

EL PASO COUNTY LOCAL RULES
PART ONE
GENERAL RULES

RULE 1.01 TITLE, SCOPE, AUTHORITY AND APPLICATION OF LOCAL RULES:

- (A) THESE RULES ARE THE LOCAL RULES OF THE COURTS OF EL PASO COUNTY, TEXAS. THEY SHALL GOVERN PROCEEDINGS IN THE DISTRICT COURTS AND THE STATUTORY COUNTY COURTS AT LAW OF EL PASO COUNTY, TEXAS, FOR THE PURPOSE OF SECURING UNIFORMITY AND FAIRNESS IN THOSE PROCEEDINGS AND IN ORDER TO PROMOTE JUSTICE.
- (B) THESE RULES ARE ADOPTED BY THE TRIAL JUDGES OF THE DISTRICT AND COUNTY COURTS AT LAW ACTING IN COUNCIL PURSUANT TO THE INHERENT POWER OF COURTS TO CONTROL AND GUIDE THE TRIAL AND DISPOSITION OF CAUSES, AND PURSUANT TO THE PROVISIONS OF THE SUPREME COURT'S ORDER OF FEBRUARY 4TH, 1987, AS AMENDED, THE REGIONAL RULES OF JUDICIAL ADMINISTRATION, AND TO THE PROVISIONS OF THE COURT ADMINISTRATION ACT, SECTION 74.093, GOVERNMENT CODE, AS THEY NOW EXIST, OR AS THEY MAY BE HEREAFTER AMENDED.
- (C) THESE RULES ARE STANDING ORDERS OF ALL DISTRICT AND STATUTORY COUNTY COURTS OF THIS COUNTY, NOW EXISTING OR AS MAY BE CREATED HEREAFTER. KNOWING OR INTENTIONAL VIOLATION OF THESE RULES MAY BE PUNISHED BY CONTEMPT OR OTHER SANCTIONS AUTHORIZED BY LAW OR BY RULES OF PROCEDURE AS THE TRIAL JUDGE MAY DEEM APPROPRIATE.
- (D) IF ANY PROVISIONS IN THESE RULES ARE FOUND TO CONFLICT WITH ANY STATUTES OR OTHER STATEWIDE RULES, THE STATUTES OR STATEWIDE RULES SHALL PREVAIL.

RULE 1.02 PARTIES PROCEEDING PRO SE:

ANY NATURAL PERSON PROCEEDING ON HIS/HER OWN BEHALF WITHOUT AN ATTORNEY SHALL BE EXPECTED TO READ AND FOLLOW THESE LOCAL RULES, THE TEXAS RULES OF CIVIL PROCEDURE, THE TEXAS RULES OF CIVIL EVIDENCE, THE TEXAS RULES OF CRIMINAL EVIDENCE, THE TEXAS CODE OF CRIMINAL PROCEDURE AND THE TEXAS RULES OF APPELLATE PROCEDURE, AS MAY BE APPROPRIATE IN THE PARTICULAR CASE. FAILURE TO COMPLY MAY BE SANCTIONED OR PUNISHED IN ACCORDANCE WITH APPLICABLE PROVISIONS OF ALL OF THESE RULES. PRO SE PARTIES SHALL BE RESPONSIBLE FOR PROVIDING THE CLERK WITH CURRENT ADDRESSES AND TELEPHONE NUMBERS, AND SHALL ALSO BE RESPONSIBLE FOR PROVIDING COPIES OF ALL PAPERS FILED TO ALL OTHER PARTIES OR ATTORNEYS. SUCH FILED PAPERS SHALL ALWAYS CONTAIN THE CURRENT ADDRESS AND PHONE NUMBER OF THE PRO SE PARTY. THE CLERKS OF THE COURTS SHALL PROVIDE A PRO SE PARTY A COPY OF THIS RULE 1.02 AT THE TIME A PETITION OR AN ANSWER IS FILED.

RULE 1.03 PRIVATE SERVICE OF PROCESS:

- (A) THIS RULE IS ADOPTED PURSUANT TO AND IN COMPLIANCE WITH TEXAS RULES OF CIVIL PROCEDURE 1.03.

