

NAVARRO COUNTY



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JAMES LAGOMARSINO
JUDGE, 13TH JUDICIAL DISTRICT COURT
NAVARRO COUNTY COURTHOUSE
P.O. BOX 333
CORNICANA, TEXAS 75151-0333

November 5, 2010

All Counsel Practicing in the 13th District Court

(SENT VIA FAX/EMAIL)

RE: Miscellaneous Standing Order # 1

Dear Counsel:

Please find attached Miscellaneous Standing Order # 1 which is effective immediately. It will also be placed on the Court's website in the near future.

Sincerely,

A handwritten signature in black ink, appearing to read 'James Lagomarsino', with a long, sweeping horizontal line extending to the right.

James Lagomarsino
District Judge

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IN THE DISTRICT COURT
13TH JUDICIAL DISTRICT
NAVARRO COUNTY, TEXAS

MISCELLANEOUS STANDING ORDER #1

The 13th Judicial District Court is the only court of record in Navarro County and it has general jurisdiction over civil, family and criminal matters. In an effort to reduce the number of contested motions that come before the Court, and to allow the Court to use its time more efficiently, the Court makes the following Order effective immediately.

IT IS THEREFORE ORDERED that all contested motions must be accompanied by a Certificate of Conference signed by the attorney pursuing the motion (or party if the party is proceeding pro se) that provides at least the following information:

1. That a conference was held, either in person or via telephone, with each attorney (or person if the person is proceeding pro se) who is directly affected by the requested relief;
2. The identity of the persons who participated in the conference and the date of the conference; and
3. A brief explanation as to why an agreement could not be reached.

A Certificate of Conference in substantially the following format will be considered sufficient to comply with this requirement:

I hereby certify that I contacted _____ (in person, via telephone) on _____ and conferred with him/her regarding _____. We were unable to come to an agreement regarding the motion and the matter is presented to the Court for resolution.

Attorney

If a conference was not held, the certifying attorney must explain why it was not possible to confer, in which event the motion will be presumed to be opposed. The person signing the Certificate of Conference is subject to Rule 13 of the Texas Rules of Civil Procedure and all attorneys and parties are expected to confer in good faith.

The Court will presume that Motions for Summary Judgment, Pleas to the Jurisdiction and other dispositive motions which are not agreed to are contested and that a Certificate of Conference is not necessary for those motions.

The Court will not set a hearing on a contested motion without a Certificate of Conference.

Applications for Temporary Restraining Order or Temporary Injunction are subject to this Certificate of Conference Order unless it appears from specific facts shown by affidavit or a verified complaint that immediate and irreparable injury, loss or damage will result to the applicant before notice can be served and a hearing had.

IT IS FURTHER ORDERED that attorneys and parties are expected to reasonably promptly return telephone calls or respond to email messages or letters requesting a conference so that the party attempting to confer has a reasonable opportunity to communicate with an opposing attorney or party regarding the contested matter.

IT IS FURTHER ORDERED that with respect to discovery disputes, the attorneys (or parties if one or more of the parties is proceeding pro se) shall confer regarding each individual matter which is in dispute before filing a motion .

IT IS FURTHER ORDERED that in family law cases, the attorneys (or parties if the parties are proceeding pro se) shall confer regarding each specific item which is the subject of

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dispute in temporary orders (i.e. visitation, child support, etc.) prior to any hearing on temporary orders.

This Order is intended to take effect immediately.

SIGNED this the 5th day of November, 2010.



JAMES LAGOMARSINO
DISTRICT JUDGE