

Question

Answer Short response The local rule requiring all briefs, proposed orders, and judgments to be presented to the Court Coordinator conflicts with the Texas Rules of Judicial Administration because it imposes a procedural requirement not authorized by, and potentially inconsistent with, the Supreme Court's statewide rules and the statutory framework governing local court administration. Such a rule may interfere with judicial independence, the uniformity of court procedures, and the efficient administration of justice as mandated by the Texas Supreme Court and the Texas Government Code. Summary The Texas Rules of Judicial Administration, promulgated under the authority of the Texas Supreme Court and the Texas Government Code, establish a comprehensive framework for the uniform and efficient operation of courts statewide. These rules require that local rules, forms, and standing orders must not be inconsistent with statewide rules or laws, and they emphasize the importance of judicial independence, fair case management, and the avoidance of unnecessary procedural barriers. A local rule mandating that all briefs, proposed orders, and judgments be presented to the Court Coordinator creates a procedural step not contemplated by the statewide rules and may impede the judge's statutory authority to act independently on matters before the court. This requirement risks undermining the uniformity and efficiency sought by the Supreme Court's rules, and if not properly adopted or if it interferes with the judge's ability to manage cases, it is in direct conflict with the governing legal framework for court administration in Texas. Background and Relevant Law Constitutional and Statutory Framework The Texas Constitution vests the Supreme Court of Texas with the responsibility for the efficient administration of the judicial branch and the authority to promulgate rules of administration necessary for the uniform and efficient operation of the courts, provided such rules are not inconsistent with state law, as set out in Tex. Const. art. 5 § 31. This constitutional mandate is implemented through statutory provisions, most notably: Section 74.024 of the Texas Government Code, which authorizes the Supreme Court to adopt rules of administration setting policies and guidelines necessary or desirable for the operation and management of the court system and for the efficient administration of justice (Tex. Gov't. Code § 74.024). Section 74.093 of the Texas Government Code, which requires that local rules of administration be adopted by a majority vote of the district and statutory county court judges in each county, and that such rules must address specific administrative functions, including assignment, docketing, transfer, hearing of cases, and the fair and equitable division of caseloads (Tex. Gov't. Code § 74.093). Section 74.094 of the Texas Government Code, which affirms the authority of district and statutory county court judges to hear and determine matters, sign judgments or orders, and have those actions be valid and binding, regardless of the procedural steps taken by court staff (Tex. Gov't. Code § 74.094). Texas Rules of Judicial Administration The Rules of Judicial Administration, as updated effective August 1, 2025, are promulgated under the authority of Section 74.024 and are binding on all Texas courts. Key provisions include: Rule 10(a): Local rules, forms, and standing orders must not be inconsistent

with other laws or rules and must be published on the Office of Court Administration's website. Rule 10(e)-(f): The presiding judge of an administrative judicial region or the Supreme Court may direct a court to amend or withdraw a local rule, form, or standing order if it fails to comply with statewide rules or is unfair or unduly burdensome. Rule 10(g): Courts may not require the use of local forms to the exclusion of Supreme Court-approved forms, ensuring access to justice is not denied due to local procedural requirements. Rule 5 and Rule 7: Emphasize the presiding judge's responsibility for uniform local rules, efficient docket management, and prompt disposition of cases, as well as the judge's administrative independence.

Analysis 1. Inconsistency with Statewide Rules and Statutory Authority

The local rule in question requires that all briefs, proposed orders, and judgments be presented to the Court Coordinator. This procedural requirement is not found in the Texas Rules of Judicial Administration or in the Texas Government Code provisions governing court administration. Instead, the statewide rules and statutes are designed to ensure that local rules do not create barriers to the efficient and uniform administration of justice. Under Rule 10(a) of the Rules of Judicial Administration, local rules must not be inconsistent with other laws or rules. The Supreme Court's rules, promulgated under Section 74.024, are intended to be uniform and to avoid unnecessary procedural hurdles that could impede the administration of justice (Tex. Gov't. Code § 74.024). By requiring all substantive filings to be routed through the Court Coordinator, the local rule imposes an additional step that is not contemplated by the statewide rules and may delay or complicate the judge's ability to act on matters before the court.

Furthermore, Section 74.093 requires that local rules be adopted by a majority vote of the judges and address specific administrative functions. If the local rule was not properly adopted or if it interferes with the equitable division of caseloads or other administrative functions, it is in direct conflict with the statutory requirements (Tex. Gov't. Code § 74.093).

2. Interference with Judicial Independence and Efficiency

Section 74.094 of the Government Code grants district and statutory county court judges the authority to hear and determine matters, sign judgments or orders, and have those actions be valid and binding, regardless of whether the case is transferred or which court the judge is sitting in (Tex. Gov't. Code § 74.094). The judge's authority is not contingent upon the presentation of documents to a Court Coordinator. By requiring all briefs, proposed orders, and judgments to be presented to the Court Coordinator, the local rule could interfere with the judge's ability to act independently and efficiently, as intended by the statute. The Rules of Judicial Administration further emphasize the importance of efficient docket management and the prompt disposition of cases (see Rules 5 and 7). Any local rule that creates unnecessary procedural steps or delays is contrary to these objectives.

3. Uniformity and Access to Justice

The Supreme Court's rules are designed to promote uniformity across the state's courts. Rule 10 specifically prohibits local rules that are inconsistent with statewide rules and provides mechanisms for the presiding judge or the Supreme Court to require amendment or withdrawal of such rules. The requirement that all filings be presented to the Court Coordinator is not a uniform requirement across Texas courts and may create confusion or barriers for litigants, particularly those unfamiliar with local practices. Rule 10(g) also prohibits courts from requiring the use of local forms to the exclusion of Supreme Court-approved forms, reinforcing

the principle that access to justice should not be denied due to local procedural requirements. While the local rule at issue does not directly address forms, its imposition of a unique procedural step could similarly impede access to the courts.

