

# IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 930105

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## APPROVAL OF LOCAL RULES OF EL PASO COUNTY

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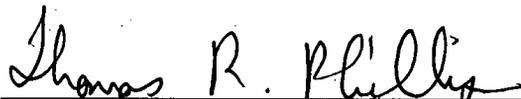
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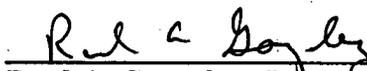
Pursuant to Rule 3a of the Texas Rules of Civil Procedure, the Supreme Court approves the following local rules, which have been previously approved by the presiding judge of the appropriate administrative judicial region and submitted to this Court:

Local Rules of El Paso County, dated May 11, 1993.

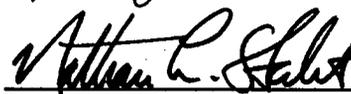
The approval of these rules is temporary, pending further orders of the Court.

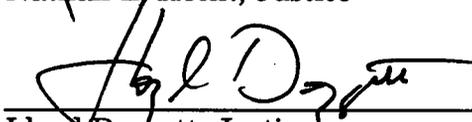
SIGNED AND ENTERED this 10th day of June, 1993.

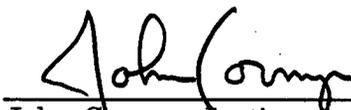
  
Thomas R. Phillips, Chief Justice

  
Raul A. Gonzalez, Justice

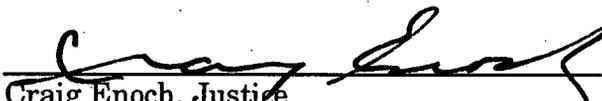
  
Jack Hightower, Justice

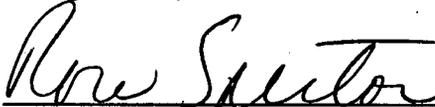
  
Nathan L. Hecht, Justice

  
Lloyd Doggett, Justice

  
John Cornyn, Justice

  
Bob Gammage, Justice

  
Craig Enoch, Justice

  
Rose Spector, Justice

EL PASO COUNTY LOCAL RULES

PART ONE

GENERAL RULES

Rule 1.01      Title, Scope, Authority and Application of  
Local Rules:

(A) These rules are the local rules of the courts of El Paso County, Texas. They shall govern proceedings in the district courts and the statutory county courts at law of El Paso County, Texas, for the purpose of securing uniformity and fairness in those proceedings and in order to promote justice.

(B) These rules are adopted by the trial judges of the district and county courts at law acting in council pursuant to the inherent power of courts to control and guide the trial and disposition of causes, and pursuant to the provisions of the Supreme Court's order of February 4th, 1987, as amended, the Regional Rules of Judicial Administration, and to the provisions of the Court Administration Act, Section 74.093, Government Code, as they now exist, or as they may be hereafter amended.

(C) These rules are standing orders of all district and statutory county courts of this county, now existing or as may be created hereafter. Knowing or intentional violation of these rules may be punished by contempt or other sanctions authorized by law or by rules of procedure as the trial judge may deem appropriate.

(D) If any provisions in these rules are found to conflict with any statutes or other statewide rules, the statutes or statewide rules shall prevail.

Rule 1.02      Parties Proceeding Pro Se:

Any natural person proceeding on his/her own behalf without an attorney shall be expected to read and follow these local rules, the Texas Rules of Civil Procedure, the Texas Rules of Civil Evidence, the Texas Rules of Criminal Evidence, the Texas Code of Criminal Procedure and the Texas Rules of Appellate Procedure, as may be appropriate in the particular case. Failure to comply may be sanctioned or punished in accordance with applicable provisions of all of these rules. Pro se parties shall be responsible for providing the clerk with current addresses and telephone numbers, and shall also be responsible for providing copies of all papers filed to all other parties or attorneys. Such filed papers shall always contain the current address and phone number of the pro se party. The clerks of the courts shall provide a pro se party a copy of this Rule 1.02 at the time a petition or an answer is filed.

