

RULES OF PRACTICE IN THE 328TH DISTRICT COURT
JUDGE RONALD R. POPE

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.
- 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 "Don't Forget the Children" 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. 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:
 1. Children Cope (713) 952-2673
 2. Escape Family Resource Center-Families and Divorce (713) 942-9500
 3. Depelchin Children's Center - (713) 730-2335
 4. For Kids Sake - (979) 285-2061 or (979) 202-7288
 5. A.S.I. Parenting Course - (281) 491-5001
- 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 Court Connect located on the Fort Bend County website at www.co.fort-bend.tx.us.

- 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 a 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 a 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 at (281) 341-4406.
- m. Docket call on all matters begins at 8:30 a.m. All attorneys and parties are expected to answer the docket, unless excused by the Court. The Court will endeavor to conduct hearings at other times of day or conduct telephonic hearings upon request to the Coordinator.
- 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.

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 website at www.co.fort-bend.tx.us
- b. Trials start at 8:30 a.m.

3. Contested Hearings

- a. Hearing dates must be obtained from the Coordinator. Call the Coordinator 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.
- c. Enforcements are normally scheduled on Thursdays.
- d. Terminations and adoptions are normally scheduled on the 1st and 3rd Fridays of each month.
- e. All hearings start at 8:30 a.m.

4. Uncontested Matters.

- a. Sign up in the District Clerk's Office before 8:15 a.m.
- b. Agreements require signatures of all parties and counsel.
- c. Defaults require a record and a Certificate of Last Known Address per Rule 239a.
- d. Uncontested hearings start at 8:30 a.m.

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.
- 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 website at www.co.fort-bend.tx.us

c. Jury trials start at 8:30 a.m.

6. Vacation Letters.

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