4. Adoption and Oversight of Local Rules

Section 74.093 and Rule 10 require that local rules be adopted by a majority vote of the judges and be published on the Office of Court Administration's website. If the local rule requiring presentation to the Court Coordinator was not properly adopted or published, it is invalid. Even if properly adopted, the rule must still comply with the requirement that it not be inconsistent with statewide rules or laws.

The Rules of Judicial Administration provide that the presiding judge of an administrative judicial region or the Supreme Court may direct a court to amend or withdraw a local rule if it is found to be unfair, unduly burdensome, or inconsistent with statewide rules (Rule 10(e)-(f)). This oversight mechanism ensures that local rules do not undermine the uniformity and efficiency of the court system.

5. Potential Justifications and Counterarguments

It could be argued that the local rule is intended to facilitate efficient case management by ensuring that the Court Coordinator is aware of all filings and can assist in scheduling or administrative matters. However, the Rules of Judicial Administration already provide mechanisms for efficient docket management and administrative support without imposing mandatory procedural steps that could interfere with judicial independence or the uniformity of court procedures. Moreover, the Supreme Court's rules and the Government Code provide for the assignment of administrative responsibilities to judges and court staff, but these responsibilities must be exercised in a manner consistent with statewide rules and the judge's statutory authority.

Exceptions and Caveats

There may be circumstances in which a local rule requiring presentation of documents to the Court Coordinator is permissible, such as when it is limited to purely administrative matters (e.g., scheduling) and does not interfere with the judge's authority to act on substantive matters. However, any such rule must still be properly adopted, published, and consistent with statewide rules and statutes. If the local rule is interpreted or applied in a manner that does not delay or impede the judge's ability to act, and if it is limited to facilitating administrative efficiency without creating barriers to access or judicial independence, it may be permissible. However, the broad language of the rule as stated—requiring all briefs, proposed orders, and judgments to be presented to the Court Coordinator—suggests a mandatory procedural step that is inconsistent with the governing legal framework.

Conclusion

The local rule requiring all briefs, proposed orders, and judgments to be presented to the Court Coordinator conflicts with the Texas Rules of Judicial Administration and the Texas Government Code because it imposes a procedural requirement not authorized by, and potentially inconsistent with, the Supreme Court's statewide rules and the statutory framework for court administration. Such a rule may interfere with judicial independence, undermine the uniformity and efficiency of court procedures, and create unnecessary barriers to access to justice. Local rules must be consistent with statewide rules, properly adopted, and must not impede the efficient and uniform administration of justice as mandated by the Texas Supreme Court and the Texas Government Code.

-- HOW DOES A LITIGANT CHALLENGE THIS RULE? --

Answer (Texas)

Short response

A litigant may challenge a local rule requiring all briefs, proposed orders, and judgments to be presented to the Court Coordinator by seeking a writ of mandamus from the appropriate Texas court of appeals, arguing that the rule is inconsistent with statewide rules or statutory authority. Alternatively, the litigant may raise the issue in the trial court through a plea to the jurisdiction or by objecting to the enforcement of the rule, preserving the issue for appellate review.

Summary

Texas law provides several mechanisms for challenging local court rules that conflict with statewide rules or statutory authority. The most direct and effective method is to seek a writ of mandamus from the court of appeals, which has explicit statutory authority to compel lower courts to comply with the law and to invalidate local rules that are inconsistent with the Texas Rules of Judicial Administration or the Texas Government Code.

Additionally, a litigant may challenge the rule in the trial court by raising a plea to the jurisdiction or by objecting to the application of the rule, thereby preserving the issue for appeal. The Texas Supreme Court and courts of appeals have repeatedly affirmed that local rules must not conflict with statewide rules or statutes, and that courts of appeals have the power to grant mandamus relief when a trial court acts without authority or enforces an invalid local rule.

Background and Relevant Law

Constitutional and Statutory Framework

The Texas Constitution vests the Supreme Court of Texas with the responsibility for the efficient and uniform administration of the judicial branch, including the authority to promulgate rules of administration as necessary, provided they are not inconsistent with state law ([Tex. Const. art. 5 § 31](#)). This constitutional mandate is implemented through several key statutory provisions:

- **Section 74.024 of the Texas Government Code** authorizes the Supreme Court to adopt rules of administration for the operation and management of the court system, ensuring the efficient administration of justice ([Tex. Gov't. Code § 74.024](#)).
- **Section 74.093** requires that local rules of administration be adopted by a majority vote of the district and statutory county court judges in each county, and that such rules address specific administrative functions ([Tex. Gov't. Code § 74.093](#)).

- **Section 74.094** affirms the authority of district and statutory county court judges to hear and determine matters, sign judgments or orders, and have those actions be valid and binding, regardless of procedural steps taken by court staff ([Tex. Gov't. Code § 74.094](#)).
- **Section 22.004** grants the Supreme Court full rulemaking power over civil procedure, and local rules may not conflict with these statewide rules ([Tex. Gov't. Code § 22.004](#)).
- **Section 22.221** empowers each court of appeals to issue writs of mandamus and all other writs necessary to enforce its jurisdiction, including writs against district and county judges within its district ([Tex. Gov't. Code § 22.221](#)).

Case Law

Texas appellate courts have consistently held that local rules must not conflict with statutes or the Texas Rules of Civil Procedure, and that the Supreme Court has exclusive authority to promulgate rules of civil procedure ([In re Rio Grande Valley Gas Co., 8 S.W.3d 303 \(Tex. 1999\)](#); [In re PG & E Reata Energy, et al., 4 S.W.3d 897 \(Tex. App. 1999\)](#)). When a trial court acts without authority or enforces a rule that is inconsistent with higher authority, a litigant may seek mandamus relief ([In re McCann, 422 S.W.3d 701 \(Tex. Crim. App. 2013\)](#); [In re Torres, 130 S.W.3d 409 \(Tex. App. 2004\)](#)).

A plea to the jurisdiction is another procedural vehicle for challenging a court's authority to enforce a local rule, particularly if the rule implicates the court's subject matter jurisdiction ([Hendee v. Dewhurst, 228 S.W.3d 354 \(Tex. App. 2007\)](#)). The Texas Supreme Court has also clarified that constitutional challenges to rules must first be brought in the district court and can only be heard by the Supreme Court in its appellate capacity ([Chenault v. Phillips, 914 S.W.2d 140 \(Tex. 1996\)](#)).