Rule 1.03 Private Service of Process:

(A) For purposes of supervision and discipline, the courts deem those persons authorized to serve citations and other notices by order pursuant to Rule 103, Texas Rules of Civil Procedure, to be officers of the court. Any such person filing a false return or engaging in service contrary to law or rule may be subject to punishment by an order of contempt. Such order may prohibit such person from serving citations and notices in El Paso County.

(B) Any proposed order authorizing private service under Rule 103 will not be signed by the judge unless signed by counsel requesting such an appointment. Such order shall set out the name and business address of the person or persons to be so authorized and affirm that such person is not less than 18 years of age, is not a party, and has no interest in the outcome of the suit in which the authorization is sought.

Rule 1.04 Court Security:

All persons entering the courtroom or suite of offices assigned to a court are subject to search by the bailiff or anyone else responsible for security. All counsel and parties shall be alert to security risks and shall notify the court or bailiff of any security concerns.

Rule 1.05 Emergency and Special Sessions; Temporary Orders:

(A) Except in emergencies, when the clerk's office is not open for business, no application for immediate or temporary relief shall be presented to a judge until it has been filed and assigned to a court as is provided in these rules.

(B) If the judge of the court to which such case is assigned is absent or is occupied with other matters, such application may be heard by any other district or county court at law judge who may sit for the judge of the court in which the case is pending and who shall make all orders, writs and process returnable to the Court to which the case is assigned.

(C) Hearings on applications for temporary injunctions, temporary receiverships, and the like, shall be set in the court to which the case has been originally assigned by consulting with that court.

(D) All applications for ex parte relief shall state whether or not, within the knowledge of applicant and applicant's attorney, the opposing party is represented by counsel and, if so, the name of such counsel, and whether or not such counsel/party has been apprised of the application for ex parte relief.

(E) Texas Family Code cases that are exceptions to Section 3.58 must be presented to the court by an attorney.

(F) Except for cases filed under the Texas Family Code, the party requesting such temporary relief shall be present in court at the time such relief is requested, unless the court waives this requirement for good cause shown.

(G) Whenever immediate action of a judge is required in an emergency when the clerk's office is not open for business, the case shall, nevertheless, at the earliest practicable time be docketed and assigned to a court as provided by these rules, and all writs and process shall be returnable to the assigned court.

## PART TWO

### LOCAL ADMINISTRATION AND LOCAL ADMINISTRATIVE JUDGE

#### Rule 2.01 Local Courts Administration:

The El Paso County Council of Judges is composed of the district judges and the statutory county courts at law of El Paso County and has the duties and powers set out in the Texas Government Code. The El Paso County Judge, the Judge of the El Paso Probate Court, active retired and former judges, the associate judges, the jail magistrate, and the justices of the peace may attend and have a voice in all meetings, but are not permitted to vote and may be excluded in any executive session or in any session regarding personnel. Each district judge and statutory county court at law judge shall have one vote.

#### Rule 2.02 Election of the Local Administrative Judge:

The local administrative judge shall be elected by majority vote of a quorum of the Council of Judges at the regular meeting for the month of March of each odd-number year. The term of office of the local administrative judge shall be two years beginning in April of each odd-number year. The local administrative judge shall serve until a successor is elected. In the event of the death, resignation or removal from judicial office, or inability or refusal to serve of the local administrative judge, the Council of Judges shall elect, at a meeting called by any member, an administrative judge to serve the remainder of the then current term of office. The local administrative judge may not be elected on the basis of rotation or seniority, but may be re-elected to any number of successive terms.

#### Rule 2.03 Powers and Duties of Local Administrative

Judge:

(A) The local administrative judge shall be ex officio the presiding judge for the statutory, ceremonial, and other functions requiring a presiding judge and shall also be ex officio the presiding judge and chair of the Board of Auditors, and of the Adult Probation Board.

(B) The local administrative judge shall have a vote on all matters.

(C) No family law cases shall be filed on the docket of the local administrative judge from and after taking office and during the term of office of the local administrative judge.

(D) The secretary of the Council of Judges shall be the administrator of the Office of the Council of Judges Administration or such other person as the local administrative judge shall select. The secretary shall prepare the minutes and other documents of the Council of Judges, which shall be open to all members of the Council of Judges at all reasonable times.

(E) The juvenile judge shall be the presiding judge and chair of the Juvenile Board, which shall be governed by its own rules.

