Filed in The District Court
of Travis County, Texas

DEC 13 2019 JG
At 10:25A M.
Velva L. Price, District Clerk

File No. GN-61-121,012
(Local Rules and General Orders)

STANDING ORDER IN *LIMINE* FOR JURY TRIALS OF CIVIL AND FAMILY CASES IN THE TRAVIS COUNTY DISTRICT COURTS
Effective as of January 1, 2020

This Standing Order in *Limine* applies to all civil and family cases set for jury trial in the Travis County District Courts. All references to attorneys and counsel in this Order includes self-represented parties.

Unless and except to the extent that the operation of this Order shall have been suspended in a particular trial, no attorney shall make mention, refer to or suggest any of the following matters in the presence or hearing of the jury, the jury panel, or any member of either, without first approaching the bench and securing a ruling from the Court authorizing the reference. In addition, attorneys shall admonish their clients, clients' representatives and all non-adverse witnesses they may call to testify to refrain from making any statement about or reference to the following matters, unless it is essential to respond truthfully to a question asked by opposing counsel.

The matters in this Order should not be included in the parties' motions in *limine*.

1. Insurance

Unless an insurance company is a named defendant, that a defendant is or is not protected, in whole or in part, by liability insurance, or that defense counsel was retained by, or all or any part of the costs of defense, or of any resulting judgment, are or will be paid by an insurance company, or any other matter suggesting an involvement of any insurance company with the defense of the case.

2. Jurors' Connection with Insurance Industry

Inquiring of potential jurors as to their present or past employment or connection with the insurance industry, or present or past connection of any family member with the insurance industry, except that:

a. If a potential juror discloses employment in the insurance industry, that potential juror may be questioned about it.

b. Inquiry may be made of potential jurors concerning their experience (or the experience of members of their family), if any, reviewing, adjusting, or allowing/disallowing claims, as long as no express reference is made to "insurance."

3. Liability or Non-Liability for Judgment

That a named defendant may or may not have to pay any resulting judgment.

4. Collateral Source

That any portion of the damages sought by plaintiff have been, or will be paid by any collateral source, including but not limited to:

a. health and accident or disability insurance;

b. workers' compensation;

c. any employee benefit plan, formal or informal, including payment of wages for time not actually worked;

d. social security or welfare;

e. veterans or other benefits; or

f. provisions of medical services free of charge or for less than reasonable and customary charges, provided that this does not prohibit reference to unpaid charges of any health care provider who actually testifies for plaintiff (or whose medical records are offered by plaintiff), or to any letter of protection securing any charges.

5. Retention of Attorneys

The time or circumstances under which either party consulted or retained an attorney, provided that if any attorney referred a party to a health care provider who testifies in the case (or whose medical records are introduced by that party), this fact may be a subject of inquiry.

6. Attorneys' Fees

That any party will have to pay attorneys' fees, or any reference to the amount or basis of any attorneys' fees, unless a claim for recovery of attorneys' fees in the case will be submitted to the jury.

7. Physical and Mental Examinations

That the plaintiff offered to, or was or is willing to, undergo a Tex. R. Civ. P. 204 examination.

8. Criminal Offenses

That any party or witness has been suspected of, arrested for, charged with, or convicted of any criminal offense unless there is evidence of a specific conviction that the Court has previously ruled is admissible in the case.

9. Alcohol or Drug Use

That any party or witness uses or abuses alcohol, tobacco, or any controlled substance, unless and until the alleged use or abuse is shown to be specifically relevant to the matters in controversy.

10. Settlement Negotiations or Mediation

Any negotiations, offers, or demands with respect to any attempted settlement or mediation.

11. Discovery Disputes

Any reference to discovery disputes that arose during the preparation of the case for trial, any position taken by any party on such a dispute, or to the Court's rulings on any discovery dispute.

12. Prior Suits or Claims

That any party has been a party to any prior lawsuit, or has asserted any prior claim, or that any prior claim has been asserted against a party; provided that this clause does not prohibit inquiry about a prior injury that may have been the subject of a claim, as distinguished from the claim, suit, or settlement, if the nature of injuries claimed in the present suit make prior injuries relevant.