Analysis

1. Mandamus as the Primary Mechanism

The most direct and authoritative method for challenging a local rule that conflicts with statewide rules or statutory authority is to seek a writ of mandamus from the appropriate Texas court of appeals. Section 22.221 of the Texas Government Code expressly authorizes courts of appeals to issue writs of mandamus against district and county judges within their district to enforce the law and their own jurisdiction ([Tex. Gov't. Code § 22.221](#)). This statutory power is reinforced by case law, which confirms that mandamus is available when a trial court acts without authority or enforces a rule that is inconsistent with higher authority ([In re McCann, 422 S.W.3d 701 \(Tex. Crim. App. 2013\)](#); [In re Torres, 130 S.W.3d 409 \(Tex. App. 2004\)](#); [In re Traylor, NUMBER 13-20-00124-CR \(Tex. App. Mar 03, 2020\)](#)).

To obtain mandamus relief, the relator (the party seeking relief) must show that the trial court has acted without authority or in violation of a clear legal duty. In the context of a local rule requiring all briefs, proposed orders, and

judgments to be presented to the Court Coordinator, the relator would argue that the rule is inconsistent with the Texas Rules of Judicial Administration and the Texas Government Code, which do not authorize such a procedural requirement and instead emphasize judicial independence and uniformity ([Tex. Gov't. Code § 74.024](#); [Tex. Gov't. Code § 74.094](#)).

The courts of appeals have original jurisdiction to issue writs of mandamus in these circumstances, and the Texas Supreme Court has made clear that local rules must not conflict with statutes or the Rules of Civil Procedure ([In re Rio Grande Valley Gas Co., 8 S.W.3d 303 \(Tex. 1999\)](#); [In re PG & E Reata Energy, et al, 4 S.W.3d 897 \(Tex. App. 1999\)](#)). If the local rule is found to be inconsistent with statewide rules or statutory authority, the court of appeals may order the trial court to cease enforcement of the rule.

2. Plea to the Jurisdiction and Objection in the Trial Court

A litigant may also challenge the local rule in the trial court by raising a plea to the jurisdiction, which is a procedural mechanism for questioning whether the court has the authority to enforce the rule ([Hendee v. Dewhurst, 228 S.W.3d 354 \(Tex. App. 2007\)](#)). The Texas Supreme Court has recognized that a court must resolve legitimate challenges to its jurisdiction before proceeding on the merits ([Texas Dept. Parks and Wildlife v. Miranda, 133 S.W.3d 217 \(Tex. 2004\)](#)). Although Miranda has been abrogated in part by a later case, the principle that jurisdictional challenges must be addressed remains valid.

By objecting to the enforcement of the local rule and raising the issue in the trial court, the litigant preserves the issue for appellate review. If the trial court overrules the objection or denies the plea to the jurisdiction, the litigant may then seek review by the court of appeals, either through an interlocutory appeal (if available under [Tex. Civ. Prac. and Rem. Code § 51.014](#)) or by seeking mandamus relief.

3. Challenging the Validity of the Local Rule

A litigant may also challenge the validity of the local rule on the grounds that it was not properly adopted or published as required by [Tex. Gov't. Code § 74.093](#). Local rules of administration must be adopted by a majority vote of the district and statutory county court judges in each county and must be consistent with statewide rules and statutes. If the rule was not properly adopted or is inconsistent with higher authority, it is invalid and unenforceable ([In re Rio Grande Valley Gas Co., 8 S.W.3d 303 \(Tex. 1999\)](#); [Alpert v. Gerstner, 232 S.W.3d 117 \(Tex. App. 2006\)](#)).

Additionally, the Texas Rules of Civil Procedure, which have the same force and effect as statutes, prohibit local rules from being inconsistent with state or federal law or rules adopted by the Supreme Court ([Cantu v. Moore, 13-23-00087-CV \(Tex. App. Dec 12, 2024\)](#); [Missouri Pacific Railroad Company v. Cross, 501 S.W.2d 868 \(Tex. 1973\)](#)). If the local rule imposes a procedural requirement not contemplated by the statewide rules, it may be challenged as invalid.

4. Raising Constitutional or Separation of Powers Arguments

A litigant may also argue that the local rule violates the separation of powers provision of the Texas Constitution by unduly interfering with the judiciary's ability to exercise its constitutionally assigned powers ([Parker v. State, 51 S.W.3d 719 \(Tex. App. 2001\)](#)). The Texas Supreme Court has exclusive authority to promulgate rules of civil procedure, and local rules that conflict with this authority may be challenged on constitutional grounds ([In re PG & E Reata Energy, et al., 4 S.W.3d 897 \(Tex. App. 1999\)](#)).

However, constitutional challenges to rules must first be brought in the district court and can only be heard by the Supreme Court in its appellate capacity ([Chenault v. Phillips, 914 S.W.2d 140 \(Tex. 1996\)](#)). This means that a litigant raising a constitutional challenge must first present the issue in the trial court, and then seek appellate review if necessary.

5. Preservation of Error and Appellate Review

Texas appellate procedure requires that complaints or challenges be presented to the trial court in the first instance, so that the necessary facts can be developed and the issue preserved for appellate review ([Texas Ass'n of Business v. Texas Air Control Bd., 852 S.W.2d 440 \(Tex. 1993\)](#)). Failure to raise the issue in the trial court may result in waiver of the issue on appeal.

If the trial court enforces the local rule over the litigant's objection, the litigant may seek review by the court of appeals, either through an interlocutory appeal (if available) or by seeking mandamus relief. The appellate court will then determine whether the local rule is inconsistent with statewide rules or statutory authority and, if so, may order the trial court to cease enforcement of the rule.