(F) The administrative agency of the Council of Judges shall be the Council of Judges Administration under its administrator. The Council of Judges Administration shall perform such duties as shall be assigned to it from time to time by the Council of Judges.

(G) The local administrative judge or a majority of the judges will call meetings of the judges at least once each month (generally the last Thursday of each month), and as needed.

The local administrative judge shall preside over such meetings and in his/her absence the district judge senior in longevity present at the meeting shall serve as temporary chair.

(H) The district judge senior in longevity will exercise the powers of the local administrative judge in the temporary absence or incapacity of the administrative judge.

Rule 2.04 Information to Local Administrative Judge:

The local administrative judge shall cause the proper clerk to send the regional presiding judge a copy of the report sent each month to the Office of Court Administration, and such other information regarding docket management systems of the county as may be requested by the regional presiding judge.

The district and county clerks shall be responsible, individually to each and all the judges and local administrative judge for the accurate collection and

reporting of such information as may be prescribed in writing by the regional presiding judge, the Supreme Court, or the Office of Court Administration.

Each judge will have direct access to any such information and/or data collected at all reasonable times, Monday through Friday during working hours, and the clerk shall produce all such and deliver same to any judge upon request.

PART THREE  
CIVIL CASES

Rule 3.01      Filing and Assignment of Cases:

(A) All cases are to be filed, docketed, and assigned pursuant to Rule 10b of the Rules of Judicial Administration of the Supreme Court of Texas and Sections 25.0732, 74.093, 74.121, and 75.011, Texas Government Code.

(B) Thereafter, the courts may at any time exchange cases and benches to accommodate their dockets or to specialize the courts' trials.

(C) Except as provided hereafter in these rules, all cases shall be filed with the district clerk in random order, or in the manner prescribed by the Council of Judges, and shall be assigned, insofar as practicable, in a fair and equitable manner among the courts.

(D) Every garnishment suit or bill of review shall be assigned to the court in which the principal suit is or was pending, and if the principal suit is transferred to another court, the garnishment shall be transferred likewise.

(E) If a nonsuit of a party is taken, any refileing of the suit by the same party shall be assigned to the original court. Prior to the refileing, the filing party or the party's attorney shall inform the clerk by way of copy of the prior nonsuit so that the case can be filed properly. After refileing, the refileing party shall notify the court in writing of the style and cause number of the prior suit.

Rule 3.02      Transfer of Cases; Docket Exchange;  
Bench Exchange:

(A) After assignment to a particular court, every case, both jury and non-jury, shall remain pending in such court until final disposition or transfer.

(B) Any case may be transferred to another court by order of the judge of the court in which the case is pending with the consent of the judge of the court to which it is transferred, or by order of the local administrative judge.

(C) Whenever any pending case is so related to

another case pending in another court, the judge of the court in which the earliest filed case is pending may, upon motion (including the judge's own motion) and notice, transfer the case to the court in which the earlier case is filed to facilitate the orderly and efficient disposition of the litigation.

Rule 3.03      Request for Hearings, Non-jury Trial Settings, and Other Non-jury Appearances:

(A) All requests for the scheduling of hearings, non-jury trial settings, and other non-jury appearances (collectively, "non-jury matters") before the court will be made by contacting the court coordinator who will arrange an appropriate time to appear before the court. Before requesting a date and time for a non-jury matter, the requesting party shall make reasonable efforts to ascertain from the other parties and then inform the court coordinator of potential conflicts in the attorneys' schedules and the estimated length of time needed for the non-jury matter.

(B) The requesting party shall then promptly serve all other parties with written notice of the date and hour set for hearing and of the particular matter which will be considered at such time, shall file a copy of such notice with the clerk, and shall send the court coordinator a copy of such notice.

(C) Any party who has an objection to the date or time of the non-jury matter, which cannot be resolved by conference with other parties and the court coordinator, shall as soon as is reasonably possible file a written objection, stating the grounds therein, for the court's discretionary resolution.

Rule 3.04      Presentation of Orders:

Any order presented for court's signature must reflect approval as to form or substance of the opposing counsel or party. Absent such approval, a motion for entry of order must be heard before the court will sign the order.