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THE DISTRICT CLERK OR THE COUNCIL OF JUDGES SHALL PROVIDE TO ANY PERSON UPON HIS OR HER REQUEST:

- (1) AN APPLICATION IN THE FORM SET FORTH IN THIS CHAPTER FOR AUTHORITY TO SERVE CITATIONS AND OTHER NOTICES AND;
- (2) A COPY OF THIS CHAPTER.

THERE ARE TWO TYPES OF APPLICATIONS, EITHER AN APPLICATION FOR BLANKET AUTHORIZATION OR APPLICATION TO AUTHORIZE SERVICE IN AN INDIVIDUAL CASE. COMPLETED APPLICATIONS FOR BLANKET AUTHORITY SHALL BE SUBMITTED TO THE LOCAL ADMINISTRATIVE JUDGE. COMPLETED APPLICATIONS FOR AUTHORITY IN AN INDIVIDUAL CASE SHALL BE SIGNED BY COUNSEL REQUESTING SAME AND BE PRESENTED TO THE JUDGE OF THE COURT WHERE THE CASE IS ASSIGNED. IF THE LOCAL ADMINISTRATIVE JUDGE FINDS THE APPLICANT FOR BLANKET AUTHORITY TO BE QUALIFIED, SHE OR HE SHALL SIGN AND WITH THE DISTRICT CLERK AN ORDER AUTHORIZING THE APPLICANT SUCH AUTHORITY FOR A PERIOD OF TWO YEARS. ALL ORDERS FOR BLANKET AUTHORITY SHALL EXPIRE TWO YEARS FROM THE DATE OF SUCH ORDER. WHEN MAKING SUCH AN ORDER, THE LOCAL ADMINISTRATIVE JUDGE IS AUTHORIZED TO ACT FOR EACH AND EVERY COURT. THE DISTRICT CLERK SHALL MAINTAIN ALL SUCH APPLICATIONS AND ORDERS IN A CENTRAL FILE. THE ORDERS SHALL BE NUMBERED CHRONOLOGICALLY.

WHEN A RETURN IS REQUIRED, A PERSON AUTHORIZED TO SERVE CITATION AND OTHER NOTICES SHALL STATE IN HIS OR HER RETURN THAT HE OR SHE IS (1) NOT LESS THAN EIGHTEEN YEARS OF AGE; (2) NOT A PARTY TO OR INTERESTED IN THE OUTCOME OF THE SUIT; AND (3) AUTHORIZED BY WRITTEN ORDER TO SERVE CITATIONS AND OTHER NOTICES. IN CASES O SERVICE PURSUANT TO BLANKET AUTHORITY, THE RETURN SHALL BE ACCOMPANIED BY A COPY OF THE ORDER AUTHORIZING SERVICE.

THIS CHAPTER MAY BE AMENDED OR REPLACED AT ANY TIME. THE LOCAL ADMINISTRATIVE JUDGE MAY VACATE ANY ORDER MADE UNDER THIS CHAPTER AT ANY TIME.

- (B) FOR PURPOSES OF SUPERVISION AND DISCIPLINE, THE COURTS DEEM THOSE PERSON AUTHORIZED TO SERVE CITATIONS AND OTHER NOTICES BY ORDER PURSUANT TO RULE 103, TEXAS RULES OF CIVIL PROCEDURE, TO BE OFFICERS OF THE COURT. ANY SUCH PERSON FILING A FALSE RETURN OR ENGAGING IN SERVICE CONTRARY TO LAW OR RULE MAY BE SUBJECT TO PUNISHMENT BY AN ORDER OF CONTEMPT. SUCH ORDER MAY PROHIBIT SUCH PERSON FROM SERVING CITATIONS AND NOTICES IN EL PASO COUNTY.
- (C) ANY PROPOSED ORDER AUTHORIZING PRIVATE SERVICE UNDER RULE 1.03 WILL NOT BE SIGNED BY THE JUDGE UNLESS SIGNED BY COUNSEL REQUESTING SUCH AN APPOINTMENT. SUCH ORDER SHALL SET OUT THE NAME AND BUSINESS ADDRESS OF THE PERSON OR PERSONS TO BE SO AUTHORIZED AND AFFIRM THAT SUCH PERSON IS NOT LESS THAN 18 YEARS OF AGE, IS NOT A PARTY, AND HAS NO INTEREST IN THE OUTCOME OF THE SUIT IN WHICH THE AUTHORIZATION IS SOUGHT.