Exceptions and Caveats

There may be circumstances in which a local rule requiring presentation of documents to the Court Coordinator is permissible, such as when it is limited to purely administrative matters (e.g., scheduling) and does not interfere with the judge's authority to act on substantive matters. However, any such rule must still be properly adopted, published, and consistent with statewide rules and statutes ([Tex. Gov't. Code § 74.093; Alpert v. Gerstner, 232 S.W.3d 117 \(Tex. App. 2006\)](#)).

If the local rule is interpreted or applied in a manner that does not delay or impede the judge's ability to act, and if it is limited to facilitating administrative efficiency without creating barriers to access or judicial independence, it may be permissible. However, the broad language of the rule as stated—requiring all briefs, proposed orders, and judgments to be presented to the Court Coordinator—suggests a mandatory procedural step that is inconsistent with the governing legal framework.

Conclusion

A litigant seeking to challenge a local rule requiring all briefs, proposed orders, and judgments to be presented to the Court Coordinator has several procedural avenues available. The most direct and effective method is to seek a writ of mandamus from the court of appeals, arguing that the rule is inconsistent with statewide rules or statutory authority. Alternatively, the litigant may raise the issue in the trial court through a plea to the jurisdiction or by objecting to the enforcement of the rule, preserving the issue for appellate review. Texas law is clear that local rules must not conflict with statutes or the Texas Rules of Civil Procedure, and the courts of appeals have the power to grant mandamus relief when a trial court acts without authority or enforces an invalid local rule. The litigant should ensure that the issue is properly raised and preserved in the trial court to facilitate effective appellate review.

Legal Authorities

[Alpert v. Gerstner, 232 S.W.3d 117 \(Tex. App. 2006\)](#)

Texas Court of Appeals

Extract

Section 74.093 of the Texas Government Code provides that district and statutory county court judges shall adopt local rules of administration providing for, among other things, the assignment, docketing, and transfer of cases, subject to the jurisdictional limitations of the district courts and statutory county courts. TEX. GOV'T CODE ANN. § 74.093 (Vernon 2005); see also Polk, 165 S.W.3d at 93 ('Counties may adopt local rules to further govern the transfer of cases from one district court to another if they are not inconsistent' with the rules.); In re Stark, 126 S.W.3d 635, 639 (Tex.App. — Beaumont 2004, orig. proceeding [mand. denied]) ('District and statutory county court judges in each county of this state may adopt local rules of administration that provide for the transfer of all cases, subject to jurisdictional limitations of those courts.'); In re Rio Grande Valley Gas Co., 987 S.W.2d at 176 ('District courts are statutorily mandated to adopt local rules of administration which provide for rules governing transfer of cases.').

Summary

Local rules of administration must be adopted by district and statutory county court judges and must not be inconsistent with the Texas Government Code or other rules. This provides a basis for challenging a local rule if it is inconsistent with statewide rules or statutory requirements. A litigant could argue that the local rule requiring all briefs, proposed orders, and judgments to be presented to the Court Coordinator is inconsistent with the Texas Rules of Judicial Administration and the Texas Government Code, as it imposes a procedural requirement not authorized by these higher authorities.

[In re Am. Airlines, 02-22-00201-CV \(Tex. App. Sep 12, 2022\)](#)

Texas Court of Appeals

Extract

A trial judge's lack of compliance with Rule 74 when accepting documents for filing prevents the district clerk from complying with his or her statutory and Rule-based duties. That a trial judge to whom a document was tendered did not comply with the mandatory language of Rule 74 has been construed as evidence that the judge exercised Rule 74's discretion not to accept the document for filing. See *Currency Forfeiture*, 2018 WL 6793787, at *4-5; *Gaz*, 919 S.W.2d at 789-90; see also *Harbin v. Brown, Graham & Co.*, No. 07-98-0209-CV, 1999 WL 311097, at *1 (Tex. App.- Amarillo 1999, pet. denied) (per curiam) (op. on reh'g, not designated for publication).

Summary

A litigant can challenge a local rule by demonstrating that it conflicts with established procedural rules, such as Rule 74. If a trial judge does not comply with Rule 74, it can be construed as an exercise of discretion not to accept a document for filing, which may be challenged if it prevents the district clerk from fulfilling statutory duties.

[Henry v. Cox, 483 S.W.3d 119 \(Tex. App. 2015\)](#)

Texas Court of Appeals

Extract

The procedural requirements of rules 683 and 684 are mandatory. *Qwest Commc'nns Corp. v. AT & T Corp.*, 24 S.W.3d 334, 337 (Tex.2000). An order granting a temporary injunction that does not meet these requirements is 'subject to being declared void and dissolved.' Id.

Summary

The passage highlights that procedural requirements for temporary injunctions are mandatory, and failure to meet these requirements can render an injunction void. This suggests that a litigant could challenge a local rule by seeking a temporary injunction against its enforcement, ensuring that the procedural requirements are strictly followed. If the injunction does not comply with these requirements, it can be declared void.

[In re The City of Georgetown, 53 S.W.3d 328 \(Tex. 2001\)](#)

Texas Supreme Court

Extract

The term 'other law' is not limited to other statutes. The commonly understood meaning of 'law' includes judicial decisions and rules promulgated by the judiciary, such as rules of procedure and evidence. Although we know of no case in which this Court has had occasion to construe the term 'other law' when used in a statute, we have said that our rules of procedure 'have the same force and effect as statutes.' Missouri Pac. R.R. v. Cross, 501 S.W.2d 868, 872 (Tex. 1973) ('The Texas Rules of Civil Procedure have the same force and effect as statutes.') (citing Freeman v. Freeman, 327 S.W.2d 428, 433 (Tex. 1959) (same)).

Summary

The Texas Rules of Civil Procedure are considered "other law" and have the same force and effect as statutes. This means that procedural rules established by the judiciary are recognized as authoritative and binding, similar to legislative statutes. This understanding is crucial for litigants who may wish to challenge a local rule that conflicts with statewide procedural rules, as it underscores the authority of the Texas Rules of Civil Procedure in such matters.

[In re McCann, 422 S.W.3d 701 \(Tex. Crim. App. 2013\)](#)

Texas Court of Criminal Appeals

Extract

In Stearnes, we held that a trial court that acts without inherent power acts without authority, and that a relator satisfies 'the first prerequisite for mandamus relief' when he or she shows that a trial court acted without authority.