Rule 3.05      Request for Setting -- Jury:

A request for a jury trial setting shall be made in writing (with a copy to all other attorneys) with the court coordinator of the court in which the case is filed, at any time after jury has been demanded, the jury fee has been paid, and the certificate of readiness has been filed in the case. The letter shall contain information with respect to the nature of the case, estimated date of completion of discovery, and that counsel has conferred with other counsel with regard to the scheduling of trial, when the case will be ready for trial, and the estimated length of trial.

The court may order a scheduling conference(s) or pretrial conference(s) pursuant to Rule 166, Texas Rules of Civil Procedure, if the court deems necessary.

Rule 3.06 Assignment of Cases for Trial:

Whenever feasible, courts should give preference for trial setting to older filed cases.

Rule 3.07 Conflicting Setting and Assignments of Counsel:

(A) The Rules of Administration of the Administrative Region apply and control.

(B) Attorney already in trial in another court:

1. When informed that an attorney is presently in trial, the court will determine where and when assigned.

2. This information will be verified upon request of opposing counsel or at the court's own discretion.

3. The case will be placed on "hold" or reset, depending on when the attorney will be released.

4. If the attorney is not actually in trial as represented by the attorney or the attorney's agent, the case will be tried without further notice.

(C) Attorney assigned to two courts for the same date:

1. Any attorney who receives a setting and in reasonably good faith believes such setting may conflict with another setting, shall promptly provide advance notice to the court and opposing counsel of such conflict. Where such notice of a conflicting setting is not timely provided, the court may choose to refuse a motion for continuance.

2. Insofar as practicable, judges should attempt to agree on which case has priority, otherwise, the following priority shall be observed by the judges of the respective courts:

- a. Criminal cases and juvenile cases.
- b. Cases given preference by statute.
- c. Preferentially set cases.
- d. Case set at earliest date.
- e. Case with earliest filing date.

Any disagreement between judges as to preference shall be decided by the local administrative judge.

(D) The unavailability of a particular lawyer in a firm will generally not be considered grounds for a continuance of any case where other lawyers in the firm have had significant involvement in the case, such as signing pleadings, making court appearances, or attending depositions.

(E) Counsel shall be excused from appearing for any purpose at any time when counsel is scheduled to appear before an appellate court of the United States, the State of Texas, or any other state.

Rule 3.08 Resetting Cases:

Cases not reached for trial shall be reset by the court. The courts shall give preferential setting for reset cases, to the extent practicable.

Rule 3.09 Dismissal Docket; Involuntary Dismissal:

At least once each year, each divorce case which has been on file for more than one year, and each civil case, other than divorce cases, which has been on file more than two years, may be set for hearing for all parties to show cause why same should not be dismissed for want of prosecution.

Rule 3.10 Suspense Docket -- Dismissals, Bankruptcy, Suggestion of Death, Abatement:

(A) Bankruptcy:

1. Notice of filing.

Whenever any party to litigation in these courts files for protection under the bankruptcy laws of the United States, it shall be the responsibility of that party's counsel in these courts to promptly notify the affected courts by immediately telephoning the court coordinator and, within three days of any bankruptcy filing, to provide written notice to the affected courts and all counsel that a bankruptcy filing has occurred giving the name and location of the bankruptcy court, the bankruptcy cause number and style, the date of filing and the name and address of counsel for the bankrupt.

Compliance with this rule will enable the courts to pass over cases affected by bankruptcy and to try other cases on the docket.

Failure to comply with this rule may be punished by sanctioning counsel and, in appropriate cases, the party, once the bankruptcy is concluded.

2. Conclusion of bankruptcy.

Once a bankruptcy has been concluded, whether by discharge, denial of discharge, dismissal or otherwise, counsel shall notify the court coordinator in writing within 30 days so that the affected case(s) may be restored to the active docket or be dismissed as may be appropriate.

(B) Any attorney filing any suggestion of death or plea in abatement shall immediately give written notice to the court coordinator or the judge of the court. Failure to

comply with this rule may be punished by sanctioning counsel and, in appropriate cases, the party.

