

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 92-0056

APPROVAL OF HAYS COUNTY COURTS AT LAW LOCAL RULES

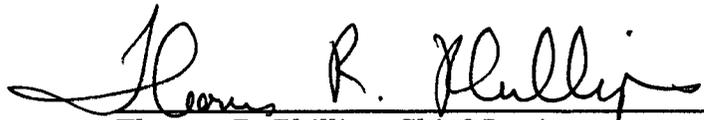
ORDERED:

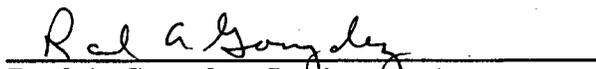
Pursuant to Rule 3a of the Texas Rules of Civil Procedure, the Supreme Court approves the following local rules, which have been previously approved by the presiding judge of the appropriate administrative judicial region and submitted to this Court:

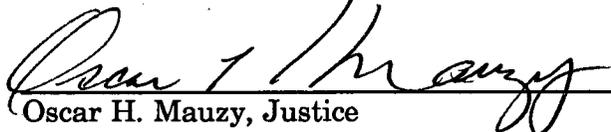
Hays County Courts at Law Local Rules dated effective February 1, 1992.

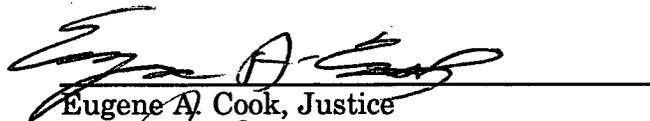
The approval of these rules is temporary, pending further orders of the Court.

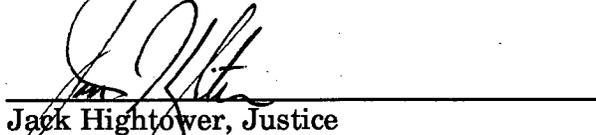
SIGNED AND ENTERED this 23rd day of February, 1992.


Thomas R. Phillips, Chief Justice

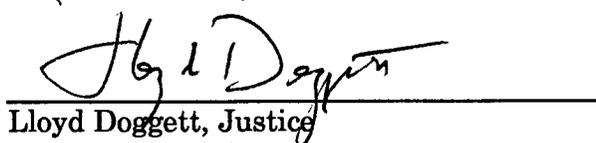

Raul A. Gonzalez, Justice

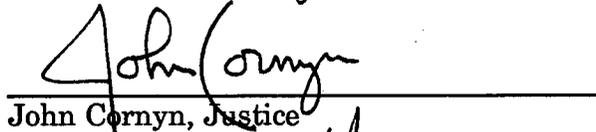

Oscar H. Mauzy, Justice

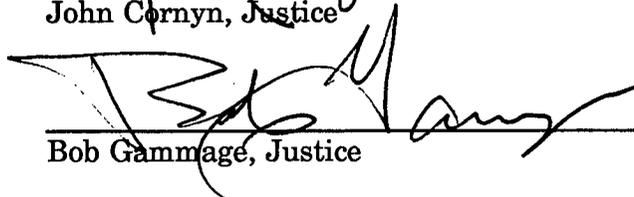

Eugene A. Cook, Justice


Jack Hightower, Justice


Nathan L. Hecht, Justice


Lloyd Doggett, Justice


John Cornyn, Justice


Bob Gammage, Justice

CERTIFICATE OF APPROVAL

As Presiding Judge of the Administrative Judicial Region covering the affected County, I approve the Hays County Courts at Law Local Rules, dated February 1, 1992.



B.B. Schraub

FEB 13 1992

Date

LOCAL RULES

COUNTY COURTS AT LAW NO. 1 AND NO. 2 HAYS COUNTY, TEXAS

These rules, effective February 1, 1992, incorporate previous memos regarding policy and procedures in these courts, as well as unwritten policies of long-standing existence.