Summary

If a trial court acts without inherent power or authority, a litigant can challenge this action by seeking mandamus relief. This is relevant to the question because it provides a legal mechanism for challenging a local rule that may be inconsistent with higher authority, such as the Texas Rules of Judicial Administration. The passage suggests that demonstrating a lack of authority is a key step in obtaining mandamus relief.

[In re Prudential Ins. Co. of America, 148 S.W.3d 124 \(Tex. 2003\)](#)

Texas Supreme Court

Extract

Prudential petitioned the court of appeals for mandamus relief, which that court denied with a short memorandum opinion, 2002 WL 1608233, explaining only that 'the relators have not shown themselves entitled to the relief requested.' Prudential then petitioned for relief from this Court, and we agreed to hear argument. When we learned that the trial judge who denied Prudential's motion to quash had left office, we abated our proceeding to allow the parties to seek reconsideration by the current judge, as required by Rule 7.2(b) of the Texas Rules of Appellate Procedure.

Summary

A litigant can challenge a procedural rule by seeking mandamus relief from a higher court. In this case, Prudential sought mandamus relief from the court of appeals and then from the Texas Supreme Court. The process involved petitioning for relief and, when necessary, seeking reconsideration by a new judge if the original judge is no longer in office. This indicates that mandamus relief is a viable method for challenging procedural rules or decisions that a litigant believes are incorrect or unjust.

[Chenault v. Phillips, 914 S.W.2d 140 \(Tex. 1996\)](#)

Texas Supreme Court

Extract

Relators argue that this Court has jurisdiction over this original action under Article III of the Texas Constitution, sections 22.001-.002 of the Government Code, and Rules 121 and 122 of the Texas Rules of Appellate Procedure. This Court's jurisdiction, like that of all Texas courts, is conferred solely by the Texas Constitution and state statutes. We do not have jurisdiction to decide any case absent an express constitutional or statutory grant. ... constitutional challenges to rules enacted by this Court must be brought in the district court and heard by this Court in the exercise of its appellate jurisdiction.

Summary

The Texas Supreme Court's jurisdiction is limited to what is expressly granted by the Texas Constitution and state statutes. It clarifies that constitutional challenges to rules must first be brought in the district court and can only be heard by the Supreme Court in its appellate capacity. This suggests that a litigant challenging a local rule, such as the one requiring all briefs, proposed orders, and judgments to be presented to the Court Coordinator, would need to initiate the challenge in a district court.

[Parker v. State, 51 S.W.3d 719 \(Tex. App. 2001\)](#)

Texas Court of Appeals

Extract

The separation of powers provision of the Texas Constitution may be violated in two ways: (1) when one branch of government assumes, or is delegated, to whatever degree, a power that is more 'properly attached' to another branch, and (2) when one branch unduly interferes with another branch such that the other branch cannot effectively exercise its constitutionally assigned powers. See *State v. Williams*, 938 S.W.2d 456, 458 (Tex. Crim. App. 1997).

Summary

A litigant could challenge the local rule by arguing that it violates the separation of powers provision of the Texas Constitution. Specifically, the rule could be seen as unduly interfering with the judiciary's ability to exercise its constitutionally assigned powers, as it imposes a procedural requirement not authorized by the Texas Supreme Court's statewide rules.

[**In re Rio Grande Valley Gas Co., 8 S.W.3d 303 \(Tex. 1999\)**](#)

Texas Supreme Court

Extract

The local rules adopted by the district judges in Hidalgo County and approved by this Court do not authorize transfer of the cases. This Court cannot promulgate rules in contradiction of statutes except by the procedure prescribed in section 22.004 of the Government Code, which was not followed when the Hidalgo County local rules were approved. Nor can I imagine that this Court would ever authorize a local rule that conflicted with a statute. Moreover, local rules are not to be inconsistent with the Rules of Civil Procedure.

Summary

Local rules must not conflict with statutes or the Rules of Civil Procedure. The Texas Supreme Court emphasizes that it cannot approve local rules that contradict statutes unless a specific procedure is followed. This indicates that a litigant could challenge a local rule by demonstrating that it conflicts with a statute or the Rules of Civil Procedure, as such a rule would be unauthorized and invalid.

[**Cantu v. Moore, 13-23-00087-CV \(Tex. App. Dec 12, 2024\)**](#)

Texas Court of Appeals

Extract

See Tex. R. Civ. P. 3a (providing that the trial courts and administrative judicial regions can make and amend local rules and stating the local rules 'may not be inconsistent with state or federal law or rules adopted by the Supreme Court of Texas'); see also Bourque v. State, 156 S.W.3d 675, 678 (Tex. App.-Dallas 2005, pet. ref'd) (recognizing the authority of district judges to adopt rules governing the administration of multiple district courts); Bazan v. State, No. 13-08-00169-CR, 2010 WL 596832, at *2 (Tex. App.-Corpus Christi-Edinburg Feb. 18, 2010, pet. ref'd) (mem. op., not designated for publication) (refusing 'to construe the local rules of administration... in such a way that they divest the trial court').

Summary

Local rules in Texas must not be inconsistent with state or federal law or rules adopted by the Supreme Court of Texas. This provides a basis for challenging a local rule if it is inconsistent with higher authority rules. The passage also highlights the authority of district judges to adopt rules but emphasizes that these rules should not divest the trial court of its authority. This implies that a litigant can challenge a local rule by arguing that it is inconsistent with state or federal law or that it improperly limits the court's authority.

[In re PG & E Reata Energy, et al, 4 S.W.3d 897 \(Tex. App. 1999\)](#)

Texas Court of Appeals

Extract

The rule-making authority for the Texas Rules of Civil Procedure is vested exclusively in the Supreme Court of Texas, and no other court in Texas is authorized or empowered to enact or amend rules of civil procedure that would be inconsistent with the rules promulgated by the supreme court. See TEX. R. CIV. P. 3a; Centennial, 803 S.W.2d at 482.

