

RULES OF PRACTICE IN THE 328TH DISTRICT COURT

JUDGE RONALD R. POPE
Email: 328th@fortbendcountytx.gov

1. GENERAL

- a. The 328th 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. These Rules apply to both attorneys and pro se litigants.
- b. Mediation Required Prior to Temporary Order Hearing on Custody - All parties are required to view the video available in the Fort Bend County Law Library entitled "Kids in the Crossfire" prior to any temporary order hearing involving contested custody. Mediation is required prior to any temporary order hearing involving custody except for good cause shown.
- c. Mediation Required Prior to Final Trial on Merits - All parties are required to attend mediation before a final trial on the merits in all cases except Applications for Protective Orders and contempt actions. Mediators may be chosen by the parties. If the parties are unable to agree on a mediator or a mediation date, a motion should be filed with the Court. A certificate of mediation settlement/or inability to settle at mediation signed by the mediator must be filed with the clerk prior to a trial on the merits.
- d. Parent Education Course Required Prior to Final Trial - Except for good cause shown, the adults in all cases filed in the 328th District Court involving minor children (whether the cases are contested or uncontested), shall attend a parent education seminar prior to appearing in Court for a final hearing. Children also should attend the child-related portion of such seminar if offered by the seminar provider. A certificate verifying attendance at the parent education seminar must be filed with the Clerk of the Court prior to a final hearing. Seminars currently available in this area include:

Escape Family Resource Center | Families and Divorce - (713) 942-9500
Depelchin Children's Center - (713) 730-2335
Divorce As Friends, Stop the Conflict - (713) 520-5370

The following are some of the Court approved online courses:

www.urecovery.com
www.kidsfirsttexas.com
www.parentingchoice.com
www.txparent.com
www.onlineparentingprograms.com

www.puttingkidsfirst.org
www.family-affairs.org
www.parentingpartnerships.com
www.parentclassonline.com

- e. Files are not stored in the courtroom or the Coordinator's office. Persons having questions concerning filing, service and signing dates should contact the District Clerk's Office at (281) 341-4509 or look on the search feature located on the District Clerk's Fort Bend County web site at www.fortbendcountytexas.gov.
- f. Agreements should comply with Rule 11 and be in writing signed by all attorneys and parties (agreements as to procedural matters require only attorney signatures) or dictated on the record. Forms are available in the Courtroom.
- g. Financial information statements, tax returns for the past two (2) years and the last three (3) pay stubs shall be filed and exchanged in all matters involving support. This should be done at least ten (10) days prior to the final trial date.
- h. Inventories and proposed property divisions shall be filed and exchanged in all trials involving characterization or property division. This should be done at least ten (10) days prior to the final trial date.
- i. Working copies of your party's most recent pleadings, Financial Information Statements, Inventories and Proposed Property Division should be supplied to the Court for use during hearing or trial.
- j. Challenges to Experts to be Determined Prior to Day of Trial - If the testimony of expert witnesses is to be challenged per Daubert, etc..., notice of such challenge shall be given to all parties and the Court and a hearing scheduled prior to the day of trial for the purpose of determining such challenges. Challenges not presented and heard prior to the day of trial will be considered waived.
- k. Each party should consult the applicable State law and Rules and the Fort Bend County Local Rules for additional specifics and time limits.
- l. Questions concerning hearing or trial should be directed to Sue Anne Pitcock, Court Coordinator of the 328th District Court via email: 328th@fortbendcountytexas.gov.
- m. Docket call on all matters begins at 8:30 AM. All attorneys and parties are expected to answer the docket, unless excused by the Court.
- n. Announcement of a late appearance requires a specific cause, location where the caller will be and the estimated arrival time.
- o. The rules of the Second Judicial Administrative District establish priorities for hearings in this and other Courts. Lower Court hearings, agreed mediations and depositions do not take precedence over matters scheduled in this or any other District Court. Furthermore, you should come to this Court prior to going to Harris County courts, except criminal cases.

2. TRIAL SETTINGS

- a. All requests for trial settings must be in writing on the Trial Setting Request form. The request must contain the following information: time estimate for the trial and the names and mailing addresses of opposing counsel, ad litem or pro se parties. You may download the form from the Fort Bend County web site at www.fortbendcountytexas.gov.
Fax the form directly to the Court Coordinator at: 281-341-4426.
DO NOT FILE WITH THE DISTRICT CLERK.
- b. Trials start at 8:30 AM.

3. CONTESTED HEARINGS

- a. Hearing dates must be obtained from the Coordinator. Email the Coordinator, 328th@fortbendcountytexas.gov, to have your matter set on the Court's docket.
- b. Notice to opposing attorney or party shall be given in the manner and time specified in the Rules of Civil Procedure. You shall attach a Certificate of Conference to your motions (see Local Rules of the Family Courts).
- c. Terminations and adoptions are scheduled on the 1st and 3rd Fridays of each month.
- d. All hearings start at 8:30 AM.

4. UNCONTESTED MATTERS

- a. Sign up in the District Clerk's Office before 8:15 AM.
- b. Agreements require signatures of all parties and counsel.
- c. Defaults require a record and a Certificate of Last Known Address per Rule 239a, Service Member's Affidavit, and in divorce cases, an Inventory & Appraisal.
- d. Uncontested hearings start at 8:30 AM.

5. JURY SETTINGS

- a. This Court has one jury week per month, beginning on the second Tuesday of each month. See the Coordinator for available dates. There are no jury trial settings in June, July, August and December.
- b. All requests for jury trial settings must be in writing on the Trial Setting Request form. The request must contain the following information: time estimate for the jury trial and the names and mailing addresses of opposing counsel, ad litem or pro se parties. You may download the form from the Fort Bend County web site at www.fortbendcountytexas.gov.
- c. Jury trials start at 8:30 AM.

6. VACATION LETTERS

- a. File with the District Clerk. Consult the local rules of the Family Courts of Fort Bend County.

7. NAME CHANGE

- a. Child - Requires proof of notice to parents and order to be signed by both parents. If minor child is 10 years or older, requires minor's written consent to be filed.
- b. Adult - Fingerprint cards must be on file and a criminal background check from the Texas Department of Public Safety must be obtained and filed.