GENERAL

1. Courtroom attire and demeanor should be appropriate; hats should be removed. No chewing gum, food or beverages allowed.
2. No recording, photographic or videographic instruments are allowed in the courtroom.
4. Attorneys and other court participants should stand to voice objections or to otherwise address the Court.
5. Appointments in chambers for uncontested civil and probate cases or for criminal pleas may be scheduled with the court administrator. If a criminal plea requires the presence of a probation officer, either the attorney for the State or the attorney for the Defendant should notify the Probation office of the time and date of the plea in chambers.
6. Contested civil and probate cases should be scheduled with the court administrator through the filing of a Motion to Set.
7. All jury selection will be held at the Hays County Law Enforcement Center unless otherwise notified.
8. All announcements with respect to cases set on the Monday jury docket shall be made by the attorneys representing both sides together in person on the Friday morning between 9:30 a.m.-12 noon preceding the Monday Jury Docket in a PRE-TRIAL CONFERENCE. No appointments are necessary; conferences will be held on a first-come first-served basis.

Although not required, it is suggested that the clients accompany their attorneys should any settlement or stipulated issues arise.

All pre-trial motions not previously disposed of, including Motions in Limine, will be disposed of at that time. All exhibits shall be marked and any other pre-trial matters resolved. If either party anticipates providing copies of exhibits and/or documents to the jury, these should be prepared by Monday morning, rather than mid-trial, along with proposed charges and special issues.

CRIMINAL

1. Letters of representation must be submitted by attorneys as soon as you are hired or appointed.

2. Criminal dockets held every Thursday at 9:30 a.m. are typically "plea" dockets whereby pleas of "Guilty" or "Not Guilty" are entered and, if necessary, requests for cases to be set on either the jury trial or court trial dockets. Informal arraignments begin at 9:15 a.m. for those defendants here on a first appearance.

3. Motions to revoke and/or show-cause hearings on motions to revoke probation are held at 1:30 pm. on Thursdays.

4. Defendants charged with DWI must be represented by an attorney without exception. Alcohol screening or evaluation may be delayed until a plea of guilty is to be entered, or a pre-sentence report is being prepared.

5. Trials before the Court or a jury will not be scheduled until a plea recommendation is obtained from the D.A's office and which is rejected by the Defendant.

6. If a Defendant pleads not guilty and requests a pre-trial hearing, all pre-trial motions shall be filed within 14 days of the request. The hearing will be set at a future date. Non-evidentiary motions, including discovery motions, shall be discussed with the prosecution before a hearing is set so that the Court can be informed of any agreements and/or stipulations. The Hays County District Attorney's office normally has an open-file policy; therefore you should promptly contact the proper Assistant DA to try and resolve your discovery problems. If a resolution is not made, an informal conference before the Court will be arranged to address these issues.

7. All announcements with respect to cases set on the Monday jury docket shall be made by the attorneys representing both sides together in person on the Friday morning between 9:30 a.m.-12 noon preceding the Monday Jury Docket in a PRE-TRIAL CONFERENCE. No appointments are necessary; conferences will be held on a first-come first-served basis.

Although not required, it is suggested that the clients accompany their attorneys should any settlement or stipulated issues arise.

All pre-trial motions not previously disposed of, including Motions in Limine, will be disposed of that time. All exhibits shall be marked and any other pre-trial matters resolved. If either party anticipates providing copies of exhibits and/or documents to the jury, these should be prepared by Monday morning, rather than mid-trial.

If a plea agreement can be reached, that settlement will be announced to the Judge. If the plea negotiation is unacceptable to the Court, then the plea will be made "open" to the Court or a jury will be selected on Monday morning.

8. The DA's office has the forms required for a plea which the attorneys should prepare to insure all paperwork is ready and in the file at the time of the plea. Twenty-four hours' notice should be given to the DA's office on cases to be pled on either docket day or any other scheduled time.
9. Resets will be done on or before 3:00 p.m. Wednesdays before Court; otherwise, at 9:30 a.m. on Thursdays.
10. Probation officers must have their update sheets for Motion to Revoke cases in by 3:00 p.m. Wednesdays before Court.
11. Any and all fines and court costs shall be paid in cash, certified check or money orders; no exceptions.
12. Thursday dockets are ready for review by attorneys and bail bond employees, in person, by the preceding Friday. Completed dockets are available for review, in person, by 3:00 p.m. each Thursday. No telephone inquiries.

Thank you for your cooperation in these matters.


HOWARD S. WARNER, II
Judge, County Court at Law #1


LINDA A. RODRIGUEZ
Judge, County Court at Law #2