Summary

The passage highlights that the Texas Supreme Court has exclusive authority to create and amend rules of civil procedure. This means that any local rule that conflicts with the Texas Rules of Civil Procedure, such as the one requiring all briefs, proposed orders, and judgments to be presented to the Court Coordinator, can be challenged on the grounds that it is inconsistent with the rules established by the Supreme Court. A litigant could argue that the local rule is invalid because it conflicts with the statewide rules, which have the force of statutory provisions.

[Hendee v. Dewhurst, 228 S.W.3d 354 \(Tex. App. 2007\)](#)

Texas Court of Appeals

Extract

A challenge to a trial court's subject matter jurisdiction may be asserted in a plea to the jurisdiction. Texas Dep't of Parks & Wildlife v. Miranda, 133 S.W.3d 217, 225-26 (Tex.2004); Bland Indep. Sch. Dist. v. Blue, 34 S.W.3d 547, 554 (Tex. 2000). Whether a court has subject matter jurisdiction is a question of law. Miranda, 133 S.W.3d at 226. The determination of whether a trial court has subject matter jurisdiction begins with the pleadings. Id. The pleader has the initial burden of alleging facts that affirmatively demonstrate the trial court's jurisdiction to hear the cause. Id. (citing Texas Ass'n of Bus. v. Texas Air Control Bd., 852 S.W.2d 440, 446 (Tex.1993)).

Summary

A litigant can challenge a local rule by asserting a plea to the jurisdiction. This involves questioning whether the trial court has the subject matter jurisdiction to enforce the rule. The determination of jurisdiction is a legal question, and the pleader must initially demonstrate facts that affirmatively show the court's jurisdiction. This process is applicable in Texas and provides a legal avenue for challenging procedural rules that may be inconsistent with higher authority rules or statutes.

[Turtur v. Lee, 702 S.W.2d 309 \(Tex. App. 1986\)](#)

Texas Court of Appeals

Extract

Relator seeks to prevent implementation of a discovery order issued by the Respondent in a divorce proceeding pending in the 257th District Court of Harris County. The real party in interest has objected to any exercise of mandamus authority by this Court over a district judge whose domicile and place of office is in Harris County, outside the territorial limits of this Court, and in connection with litigation pending in Respondent's court. Relator contends that Section 22.221(b) of the Texas Government Code (Vernon 1986 Pamphlet) extends statewide territorial jurisdiction to this Court in such a mandamus proceeding: Each court of appeals may issue all writs of mandamus, agreeable to the principles of law regulating those writs, against a judge of a district or county court.

Summary

Texas appellate courts have the authority to issue writs of mandamus against district or county court judges, which can be used to challenge procedural rules or orders that are inconsistent with higher authority or statutory requirements. The passage specifically addresses the jurisdictional

aspect of such proceedings, emphasizing the territorial limits and the principles of law regulating writs of mandamus.

[In re Traylor, NUMBER 13-20-00124-CR \(Tex. App. Mar 03, 2020\)](#)

Texas Court of Appeals

Extract

Article V, Section 6 of the Texas Constitution delineates the appellate jurisdiction of the courts of appeals, and states that the courts of appeals 'shall have such other jurisdiction, original and appellate, as may be prescribed by law.' TEX. CONST. art. V, § 6(a); see *In re Bayview Loan Servicing, LLC*, 532 S.W.3d 510, 511 (Tex. App.—Texarkana 2017, orig. proceeding). This Court's original jurisdiction is governed by section 22.221 of the Texas Government Code. See TEX. GOV'T CODE ANN. § 22.221; see also *In re Cook*, 394 S.W.3d 668, 671 (Tex. App.—Tyler 2012, orig. proceeding). In pertinent part, this section provides that we may issue writs of mandamus against district and county judges within our district and 'all other writs necessary to enforce the jurisdiction of the court.' See TEX. GOV'T CODE ANN. § 22.221(a),(b).

Summary

Jurisdiction of the Texas Courts of Appeals, specifically their authority to issue writs of mandamus against district and county judges within their district. This is relevant to challenging a local rule because a litigant could potentially seek a writ of mandamus from the Court of Appeals to challenge the enforcement of a local rule that conflicts with statewide rules or statutes. The passage provides insight into the procedural mechanism available to litigants for such challenges.

[Story v. State, 654 S.W.3d 234 \(Tex. App. 2022\)](#)

Texas Court of Appeals

Extract

The jurisdiction of Texas courts is conferred solely by the Texas Constitution and state statutes. *Chenault v. Phillips*, 914 S.W.2d 140, 141 (Tex. 1996) (per curiam). Section 24.007 of the Government Code provides: 'The district court has the jurisdiction provided by Article V, Section 8, of the Texas Constitution.' TEX. GOV'T CODE ANN. § 24.007(a). Article V, Section 8, of the Texas Constitution states in pertinent part: District Court jurisdiction consists of exclusive, appellate, and original jurisdiction of all actions, proceedings, and remedies, except in cases where exclusive, appellate, or original jurisdiction may be conferred by this Constitution or other law on some other court, tribunal, or administrative body. District Court judges

shall have the power to issue writs necessary to enforce their jurisdiction. TEX. CONST. art. V, § 8. Section 24.011 of the Government Code further states: 'A judge of a district court may, either in termtime or vacation, grant writs of mandamus, injunction, sequestration, attachment, garnishment, certiorari, and supersedeas and all other writs necessary to the enforcement of the court's jurisdiction.' TEX. GOV'T CODE ANN. § 24.011.

Summary

District courts have the power to issue such writs to ensure compliance with their jurisdiction, which is relevant to challenging local rules that may conflict with statewide rules or statutes.

[In re Torres, 130 S.W.3d 409 \(Tex. App. 2004\)](#)

Texas Court of Appeals

Extract

Section 22.221 of the government code authorizes courts of appeals to issue writs of mandamus or other writs necessary to enforce its jurisdiction, issue writs of mandamus agreeable to principles of law regulating such writs against a judge of a district or county court in the appellate court's district, and issue writs of habeas corpus in certain instances. See Tex. Gov't Code Ann. § 22.221 (Vernon Supp.2004); Fritz, 750 S.W.2d at 932.

