

RULES OF PRACTICE IN THE 328TH JUDICIAL DISTRICT COURT

**WALTER G. ARMATYS, PRESIDING JUDGE
JOHN R. MILLARD, ASSOCIATE JUDGE**

The 328th Judicial District Court adheres to the Code of Professional Responsibility, the Lawyer's Creed and the Rules of Judicial Conduct. Violations will result in appropriate sanctions. The Applicable State Law and Rules, Fort Bend County Rules and 328th Rules of Court should be consulted. These rules apply to both attorneys and pro se litigants.

1. GENERAL

- a. Each party shall consult the Applicable State Law and the Fort Bend County Local Rules for additional specifics and time limits.
- b. The Court staff does NOT provide legal advice or participate in ex parte communications (except as allowed by law).
- c. FILES – files are not stored in the courtroom or the Coordinator's office. Files are accessed through the District Clerk's office. Any questions regarding a file, filing, service, etc. should be directed to the District Clerk's office at 281-341-4509 or www.fortbendcountytexas.gov for online services. Most civil cases may be accessed online unless a case is sealed, such as adoption, termination and CPS cases.
- d. DOCUMENTS – ALL pleadings and/or documents are to be filed with the District Clerk. Pleadings and documents filed with the District Clerk will be routed through the ordinary course of business to the Court as appropriate. Any faxes or e-filing shall be directly to the District Clerk's office and not to the Court or the Coordinator. The District Clerk's fax-file number is 281-341-4519. Courtesy copies are not accepted outside the courtroom.
- e. Communication with the Coordinator is recommended to be via email at 328th@fortbendcountytexas.gov. The phone number to the 328th office is 281-341-4406.

- f. The 328th is a District Court wherein the rules of the ELEVENTH ADMINISTRATIVE DISTRICT apply and establish priorities. Please review the rules when determining the order of appearances. Lower Court hearings, agreed mediations, depositions, Harris County Civil appearances (unless rules apply otherwise) do NOT take precedence over hearings/trials in Fort Bend County.
- g. APPROPRIATE ATTIRE REQUIRED – Appropriate professional attire is required to appear in court. Suit jackets and ties are required for male attorneys. No hats, sunglasses (unless prescription), inappropriate jeans, shorts, or other inappropriate clothing are permitted in the courtroom. Appropriate shoes must be worn. No slippers, Crocs etc. will be permitted.
- h. PARENTING CLASS – Parents in ALL cases involving children (Divorce and Original Suits Affecting the Parent-Child Relationship) are required to attend and complete a parenting class **within 30 days of filing for Petitioner and 30 days after service for Respondent.**

The certificates of completion should be filed with the District Clerk’s office prior to finalization of the case.

APPROVED RECOGNIZED COURSES:

Catholic Charities “24/7 Dad” (281) 202-6264; (281) 202-6254 (Fathers only)

Escape Family Resource Center, locations in Richmond / Houston,
(713) 942-9500

DePelchin Children’s Center, location in Houston, (713) 730-2335

Divorce as Friends-Stop the Conflict, Houston, (713) 520-5370

APPROVED ONLINE COURSES:

The Court has approved the following online courses:

www.ucrecovery.com

www.puttingkidsfirst.org

www.kidsfirsttexas.com

www.family-affairs.org

www.parentingchoice.com

www.parentingpartnerships.com

www.txparent.com
www.parentclassonline.com

2. **DOCKET CALL**

- a. Docket call is at 8:30 a.m. Attorneys and parties are expected to answer the docket, unless excused by the Court. Conflicts or announcements of late appearance are required to be communicated to the Coordinator via email prior to 8:30 a.m. with specific cause number, estimated arrival time and specific information.
- b. If you are appearing in any other court in Fort Bend County, check in with Bailiff or Coordinator prior to 8:30 a.m.
- c. Announcement of time and issues is required at docket call.
- d. Telephonic Appearance – The 328th does not allow telephonic appearances by any party.
- e. Video Appearance – Video appearances are determined on a case by case basis, determined by the Judge.
- f. If a “party” is a peace officer who has any interest or personal connection to a case and is in possession of a weapon, the weapon will be held by the bailiff until instructed by the Court to be returned to the party at the conclusion of the court appearance.
- g. Prior to the day of the hearing, it is recommended you check the website at www.fortbendcountytexas.gov to make sure the case is scheduled on the docket. If your case is not on the scheduled docket, notify the Coordinator.

