

- 6.2 Order of Referral. This Rule shall constitute the Order of Referral required by TFC section 201.006(a)(2), to any pending or future cases under Title 1, 2, 4, or 5.

RULE 7. ALTERNATE DISPUTE RESOLUTION

- 7.1 Temporary Hearings. In cases involving disputed custody or visitation issues, the court shall make referrals for mediation to the Dispute Resolution Center or private mediators, or as agreed upon by the parties and attorneys. Additional issues may be mediated by agreement of the parties and attorneys. Attorneys of record may attend all mediations. Except for good cause shown, no temporary hearings involving disputed custody or visitation issues will be conducted until the issues have been mediated.
- 7.2 Final Trial. Except for good cause shown, all cases shall be submitted for alternate dispute resolution procedures before trial, as provided in paragraph 7.1.
- 7.3 Settlement Weeks. Referral of appropriate cases to alternate dispute resolution procedures shall also be made at one or more settlement weeks each year, as provided by law.

RULE 8. CONFLICTING ENGAGEMENTS

- 8.1 Inter-County. The Rules of the Second Administrative Judicial Region control conflicts in settings of all cases between a Fort Bend County court and a non-Fort Bend County court.
- 8.2 Intra-County. Among the trial courts sitting in Fort Bend County:
- 8.2.1 Trial/Trial. An assigned trial setting takes precedence over a conflicting trial setting not yet assigned;
- 8.2.2 Trial/Non-Trial. An assigned trial setting takes precedence over conflicting non-trial settings, except as to a court-ordered mediation that is scheduled prior to the assignment to trial;
- 8.2.3 Non-Trial/Pre-Trial Intra-Court. The matter which was first filed, regardless of cause number, shall take precedence over subsequently filed non-trial settings, non-court-ordered alternate dispute resolution and non-court-ordered depositions.
- 8.3 Judge or Associate judge. This rule is applicable whether the matter is assigned to the judge or the associate judge of a court.

- 8.4 Waiver. The court lacking priority shall yield.
- 8.5 Lead Counsel. This rule operates only where lead counsel, as defined by T.R.C.P. Rule 8, is affected, unless the court expands coverage to other counsel.
- 8.6 Engaged Counsel. Counsel is deemed engaged and unavailable for trial if he or she is participating in the actual trial or hearing of another case or in court-ordered alternate dispute resolution or court-ordered deposition.
- 8.7 Reporting of Conflicting Engagements. It is the duty of an attorney to report promptly to the court immediately upon learning of a conflicting engagement that might preclude that attorney's availability. Failure to do so may result in sanctions.

RULE 9. VACATIONS OF ATTORNEYS

- 9.1 General Rule. Subject to the provisions of paragraph 9.2 of this rule, an attorney may designate not more than four weeks of vacation during a calendar year, during which time that attorney will not be assigned to trial or required to engage in any pretrial proceedings. This rule operates only where lead counsel, as defined by T.R.C.P. Rule 8, is affected, unless the court expands coverage to other counsel. The vacation designation shall be honored only if it is filed in writing with the District Clerk, and is accompanied by the attorney's designation of at least one attorney who has consented to act for the vacationing attorney. The designated attorney shall be called upon to act only if the client consents to the designated attorney's representation, and then only if the court requests the designated attorney's participation due to an emergency.
- 9.2 Time for Designation. Written designation for vacation weeks during June, July, or August must be filed with the District Clerk by May 15 of that year. Written designation for vacation weeks in months other than June, July, or August must be filed with the District Clerk at least 60 days in advance. Designated vacation weeks protect the attorney from trials or pretrial proceedings during those weeks, unless a setting order was signed and the case was assigned to trial before the vacation designation was filed.

RULE 10. UNIFORMITY

- 10.1 Letters and Orders. In managing their dockets under T.R.C.P. Rules 165a and 166, Family Trial Division judges shall endeavor to use form letters and orders approved by the district judges of Fort Bend County.