record shall be required of any civil proceedings that are electronically recorded. The court shall designate one or more persons as court recorders, whose duties shall include:
 - 1. Ensuring that the recording system is functioning properly throughout the proceedings and that a complete, distinct, clear, and transcribable recording is made;

2. Making a detailed, legible log for all proceedings being recorded, indexed by the date and location of each event being recorded, showing the number and style of the proceeding before the court, the correct name of each person speaking, the nature of the proceeding (e.g. voir dire, opening, examination of witnesses, cross-examination, argument, bench conferences, whether in the presence of the jury, etc.), the time of day of each event, and the offer, admission, or exclusion of all exhibits;
 3. Filing with the clerk the original log and exhibits after a proceeding ends;
 4. Storing or providing for storing of the electronic audio or audio-visual recording to ensure it is preserved as required by law and accessible;
 5. Prohibiting or providing for prohibition of access by any person to the original recording without written order of the presiding judge of the court;
 6. Preparing or obtaining a certified copy of the original recording of any proceeding, any of the exhibits the parties to the appeal designate, and certified copies of the original log, upon full payment of the charge imposed there for, at the request of any person entitled to such recording, or at the direction of the presiding judge of the court, or at the direction of any appellate judge who is presiding over any matter involving the same proceeding, subject to the laws of this state, rule of procedure, and the instructions of the presiding judge of the court; and
 7. Performing such other duties as may be directed by the presiding judge and prescribed by the Texas Rules of Civil Procedure and Rules of Appellate Procedure.
- C. Reporter's Record. The reporter's record on appeal from any proceeding of which an electronic recording has been made shall be labeled to reflect clearly the numbered contents certified by the court recorder to be a clear and accurate copy of the original recording of the entire proceeding. Any exhibit designated by the parties for inclusion in the reporter's record shall be arranged in numerical order and firmly bound together so far as practicable, together with an index consisting of a brief description identifying each exhibit.
- D. Time for Filing. The court recorder shall file the reporter's record with the court of appeals within fifteen days after the perfection of an appeal. No other filing deadlines as set out in the Texas Rules of Appellate Procedure are changed.
- E. Appendix. Each party shall file with his brief an appendix containing a written transcription of all portions of the recorded reporter's record and a copy of all exhibits relevant to the issues raised on appeal. Transcriptions shall be presumed to be accurate unless objection is made. The form of the appendix and transcription shall conform to any specifications of the Supreme Court.

- F. Presumption. The appellate court shall presume that nothing omitted from the transcriptions in the appendices is relevant to any issues raised or to the disposition of the appeal. The appellate court shall have no duty to review any part of an electronic audio or audio-visual recording.
- G. Supplemental Appendix. The appellate court may direct a party to file a supplemental appendix containing a written transcription of additional portions of the recorded reporter's record.
- H. Paupers. Texas Rule of Appellate Procedure 20.1(j) shall be interpreted to require the court recorder to transcribe or have transcribed the recorded reporter's record and file it as appellant's appendix.
- I. Accuracy. Any inaccuracies in the transcriptions of the recorded reporter's record may be corrected by agreement of the parties. Should any dispute arise after the reporter's record or appendices are filed as to whether an electronic audio or audio-visual recording or any transcription of it accurately discloses what occurred in the trial court, the appellate court may resolve the dispute by reviewing the audio or audio-visual recording, or submit the matter to the trial court, which shall, after notice to the parties of hearing, settle the dispute and make the reporter's record or transcription conform to what occurred in the trial court.
- J. Costs. The expense of appendices shall be taxed as costs at the rate prescribed by law. The appellate court may disallow the cost of portions of appendices that it considers surplusage or that does not conform to any specifications prescribed by the Supreme Court.
- K. Other provisions. Except to the extent inconsistent with these rules, all other statutes and rules governing the procedures in civil actions shall continue to apply to those proceedings of which a record is made by electronic audio or audio-visual recording.

TITLE 7 (Reserved for Expansion)

TITLE 8 MISCELLANEOUS

RULES 8.1 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 8.2 TITLE AND CITATION

These rules shall be known as the Local Rules of Practice of the 81st and 218th District Court, the Atascosa County Court at Law and the Atascosa County Court.

RULE 8.3 PARTIAL CIVIL INVALIDITY

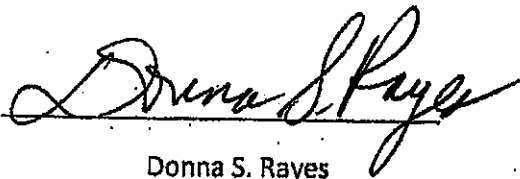
In the event any of the foregoing rules or any part thereof is held to be invalid for any reasons, such invalidity shall not affect the validity of the remaining rules and parts of rules, all of which have been separately numbered and adopted.

RULE 8.4 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 8.5 APPLICATION OF RULES

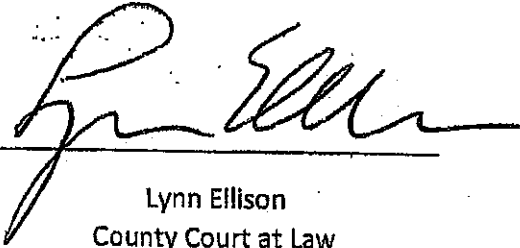
These rules supersede any prior local rules of practice. These rules shall become effective upon approval by the Texas Supreme Court



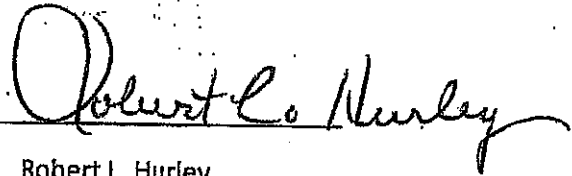
Donna S. Rayes
81st District Judge



Russell Wilson
218th District Judge



Lynn Ellison
County Court at Law



Robert L. Hurley
County Court