

# IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 91-0068

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## APPROVAL OF LOCAL RULES OF THE CRIMINAL COURTS OF TARRANT COUNTY

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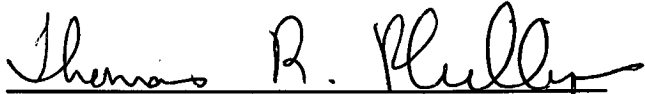
### **ORDERED:**

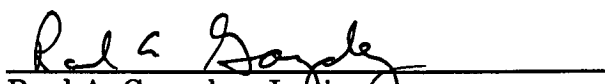
Pursuant to Rule 3a of the Texas Rules of Civil Procedure, the Supreme Court approves the following local rules, which have been previously approved by the presiding judge of the appropriate administrative judicial region and submitted to this Court:

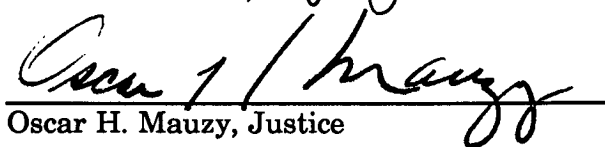
Local Rules of the Criminal Courts of Tarrant County, dated July 17, 1991.

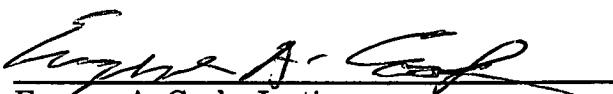
The approval of these rules is temporary, pending further orders of the Court.


SIGNED AND ENTERED this 4th day of September 1991.

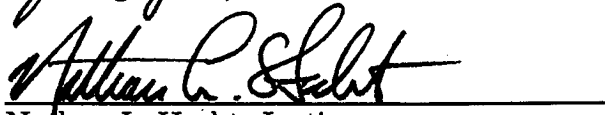
  
Thomas R. Phillips, Chief Justice

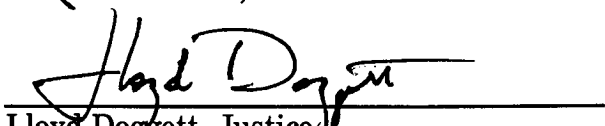
  
Raul A. Gonzalez, Justice

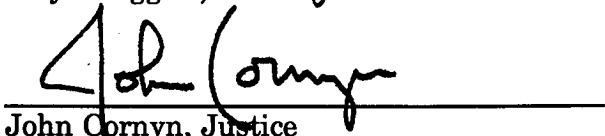
  
Oscar H. Mauzy, Justice

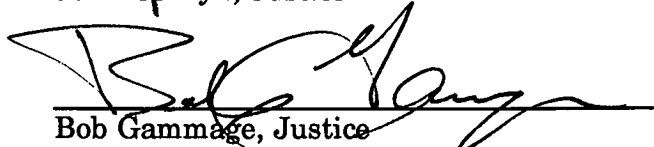
  
Eugene A. Cook, Justice

  
Jack Hightower, Justice

  
Nathan L. Hecht, Justice

  
Lloyd Doggett, Justice

  
John Cornyn, Justice

  
Bob Gammage, Justice



*Hecht*

# *Eighth Administrative Judicial Region*

Office of Presiding Judge

1st Floor, Tarrant County Justice Center  
Fort Worth, Texas 76196

Counties

ARCHER  
CLAY  
COOKE  
DENTON  
EASTLAND  
ERATH  
HOOD  
JACK  
MONTAGUE  
PALO PINTO  
PARKER  
STEPHENS  
TARRANT  
WICHITA  
WISE  
YOUNG

JEFF WALKER  
Presiding Judge  
Telephone (817) 884-1450

QUIDA STEVENS  
Administrative Assistant

Telephone (817) 884-1558  
FAX (817) 884-1560

August 14, 1991

Honorable Thomas Phillips  
Chief Justice  
Supreme Court of Texas  
P.O. Box 12248 Capitol Station  
Austin, Texas 78711

Dear Justice Phillips:

I have reviewed the proposed Local Rules of the Criminal Courts of Tarrant County, Texas, adopted on July 17, 1991, and hereby certify that they are not inconsistent with the Rules of the Eighth Administrative Judicial Region.

Please notify me when the Supreme Court has approved these Local Rules.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jeff Walker".

Jeff Walker, Presiding Judge  
8th Administrative Judicial Region

JW:os

cc: Joe Bruce Cunningham, Local Administrative Judge

**Part 5. RULES FOR DISPOSITION OF CRIMINAL CASES**

**Rule 5.1: COURTROOM DECORUM**

(a) All persons with business before the Court shall be prompt and shall come to order as the Judge takes the bench, be attentive to proceedings, and cause no distraction.

(b) No person shall make gestures, facial expressions nor sounds indicating approval or disapproval of any ruling, testimony, person or conduct.

