

COUNTY COURT AT LAW NO. ONE
General Rules Governing Civil Jury and Non-jury Cases
Effective November 10, 2011
(These rules govern all cases pending as of the date of this Order)

The State Rules of Judicial Administration provide as follows:

District and statutory county court judges of the county in which cases are filed should, so far as reasonably possible, ensure that all cases are brought to trial or final disposition in conformity with the following time standards:

b. *Civil Cases Other Than Family Law.*

- (1) *Civil Jury Cases.* --Within 18 months from appearance date.
- (2) *Civil Nonjury Cases.* --Within 12 months from appearance date.

The following rules are hereby adopted in respect of the above cited rule.

1. Trial dockets will be for two-week periods beginning on the 1st and 3rd Monday of each month. (Where a Monday falls on a holiday the docket will begin on Tuesday).
2. Announcements are not required. A case set on the docket will be presumed by the court ready for trial unless the continuance rules have been followed and a continuance has been granted by the court.
3. During the week prior to the docket the Court will advise the parties, as nearly as possible, of a specific date and time for trial. For conflict purposes this notice is to be considered by counsel as a trial setting. Only prior settings will be considered as conflicts and counsel should immediately notify the court of any conflicts.
4. Cases may be specially set, whether on a docket or not, by agreement of the parties with the consent of the court. Cases set by agreement will not be continued absent extraordinary circumstances.
5. Cases will be set by the court without request beginning with the oldest case on the docket. Cases will not be set without a request before the case has been pending a minimum of six months.
6. Requests for setting by only one party must certify that the case is ready for trial, the pleadings are in order, discovery is complete, there are no pending dispositive motions and there is no reasonable probability that the case will settle.

Continuance Practice

1. The court expects compliance with the Rules of Procedure regarding continuances.
2. A joint motion for continuance will ordinarily be honored once without hearing *only* if the case has not been on file longer than the standards.
3. A continuance will not be granted unless a motion is filed in compliance with the Rules of Procedure and set for hearing not later than seven days before the first day of the docket. Extraordinary circumstances not existing, or not known, prior to the deadline for filing a motion for continuance should be asserted by written motion as soon as known. If reliance on lack of knowledge is asserted as a ground for continuance counsel should be prepared to address the issue of diligence.
4. A continuance will not ordinarily be granted solely because discovery has not been completed.

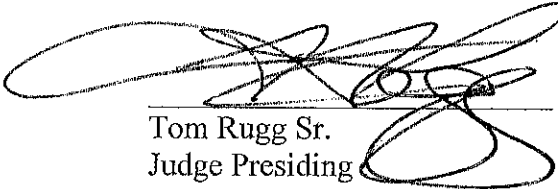
General Docket Control Orders

1. Unless the parties request a pretrial conference the following guidelines should be met:
 - a. Pleas to the jurisdiction, pleas in abatement, motions to change venue and other dilatory pleas should be made as soon as the party is aware of facts that will support the plea.
 - b. Written discovery should be commenced not later than 30 days following the last filed answer. Disputes regarding discovery, if not resolved by agreement (which is preferred) should be brought to the attention of the court within 20 days or the court may consider the dispute waived.
 - c. Special exceptions to pleading should be filed within 10 days of the date the pleading excepted to is received and set for hearing as soon as the court's schedule will permit. The court will liberally apply waiver and amendment doctrines regarding pleadings to which exception is taken but not early asserted.
 - d. Summary disposition by motion should be made is such a time as to not interfere with a trial setting. Be mindful that a late filed motion for summary judgment can be carried with the case and "cured" by evidence admitted during trial.
2. Pretrial conferences, if desired, should be requested within 30 days of the filing of answer by the Defendant. In cases with multiple defendants conference should be requested within 30 of the filing of answer by the last Defendant to file answer.

Trial Orders

1. Counsel for the parties are expected to be present in chambers 30 minutes prior to the scheduled start of trial for a pretrial conference.
2. At the pretrial conference it is expected that counsel will have prepared proposed findings of fact and conclusions of law for non-jury cases. Counsel should be prepared to discuss contested issues of law with appropriate citation to authority. Though not required written briefs on contested issues of law would be appropriate.
3. For jury cases counsel for the parties are expected to be prepared to address motions in limine (if any) and jury issues and instructions. It is not necessary to have prepared jury issues or instructions for pretrial. Counsel will be prepared to discuss issues and instructions during the charge conference following the conclusion of the evidence.

Adopted on November 10, 2011



Tom Rugg Sr.
Judge Presiding