3. **MEDIATION REQUIRED:**

- a. Prior to temporary order hearings if rights and duties or possession and access is contested.
- b. All final trials except protective orders and enforcement/contempt actions.

Mediation may be waived after filing a motion and showing of good cause to the Court.

Fort Bend County Dispute Resolution Center (281-342-5000) will mediate cases for parties with proof of limited income at a reduced or nominal fee.

4. **TEMPORARY ORDER / CONTESTED HEARINGS**

- a. Dates for hearing – Request a date from the Coordinator through email (328th@fortbendcountytexas.gov) **PRIOR** to filing a motion. If you do not acquire a date from the Coordinator in advance, the Coordinator will select your hearing date without further notice.

For new filings that do not have a court assignment, list your preferred hearing dates in the comments section of the e-file receipt.

- b. Notice and proof of notice to opposing attorney or party shall be pursuant to the Texas Rules of Civil Procedure.
- c. Terminations and Adoptions shall be scheduled on the 1st Friday of each month. (See rules re: scheduling Termination/Adoption cases below)
- d. Financial Information Statements (FIS) shall be filed and exchanged **PRIOR** to a contested hearing if financial matters are at issue (i.e. child support, community bills, temporary spousal maintenance, etc.): A working copy for the Court is advised.
- e. Forms for Stipulations or Interim agreements are available in the courtroom.
- f. Exhibits should be marked, exchanged and copies provided to opposing party/counsel **PRIOR** to hearing or trial.

5. **TRIAL SETTINGS**

TRIAL SETTING REQUEST FORMS ARE REQUIRED FOR ALL TRIAL SETTINGS.

- a. A completed Trial Setting Request form **MUST** be included with your

email when requesting a trial setting from the Coordinator.

- b. Pre-trial conferences for bench trials are set by motion only. Hearings on the motion shall be scheduled through the Coordinator.
- c. Pre-Trial conferences are required in all jury cases no less than 14 days prior to the jury trial setting.
- d. The Stipulated Waiver of Appeal from Associate Judge's Ruling / Recommendation form must be filed prior to your trial date.

6. **UNCONTESTED MATTERS**

- a. To schedule a case on the uncontested docket, you must sign up with the District Clerk's office before 8:15 a.m. on the day that you will appear. **NO CASE WILL BE HEARD IF NOT SIGNED UP BY 8:15 A.M.**
- b. Agreements require signatures of all parties and counsel.
- c. NAME CHANGES – EXCEPT IN DIVORCE MATTERS – require a fingerprint card on a format acceptable to the Texas Department of Public Safety.
- d. DEFAULTS –Require the following:
 - i. A record;
 - ii. Certificate of Last Known Address per Rule 239a;
 - iii. Non-Military Affidavit and
 - iv. A sworn Inventory and Appraisement (divorce matters only)

7. **PRO SE**

- a. Pro se cases are heard every day at the 8:30 docket. The "**SIGN-UP DOCKETS**" ARE IN THE DISTRICT CLERK'S OFFICE. YOU MUST SIGN UP IN PERSON BEFORE 8:15 A.M.

8. **TERMINATION/ADOPTION CASES**

- a. All cases are scheduled on the 1ST Friday of each month.

- b. All documentation and orders are required to be filed by 4:00 p.m. on the **Wednesday preceding** the hearing date. Provide a copy of the proposed order to be presented on the day of trial for the Court's review.

9. **VACATION LETTERS**

Vacation letters shall be filed with the District Clerk of Fort Bend County, Texas, per the local rules. Proof of filing in any other county is not satisfactory, nor relevant to Fort Bend County. A courtesy copy should be provided to opposing counsel/party in your case.

10. **ASSOCIATE JUDGE**

All cases ending in ODD numbers have been assigned and referred to the Associate Judge, John R. Millard. If the cause number in your case ends in an ODD number, you appear for docket call in the courtroom (3-A) of the Associate Judge. If the cause number ends in an EVEN number, it will be heard in the courtroom (3-C) of the Presiding Judge.

11. **HOLIDAYS / COURT NOT IN SESSION**

The 328th Judicial District Court will have days throughout the year when court is not in session. Please consult our online calendar to determine those dates.