(c) Unless otherwise ordered by the Judge of the court, no firearms or weapons of any kind will be permitted in areas of the building set aside for use by criminal cases, except for those carried by the bailiffs assigned to each court, by peace officer witnesses, District Attorney investigators, or other authorized security personnel serving the court.

(d) No camera or recording equipment is permitted in the environs of the courtroom without prior permission of the court.

(e) All attorneys are expected to strictly follow Rule 3.07 of the Texas Disciplinary Rules of Professional Conduct regarding trial publicity.

**Rule 5.2: PRETRIAL MATTERS**

**Rule 5.21: MOTION PRACTICE**

(a) Parties are directed to use all reasonable means to resolve pre-trial disputes to avoid the necessity of judicial intervention.

(b) No motions, objections or special exceptions will be set for hearing unless the moving party shall have certified in such motion or in a letter substantially the following:

"A conference was held on (date) with (name of attorney for opposing party) on the merits of this motion. Agreement could not be reached. Therefore it is presented to the Court for determination."

or

"A conference was not held with (name of opposing attorney) on the merits of this motion because (explanation of inability to confer)."

(c) Court Coordinators are responsible for scheduling the dates and times for hearings. Upon receiving the date and time of hearing, the moving party shall immediately notify all other parties in writing as to the date, time and subject matter of the hearing. A Copy of this communication shall be provided to the Court Coordinator.

**Rule 5.22: SETTING PREFERENCE**

The Court will attempt to accommodate conflicting settings of counsel. Priorities, as they relate to such conflicts shall be:

- (1) Settings in any federal court;
- (2) Election contests or other matters requiring assignment of a visiting judge;
- (3) Cases set for any purpose following appearance on a dismissal docket;
- (4) Felony Criminal cases.
- (5) Misdemeanor Criminal Cases.
- (6) Trials on the merit in any court take precedence over hearings, motions, and other temporary matters that any other court.

**Rule 5.23 ATTORNEY VACATION**

Counsel wishing to avoid assignment to trial or other court setting during a vacation period, shall advise the court coordinator in writing at least forty-five (45) days prior to the beginning of the vacation period.

**Rule 5.24: BAIL BONDS**

(a) A condition of all bail bonds in Tarrant County shall be that the person accused shall retain counsel within three days of his/her release. Formal appearance of counsel must be filed with the court within ten days of the defendant's release. A person appearing for any court setting without counsel may be found to have violated a condition of bond and may be arrested and placed in jail and his bond forfeited.

(b) Judges will set bond amounts using as minimum amounts the attached bail schedule - Addendum A.

**Rule 5.3: CASE DISPOSITION**

Attorneys shall follow the procedure set out in each individual court as to continuances, plea dockets, trial settings, presentence reports, appointment of counsel and discovery.

**Rule 5.4: FILING**

(a) The District Clerk shall accept and file all felony complaints presented to him and identify and docket each case with the unique file number that is assigned to it electronically and randomly by the computer for equal distribution of the cases among the Criminal District Courts and the District Courts trying criminal cases.

(b) The District Clerk shall accept and file all capital murder complaints presented to him and distribute the cases equally on a rotating basis among the Criminal District Courts and the District Courts trying criminal cases.

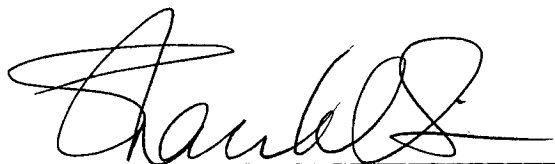
**Rule 5.5: ATTORNEY FEES**

(a) Attorneys appointed to represent indigent defendants must disclose to the court all compensation received from any source on behalf of the indigent defendant. The court will take that disclosure into consideration in determining the appropriate fee to pay court-appointed counsel. Such disclosure should be made within five working days of the attorney's receipt of the compensation, but must be made before the courts payment of attorney's fees to the court appointed attorney.

(b) Attorney fees will be paid according to the schedule of fees adopted by the county and district criminal court judges and attached hereto as Addendum B.

**Rules 5.6 to 5.99 - RESERVED**

Adopted July 17, 1991



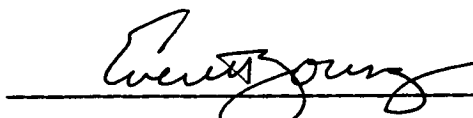
SHAREN WILSON, JUDGE  
CRIMINAL DISTRICT COURT NO. 1



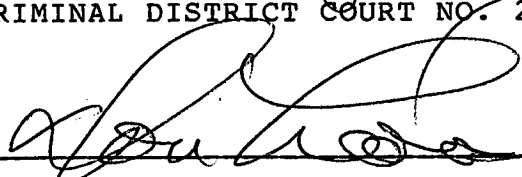
GEORGE KREDELL, JUDGE  
213th DISTRICT COURT



