

LOCAL RULES FOR ALL JUSTICE COURTS IN FRIO COUNTY, TEXAS

March 1, 2021

All civil cases before the Court, whether a bench trial or a jury trial, are governed by Rules 500-510 of the Texas Rules of Civil Procedure (TRCP). These can be found on our website.

1. Pursuant to Rules 500-510 of the Texas Rules of Civil Procedure (TRCP), and in the interests of justice, the court hereby modifies the Discovery Control Plan that governs cases in these Court.

Any requests for pre-trial discovery must be presented to the court for approval by written motion (500.9 TRCP).

Requests for Admissions may not be imbedded in a petition. Requests for Admissions must be approved by the Court prior to service on any party. A party who violates this Standing Order may not rely on alleged Deemed Admissions for any purpose in case in which the Request for Admissions were imbedded in the petition, including in connection with a Motion for Default Judgment or a Motion for Summary Judgment.

2. Deemed Admissions may not be used against any party in a case (including a defendant who has not filed an answer) in the absence of strict proof of service of the corresponding Requests for Admissions on such party.

3. The parties may apply for a modification of this Standing Discovery Order at any time for good cause.

4. Jury fee must be paid at the time of the request for jury.

5. If all parties have appeared in a lawsuit, the court, at any parties request or on its own motion, may set a case for a pre-trial conference. Appropriate issues for the pretrial conference include:

- (a) discovery;
- (b) the amendment or clarification of pleadings;
- (c) the admission of facts and documents to streamline the trial process;
- (d) a limitation on the number of witnesses at trial;
- (e) the identification of facts, if any, which are not in dispute between the parties;
- (f) mediation or other alternative dispute resolution services;
- (g) the possibility of settlement;
- (h) trial setting dates that are amenable to the court and all parties;
- (i) the appointment of interpreters, if needed;
- (j) the application of a Rule of Civil Procedure not in Part V or a Rule of Evidence;
- (k) any other issue that the court deems appropriate; and

- (l) The court will not schedule a pretrial conference, mediation or alternative dispute resolution process in an eviction case, if it would delay trial.

6. In all civil cases where a request has been made for a jury trial and a jury fee has been paid, the case will be ordered to alternative dispute resolution or mediation and the trial date will not be set until after the mediation process has been completed and the mediator has advised the court whether the parties and their counsel appeared as ordered and whether a settlement resulted. The parties are each responsible for the cost of same.

7. Joinder. All parties must be added and served, including counterclaims, cross claims and third party claims as per 502.6 TRCP.

Representation in Justice Court. Case is governed by Section 500.4 TRCP.

8. Discovery Limitations. The discovery limitations of Rule 500.9 TRCP are applicable and apply unless changed below.

9. Subpoenas are governed by Rule 500.8 TRCP.

10. Alternative Dispute Resolutions (ADR) and Mediation.

a. The parties must either (i) file an agreement for ADR Mediation stating the form of ADR requested and name of an agreed mediator, if applicable; or (ii) set an objection to ADR. If no agreement or objection is filed, the court may sign an ADR order. The parties are responsible for the cost of ADR or mediation.

b. ADR is governed by 5.035 TRCP.

11. Summary Judgment motions are subject to 503.2 TRCP.

12. Pretrial Conference and/or (a) Docket Call. Parties shall be prepared to discuss all aspects of trial with the court. All hearings begin at 9:00 a.m., unless specified otherwise by the court. Failure to appear will be grounds for dismissal for want of prosecution.

13. All issues set out in 503.4 TRCP must be completed prior to a trial setting unless modified by the court.

14. The judge may develop the case 500.6 TRCP.

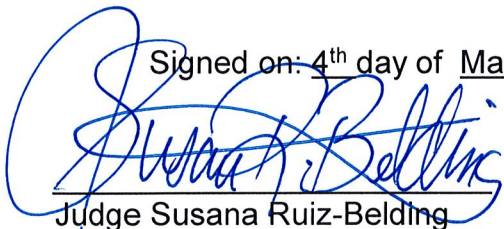
15. Jury trial requested? Date Paid: _____

16. Type of Case?

17. Estimated Length of Trial.

The undersigned Justice of the Peace has the necessary authority and authorization to sign these rules on behalf of the four Justices of the Peace in Frio County. All Justices of the Peace in Frio County Approved these rules: Judges Shanna Gates, James Sindon, Susana Ruiz-Belding, and Lauro Flores. These rules have been put in place as of March 1, 2021.

Signed on: 4th day of March, 2021.


Judge Susana Ruiz-Belding
On behalf of the Justices of the Peace of Frio County, TX