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RULE 1.04 COURT SECURITY:

ALL PERSONS ENTERING THE COURTROOM OR SUITE OF OFFICES ASSIGNED TO A COURT ARE SUBJECT TO SEARCH BY THE BAILIFF OR ANYONE ELSE RESPONSIBLE FOR SECURITY. ALL COUNSEL AND PARTIES SHALL BE ALERT TO SECURITY RISKS AND SHALL NOTIFY THE COURT OR BAILIFF OF ANY SECURITY CONCERNS.

RULE 1.05 EMERGENCY AND SPECIAL SESSIONS; TEMPORARY ORDERS:

- (A) EXCEPT IN EMERGENCIES, WHEN THE CLERK'S OFFICE IS NOT OPEN FOR BUSINESS, NO APPLICATION FOR IMMEDIATE OR TEMPORARY RELIEF SHALL BE PRESENTED TO A JUDGE UNTIL IT HAS BEEN FILED AND ASSIGNED TO A COURT AS IS PROVIDED IN THESE RULES.
- (B) IF THE JUDGE OF THE COURT TO WHICH SUCH CASE IS ASSIGNED IS ABSENT OR IS OCCUPIED WITH OTHER MATTERS, SUCH APPLICATION MAY BE HEARD BY ANY OTHER DISTRICT OR COUNTY COURT AT LAW JUDGE WHO MAY SIT FOR THE JUDGE OF THE COURT IN WHICH THE CASE IS PENDING AND WHO SHALL MAKE ALL ORDERS, WRITS AND PROCESS RETURNABLE TO THE COURT TO WHICH THE CASE IS ASSIGNED.
- (C) HEARINGS ON APPLICATIONS FOR TEMPORARY INJUNCTIONS, TEMPORARY RECEIVERSHIPS, AND THE LIKE, SHALL BE SET IN THE COURT TO WHICH THE CASE HAS BEEN ORIGINALLY ASSIGNED BY CONSULTING WITH THAT COURT.
- (D) ALL APPLICATIONS FOR EX PRATE RELIEF SHALL STATE WHETHER OR NOT, WITHIN, THE KNOWLEDGE OF APPLICANT AND APPLICANT'S ATTORNEY, THE OPPOSING PARTY IS REPRESENTED BY COUNSEL AND, IF SO, THE NAME OF SUCH COUNSEL, AND WHETHER OR NOT SUCH COUNSEL/PARTY HAS BEEN APPRISED OF THE APPLICATION FOR EX PRATE RELIEF.
- (E) TEXAS FAMILY CODE CASES THAT ARE EXCEPTIONS TO SECTION 3.58 MUST BE PRESENTED TO THE COURT BY AN ATTORNEY.
- (F) EXCEPT FOR CASES FILED UNDER THE TEXAS FAMILY CODE, THE PARTY REQUESTING SUCH TEMPORARY RELIEF SHALL BE PRESENT IN COURT AT THE TIME SUCH RELIEF IS REQUESTED, UNLESS THE COURT WAIVES THIS REQUIREMENT FOR GOOD CAUSE SHOWN.
- (G) WHENEVER IMMEDIATE ACTION OF A JUDGE IS REQUIRED IN AN EMERGENCY WHEN THE CLERK'S OFFICE IS NOT OPEN FOR BUSINESS, THE CASE SHALL, NEVERTHELESS, AT THE EARLIEST PRACTICABLE TIME BE DOCKETED AND ASSIGNED TO A COURT AS

PROVIDED BY THESE RULES, AND ALL WRITS AND PROCESS SHALL BE RETURNABLE TO THE ASSIGNED COURT.

PART TWO
LOCAL ADMINISTRATION AND LOCAL ADMINISTRATIVE JUDGE

RULE 2.01 LOCAL COURTS ADMINISTRATION:

THE EL PASO COUNTY COUNCIL OF JUDGES IS COMPOSED OF THE DISTRICT JUDGES, THE STATUTORY COUNTY COURTS AT LAW OF EL PASO COUNTY, AND THE JUDGE OF THE EL PASO