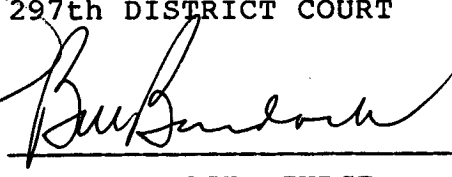
LEE ANN DAUPHINOT, JUDGE  
CRIMINAL DISTRICT COURT NO. 2



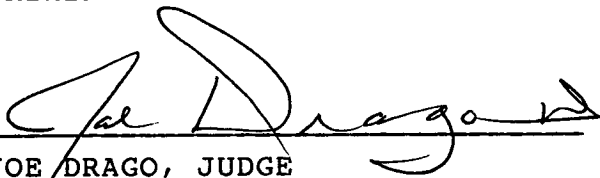
EVERETT YOUNG, JUDGE  
297th DISTRICT COURT



DON LEONARD, JUDGE  
CRIMINAL DISTRICT COURT NO. 3



BILL BURDOCK, JUDGE  
371st DISTRICT COURT



JOE DRAGO, JUDGE  
CRIMINAL DISTRICT COURT NO. 4



PETE PEREZ, JUDGE  
372nd DISTRICT COURT

**BOND SCHEDULE - Minimums Only**

1. Misdemeanor - \$500
2. Third degree felony - \$1,000
3. Burglary - \$2,000
4. Small Possession C.S. - \$2,500
5. Second degree felony - \$5,000
6. First degree felony - \$10,000
7. Agg. robbery, sexual  
Assault, D.W. - \$25,000
8. Capital murder - \$500,000



FILED  
CLERK  
91 APR -2 12:22

§ IN AND FOR THE DISTRICT  
§  
§ AND COUNTY CRIMINAL COURTS  
§  
§ OF TARRANT COUNTY, TEXAS

SCHEDULE OF FEES FOR APPOINTED COUNSEL

DEPUTY  
In accordance with the mandatory provisions of Article 26.05(b) of the Texas Code of Criminal Procedure, the County and District Court Judges handling criminal cases in Tarrant County, Texas, hereby formally adopt the following schedule of fees to be paid to counsel appointed to represent an indigent defendant in a criminal proceeding:

1. \$150-\$600 for each day in court for trial. Trial shall include any matter contested before a judge or jury on any issue related to the accused, including, but not limited to, competency hearings (whether contested or agreed); pleas of guilty to a jury for punishment purposes; writs of habeas corpus matters; and motions to suppress evidence.
2. \$50-\$300 for each court appearance (trial excepted) on behalf of the defendant as evidenced by a docket entry.
3. \$40-\$100 per hour for all out-of-court matters which are reasonable and necessary to the defense of a case. Each Court has the right to require supporting documentation of hours spent out-of-court. Out-of-court matters shall include, but are not limited to, interviews with clients/witnesses; conferences with prosecutors, investigators, etc.; research; preparation and filing of all pre-trial and trial motions and other related matters.
4. \$40-\$100 per hour for time spent in the preparation of an appellate brief to the Court of Appeals or the Court of Criminal Appeals, depending upon the complexity of the issues involved.
5. Capital cases - Negotiable with the Court.

ADDENDUM B

FILED  
THOMAS P. HUGHES, DIST. CLERK  
TARRANT COUNTY, TEXAS

APR 2 1991

Time 12:20 PM  
By GP Deputy



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

P.O. BOX 12248      AUSTIN, TEXAS 78711

TEL: (512) 463-1312

FAX: (512) 463-1365

CLERK  
JOHN T. ADAMS

EXECUTIVE ASST.  
WILLIAM L. WILLIS

ADMINISTRATIVE ASST.  
MARY ANN DEFIBAUGH

JUSTICES

RAUL A. GONZALEZ  
OSCAR H. MAUZY  
EUGENE A. COOK  
JACK HIGHTOWER  
NATHAN L. HECHT  
LLOYD DOGGETT  
JOHN CORNYN  
ROBERT A. "BOB" GAMMAGE

September 6, 1991

Hon. Joe Bruce Cunningham  
Judge, 342nd District Court and  
Administrative Presiding Judge  
Tarrant County Courthouse  
Fort Worth, Texas 76196-0201

Dear Judge Cunningham,

Please find a copy of the order of this Court of September 4, 1991, that approves local rules for the criminal courts of Tarrant County.

Please note that the Supreme Court has been approving local rules provisionally. The Court believes that the Uniform Local Rules Committee is nearing completion of its task. You may therefore be asked to further amend your local rules in the not too distant future.

Sincerely,

SIGNED

John T. Adams  
Clerk

Encl.

Hon. Jeff Walker  
8th Admin Judicial Dist  
96th District Court  
Civil Courts Building  
Fort Worth, Texas 76196

Mr. Thomas P. Hughes  
District Clerk

Mr. Ray Judice  
Office of Court Admin

State Law Library

Chmn Supreme Ct Adv Committee