13. Out-of-Court Statements of Witnesses

Any reference to any out-of-court statement of any witness or alleged witness, other than an adverse party or agent of an adverse party, unless and until that witness has been called to testify and has given testimony conflicting with an out-of-court statement. A deposition or a statement in business or medical records that has been proved up as required by the Rules of Evidence is not an out-of-court statement.

14. Testimony of Absent Witness

Any statement or suggestion as to the probable testimony of any witness or alleged witness who is unavailable to testify, or whom the party suggesting such testimony does not, in good faith, expect to testify in the trial. If the party is expected to testify by deposition, this provision does not apply to testimony contained in the deposition expected to be offered.

15. Failure to Call Witness

Any reference to the failure of an opposing party to call any witness.

16. Hearsay Medical Opinions

Any hearsay statement offered for the truth of the statement concerning any diagnosis or medical opinions communicated to that person by a physician or other health care provider.

17. Photographs and Visual Aids

Showing any documents, photographs, or visual aids to the jury, or displaying them so that any jury member can see them, unless and until they have been tendered to opposing counsel, and have been admitted in evidence or approved for admission or use before the jury, either by the Court or by all counsel.

18. Requests for Stipulations

Any request or demand in the presence of the jury for a stipulation to any fact, or that counsel admit or deny any fact.

19. Requests for Files

Any request or demand in the presence of the jury that opposing counsel produce any document or thing, or that opposing counsel or any party or witness exhibit, turn over, or allow examination of the contents of any file or briefcase (except that a party may demand to see a document used to refresh a witness's recollection while on the stand, or a document the witness testifies was used previously to refresh that witness's recollection).

20. Discrimination

Any argument that a party should be treated more or less favorably because of that party's race, gender, national origin, nationality, religion, marital status, occupation, or financial status (except in the second phase of a bifurcated trial).

21. Social Cost of Award

Any argument or suggestion that an award of damages will affect insurance premiums, the price of any goods or services, or the level of taxation.

22. Hardship or Privation

Any argument or suggestion that a failure to award damages will cause a plaintiff privation or financial hardship.

23. Golden Rule

Any argument or suggestion that the jurors should put themselves in the position of a party.

24. Counsel's Opinion of Credibility

Any expression of counsel's personal opinion regarding the credibility of any witness.

25. Effect of Answers to Jury Questions

Any argument that any finding or failure to find in response to a particular jury question will, or will not result in a judgment favorable to any party. This provision does not bar argument by counsel that a particular jury question should be answered in a particular way.

26. Evidence Not Produced in Discovery Response to a Proper Request

Calling any witness, or offering any document in evidence, if the identity of the witness or the document has not been disclosed in response to a proper discovery request. If a party has a good faith basis to urge that a witness or document should be received either because (a) no discovery request properly called for its disclosure, or (b) good cause existed for failure timely to disclose, that party shall first approach the bench and secure a ruling. Counsel are advised that to the extent possible or predictable, such matters should be addressed and a ruling sought at pretrial once the case is assigned for trial.

27. Objections to Evidence Not Produced in Discovery

Any objection based on failure to disclose evidence in pre-trial discovery. Any party desiring to urge that objection shall request to approach the bench and urge the objection outside the hearing of the jury. To the extent possible or predictable, these matters should be addressed and a ruling sought at pretrial once the case is assigned for trial, although the objection may be urged for the record outside the hearing of the jury at the time the evidence is offered if the Court has overruled the objection at pretrial.

This ORDER is effective as of January 1, 2020.

Signed by all Civil District Judges and filed with District Clerk's Office on December 13, 2019.

JUDGE SCOTT H. JENKINS
53rd District Court

JUDGE RHONDA HURLEY
98th District Court

JUDGE DARLENE BYRNE
126th District Court

JUDGE DUSTIN M. HOWELL
200th District Court

JUDGE AMY CLARK MEACHUM
201st District Court

JUDGE KARIN CRUMP
250th District Court

JUDGE LORA J. LIVINGSTON
261st District Court

JUDGE JAN SOIFER
345th District Court

JUDGE TIM SULAK
353rd District Court

JUDGE CATHERINE A. MAUZY
419th District Court

JUDGE MAYA GUERRA GAMBLE
459th District Court