**Rule 3.11 Hearings on Pretrial Motions, Exceptions, and Pleas -- Pretrial Procedures (Civil Cases):**

(A) Any party requiring a hearing on motions, exceptions, dilatory pleas, or other pretrial matters shall timely request and obtain a setting thereon prior to commencement of trial on the merits, in compliance with all provisions of this rule and Rule 3.03.

(B) All motions, exceptions, and pleas shall be in writing and shall have a proposed order attached granting the relief sought.

(C) Failure to present motions, exceptions, and pleas in a timely manner may cause them to be waived.

(D) Failure to present supporting authorities within the motion, exception, or dilatory plea, or contained in a concurrently filed brief or memorandum of authorities may cause them not to be considered by the court.

(E) The opposing parties' failure to present a response with supporting authorities in a reasonably timely manner may cause such arguments to not be considered by the court.

(F) A specific date or period of time may be assigned as a final date for the filing of motions, exceptions, and dilatory pleas and obtaining a hearing thereon in those cases which the judge deems appropriate.

(G) When counsel for either party or any party pro se, after notice, fails to appear at a pretrial setting on any motion, exception, or plea, the court may:

1. Rule on all motions, exceptions, and pleas in the absence of such counsel;

2. Declare any motions, exceptions, or pleas of such absent party waived;

3. In the event absent counsel represents the Plaintiff, the court may decline to set the case for trial or may cancel a setting previously made, or may dismiss the claim for want of prosecution, especially where there has been a previous failure to appear or where no amendment has been filed to meet exceptions previously sustained; or

4. In the event absent counsel represents the Defendant, the court, if the case has not been previously set for trial, may set the same for trial pursuant to Texas Rules of Civil Procedure 245, and/or may dismiss any counterclaim or cross-action for want of prosecution.

(H) Preliminary matters that require a hearing by the court may be disposed of by either hearing before the court or the court may rule in chambers without a hearing as provided in this rule.

1. Any party is entitled to a hearing so long as the same is requested prior to the time that the court makes its rulings as provided in subparagraph 5.

2. Any party who desires a ruling on any matter pending shall request a ruling either by requesting a hearing or filing a request for ruling by submission without a hearing.

3. The opposing party may, within ten days after service of such statement, either request a hearing or file a written response.

4. It is the responsibility of the party requesting a ruling by submission to notify the court of the request and of the date of service of such request for calculation of submission dates.

5. If no hearing is requested within seven days after the time for requesting a hearing or for filing a response has expired, the judge, in the absence of counsel, shall examine the pleadings, authorities cited, and other papers and make such rulings as the judge deems proper, note a memorandum of such ruling upon the papers of the cause and provide copies of such memorandum to counsel for all parties. Copies of all orders signed pursuant to this paragraph shall be forwarded to all counsel at the time they are entered by the clerk.

(I) Before a motion, exception, or other dilatory plea will be heard, the moving party shall first engage in good faith negotiations with opposing counsel to determine whether there is opposition. If the matter will not be opposed, the moving party will immediately advise the court and shall send a proposed order, signed by counsel, indicating approval.

Rule 3.12 Noncompliance With Conference Procedures:

(A) The court may sanction a party or counsel who fails without adequate reason to confer with opposing counsel when required by these rules.

(B) When counsel for either party, after notice, fails to appear or is unprepared for a scheduling conference or pretrial conference, the court may:

1. Make all scheduling decisions and rule on all motions, exceptions, pleas, or other matters;

2. Declare any pending motions, exceptions, or pleas waived;

3. Or take such other action that is just and proper according to the convenience of counsel present and parties represented.

(C) Counsel at pretrial shall be either the attorney who expects to try the case, or shall be familiar with the case and be fully authorized to state his party's

position on the law and facts, make stipulations and enter into settlement negotiations as trial counsel. If the court finds counsel is not qualified, the court may follow any of the procedures provided above.

**Rule 3.13      Severance and Consolidation:**

**(A)      Consolidation of cases:**

1. Every motion for consolidation or joinder under Rule 174(a), Texas Rules of Civil Procedure, shall be heard in the court in which the first case filed is pending, and if such motion is granted, other cases to be consolidated shall be transferred to the Court in which the first case is pending.

**(B)      Severance:**

1. When a motion to sever is sustained, the severed claim shall be filed as a new case in the same court and shall be given a new cause number by the clerk in whose court the case is pending.