Summary

Under Section 22.221 of the Texas Government Code, courts of appeals have the authority to issue writs of mandamus to enforce their jurisdiction. This includes issuing writs against judges of district or county courts within the appellate court's district. This suggests that a litigant could challenge a local rule by seeking a writ of mandamus from the court of appeals, arguing that the rule is inconsistent with statewide rules or laws and interferes with judicial independence or efficiency.

[Missouri Pacific Railroad Company v. Cross, 501 S.W.2d 868 \(Tex. 1973\)](#)

Texas Supreme Court

Extract

The Texas Rules of Civil Procedure have the same force and effect as statutes. Freeman v. Freeman, 160 Tex. 148, 327 S.W.2d 428, 433 (1959). They are to be given a liberal construction to the end of accomplishing their objective 'to obtain a just, fair, equitable and impartial adjudication of the rights of litigants under established principles of substantive law. . .' (Rule

1), but they are not to be ignored by agreements of courts and counsel to operate contrary thereto and in violation thereof.

Summary

The passage emphasizes that the Texas Rules of Civil Procedure have the same authority as statutes and must be adhered to, even in the face of agreements between courts and counsel that might contravene them. This suggests that a litigant could challenge a local rule by arguing that it conflicts with the Texas Rules of Civil Procedure, which are to be liberally construed to ensure fair and impartial adjudication.

[Texas Dept. Parks and Wildlife v. Miranda, 133 S.W.3d 217 \(Tex. 2004\)](#)

Texas Supreme Court

Extract

We adhere to the fundamental precept that a court must not proceed on the merits of a case until legitimate challenges to its jurisdiction have been decided. ... Thus, the Texas civil procedural scheme entrusts many scheduling and procedural issues to the sound discretion of the trial court, subject to appellate review. ... In his dissent, Justice Brister takes the view that all pleas to jurisdiction based on immunity must take the form of two 'standard' or 'established' motions—either special exceptions or motions for summary judgment. ... The plea to the jurisdiction was included in procedural rules promulgated by this Court in 1877 and has been used as a procedural vehicle to challenge subject matter jurisdiction in trial courts for over a century and a half.

Summary

In Texas, litigants can challenge jurisdictional issues through established procedural vehicles such as pleas to the jurisdiction, special exceptions, or motions for summary judgment. These mechanisms allow litigants to address jurisdictional challenges before a court proceeds on the merits of a case. The passage highlights the importance of resolving jurisdictional challenges and the discretion afforded to trial courts in procedural matters, subject to appellate review.

[Texas Ass'n of Business v. Texas Air Control Bd., 852 S.W.2d 440, 36 Tex. Sup. Ct. J. 607 \(Tex. 1993\)](#)

Texas Supreme Court

Extract

Texas has with good reason determined that standing is not excepted from traditional rules of appellate procedure. Our appellate system is predicated on the requirement of presentation of complaints to the lower court coupled with preservation and briefing in the reviewing court. See Tex.R.App.P. 52; 74(d), 131(e). Appellate courts face considerable difficulties in deciding an issue not presented to the trial court; ordinarily, the necessary facts will not be fully developed. The unstated effect of today's opinion is to require trial courts to develop facts as to undisputed issues or risk subsequent appellate reversal. This is not an effective use of our limited judicial resources.

Summary

In Texas, a litigant must first present their complaints or challenges to the trial court. This is a procedural requirement to ensure that the necessary facts are developed and that the issue is preserved for appellate review. The passage highlights the importance of this process in the Texas appellate system, which is designed to prevent appellate courts from having to decide issues that were not fully developed at the trial level.

[Tex. Const. art. 5 § 31 Tex. Const. art. 5 § 31 Court Administration; Rule-Making Authority; Action On Motion For Rehearing](#)

Extract

The Supreme Court is responsible for the efficient administration of the judicial branch and shall promulgate rules of administration not inconsistent with the laws of the state as may be necessary for the efficient and uniform administration of justice in the various courts.

Summary

The Texas Supreme Court has the authority to promulgate rules of administration for the efficient and uniform administration of justice. This implies that any local rule that conflicts with the Supreme Court's rules or the efficient administration of justice could be challenged on the grounds that it is inconsistent with the Supreme Court's authority and the constitutional mandate for uniformity.

[Tex. Gov't. Code § 74.024 Tex. Gov't. Code § 74.024 Rules](#)

Extract

The supreme court may adopt rules of administration setting policies and guidelines necessary or desirable for the operation and management of the court system and for the efficient administration of justice.

Summary

The Texas Supreme Court has the authority to adopt rules of administration for the efficient operation and management of the court system. This implies that any local rule that conflicts with these statewide rules could potentially be challenged on the grounds that it is inconsistent with the Supreme Court's authority and the statutory framework for court administration. A litigant could argue that the local rule is not authorized by the Supreme Court's rules and therefore should be invalidated.

[Tex. Gov't. Code § 74.094 Tex. Gov't. Code § 74.094 Hearing Cases](#)

Extract

A district or statutory county court judge may hear and determine a matter pending in any district or statutory county court in the county regardless of whether the matter is preliminary or final or whether there is a judgment in the matter. The judge may sign a judgment or order in any of the courts regardless of whether the case is transferred. The judgment, order, or action is valid and binding as if the case were pending in the court of the judge who acts in the matter.

Summary

Judges in Texas have the authority to hear and determine matters and sign judgments or orders without the procedural requirement of presenting documents to a Court Coordinator. This suggests that a litigant could challenge the local rule by arguing that it interferes with the judge's statutory authority to act independently and efficiently, as the judge's actions are valid and binding regardless of procedural steps taken by court staff.

[Tex. Gov't. Code § 74.093 Tex. Gov't. Code § 74.093 Rules of Administration](#)

Extract

The district and statutory county court judges in each county shall, by majority vote, adopt local rules of administration.

Summary

Local rules of administration must be adopted by a majority vote of the district and statutory county court judges in each county. This implies that if a litigant wishes to challenge a local rule, they could potentially argue that the rule was not properly adopted according to this requirement. Additionally, if the rule is inconsistent with statewide rules or laws, a litigant could challenge it on those grounds as well.

[Tex. Gov't. Code § 74.092 Tex. Gov't. Code § 74.092 Duties of Local Administrative Judge](#)

Extract

A local administrative judge, for the courts for which the judge serves as local administrative judge, shall: implement and execute the local rules of administration, including the assignment, docketing, transfer, and hearing of cases; ... promulgate local rules of administration if the other judges do not act by a majority vote; ... supervise the expeditious movement of court caseloads, subject to local, regional, and state rules of administration; ... perform other duties as may be directed by the chief justice or a regional presiding judge;

Summary

The local administrative judge has the authority to implement and execute local rules of administration, and can promulgate local rules if other judges do not act by a majority vote. This suggests that the local administrative judge plays a key role in the establishment and enforcement of local rules. Therefore, a litigant seeking to challenge a local rule, such as the one requiring all briefs, proposed orders, and judgments to be presented to the Court Coordinator, might consider addressing their concerns to the local administrative judge. Additionally, since the local administrative judge must act in accordance with local, regional, and state rules of administration, a litigant could argue that the rule in question is inconsistent with higher authority rules, as discussed in the original analysis.

[Tex. Gov't. Code § 74.046 Tex. Gov't. Code § 74.046 Duties of Presiding Judge](#)

Extract

A presiding judge shall: ensure the promulgation of regional rules of administration within policies and guidelines set by the supreme court; advise local judges on case flow management and auxiliary court services; recommend to the chief justice of the supreme court any needs for judicial assignments from outside the region; recommend to the supreme court any changes in the organization, jurisdiction, operation, or procedures of the

region necessary or desirable for the improvement of the administration of justice; act for a local administrative judge when the local administrative judge does not perform the duties required by Subchapter D; implement and execute any rules adopted by the supreme court under this chapter; provide the supreme court or the office of court administration statistical information requested; and perform the duties assigned by the chief justice of the supreme court.

Summary

The presiding judge has the authority to ensure that regional rules of administration are promulgated within the policies and guidelines set by the Supreme Court. This includes advising local judges and recommending changes to the Supreme Court. This suggests that a litigant could potentially challenge a local rule by bringing it to the attention of the presiding judge, who has the duty to ensure compliance with Supreme Court guidelines and can recommend changes to the Supreme Court if necessary.

[Tex. Gov't. Code § 22.004 Tex. Gov't. Code § 22.004 Rules of Civil Procedure](#)

Extract

The supreme court has the full rulemaking power in the practice and procedure in civil actions, except that its rules may not abridge, enlarge, or modify the substantive rights of a litigant. The supreme court from time to time may promulgate a specific rule or rules of civil procedure, or an amendment or amendments to a specific rule or rules, to be effective at the time the supreme court deems expedient in the interest of a proper administration of justice. The rules and amendments to rules remain in effect unless and until disapproved by the legislature.

Summary

The Texas Supreme Court has the authority to promulgate rules of civil procedure, which includes the power to amend or repeal conflicting local rules. This means that if a local rule, such as the one requiring all briefs, proposed orders, and judgments to be presented to the Court Coordinator, is inconsistent with the Supreme Court's rules, it can be challenged on the basis that it conflicts with the statewide rules. The Supreme Court's rules are intended to ensure uniformity and efficiency in court procedures, and any local rule that creates unnecessary procedural steps or delays could be subject to challenge.

[Tex. Gov't. Code § 22.221 Tex. Gov't. Code § 22.221 Writ Power](#)

Extract

Each court of appeals or a justice of a court of appeals may issue a writ of mandamus and all other writs necessary to enforce the jurisdiction of the court. Subject to Subsection (c-1), each court of appeals for a court of appeals district may issue all writs of mandamus, agreeable to the principles of law regulating those writs, against a judge of a district, statutory county, statutory probate county, or county court in the court of appeals district.

Summary

A litigant can challenge a local rule by seeking a writ of mandamus from the court of appeals. This writ can be used to compel a lower court or judge to perform a duty required by law, which in this case could involve challenging the enforcement of a local rule that conflicts with statewide rules or statutory authority.

[Tex. Gov't. Code § 71.035 Tex. Gov't. Code § 71.035 Statistics; Enforcement By Mandamus](#)

Extract

The duty provided by this section to supply information may be enforced by writ of mandamus in: the district court of the county of residence of the respondent if the petition for mandamus is filed against a district clerk or a clerk, judge, or other official of a trial court other than a district court; the court of appeals for the court of appeals district in which the respondent resides if the petition for mandamus is filed against a district judge or a clerk of a court of appeals; or the supreme court in any other case.

Summary

Mechanism for enforcing duties related to court administration through a writ of mandamus. This suggests that a litigant could potentially challenge a local rule by seeking a writ of mandamus if the rule is seen as inconsistent with statewide rules or statutory authority.

[Tex. Civ. Prac. and Rem. Code § 51.014 Tex. Civ. Prac. and Rem. Code § 51.014 Appeal From Interlocutory Order](#)

Extract

A person may appeal from an interlocutory order of a district court, county court at law, statutory probate court, or county court that: ... (d) On a party's motion or on its own initiative, a trial court in a civil action may, by written order, permit an appeal from an order that is not otherwise appealable if: the order to be appealed involves a controlling question of law as to which

there is a substantial ground for difference of opinion; and an immediate appeal from the order may materially advance the ultimate termination of the litigation.

Summary

Mechanism for appealing interlocutory orders, which are non-final orders issued by a court. Specifically, it allows for an appeal if the order involves a controlling question of law with substantial grounds for difference of opinion, and if an immediate appeal may materially advance the termination of the litigation. This could be relevant for challenging a local rule if it is embodied in an interlocutory order that meets these criteria.

This memo was compiled by Vincent AI based on vLex materials available as of August 24, 2025. [View full answer on vLex](#)