2. The original case from which the claim is severed shall retain the original cause number given it by the clerk of the district or county court at law.

3. Before the severed claim is filed as a new case, the clerk's requirement concerning deposit for costs shall be met.

**Rule 3.14      Continuances:**

**(A)** Except upon good cause shown to the court, where a party is represented by more than one attorney or one firm of attorneys in charge, the fact that one of the attorneys or firms has a conflict in settings shall not be a ground for continuance.

**(B)** Any ground for continuance of the trial setting known by the attorney or the party shall be presented to the court at least 14 days prior to the trial setting or at the pretrial conference, if any, whichever shall occur first, or shall be waived.

**(C)** All motions for continuance of trial settings, including joint motions of all parties, shall be presented to the court for the court's consideration.

**Rule 3.15      Complex Case Designation:**

The court may at any time, in the interest of justice, determine that a case is complex or recognize the circumstances which, upon its declaration or order, will classify a case as complex and thereafter the court will invoke such standards as it believes are necessary to safeguard the rights of litigants to the just processing of the cases, pursuant to the Rules of Judicial Administration of the Supreme Court of Texas.

**Rule 3.16      Alternative Dispute Resolution:**

Mediation and other forms of alternative dispute resolution are encouraged and will be ordered as deemed appropriate by the court.

**Rule 3.17      Trial Witnesses and Exhibits:**

(A) Cases announced to be ready shall be in all respects ready, with witnesses and other evidence available so that the trial may proceed without delay.

(B) When out-of-county witnesses are to be called, the burden shall be on the party using such witnesses to have them available.

(C) If ordered by the court, counsel for the parties shall premark for identification all exhibits to be introduced into evidence and shall notify the court as to those items upon which counsel can agree may be admitted into evidence without objection and submit all objections to exhibits in writing to the court prior to trial.

(D) In any case where a witness does not speak English, the attorney presenting such witness shall make provision for a properly qualified interpreter to be present at the time of such witness's testimony.

(E) If a witness is not available as required by this Rule, and if the absence of such witness does not require a continuance, the court, in its discretion, may require or allow counsel to present the missing witness out of order, may require use of a deposition in lieu of the witness, may submit the case to the jury without benefit of the witness's testimony or may make any other order which appears just to avoid delay of the trial.

(F) Objections to videotapes that will be offered at the trial of the cause shall be made and heard at the settlement/pretrial conference and if not made at that time may be deemed waived.

**Rule 3.18      Settlements:**

(A) All trial counsel shall make a bona fide effort to settle cases before announcing ready for trial.

(B) The court will expect counsel, before announcing ready, to confer with counsel's client and with opposing counsel concerning settlement and to recommend a settlement position that in counsel's professional opinion is reasonable.

(C) When an attorney settles or dismisses a case which is set for trial or hearing, the attorney shall give notice to the court coordinator as soon as possible.

(D) Absent compliance with Rule 11, Texas Rules of Civil Procedure, the court may require the parties and

counsel to proceed with any trial or hearing.

Rule 3.19 Withdrawal and Copying of Documents:

Documents in evidence may be withdrawn and copied only with permission of the court and under the terms and conditions set by the court at the time.

Rule 3.20 Other Local Rules:

Except when modified by more specific rules, the rules under Part Three are applicable in all civil cases in all courts.

PART FOUR  
FAMILY LAW CASES

Rule 4.01 Filing of Family Law Cases:

(A) Juvenile cases are to be filed separately as Family District Court cases.

(B) Family law cases shall be heard by associate judges upon orders of referral from the district courts and county courts at law pursuant to Chapter 54 of the Government Code.

Rule 4.02 Ancillary Proceedings, Temporary Orders, and Emergency Matters:

(A) Notwithstanding a timely filed objection to referral to the trial on the merits, ancillary proceedings and temporary order hearings shall be scheduled and heard by associate judges and not by the referring court unless otherwise directed.

(B) The duration of such hearings is limited to no more than one half hour unless otherwise specifically requested at time of scheduling.

Rule 4.03 Uncontested Matters:

Uncontested matters shall be handled by an uncontested docket as directed by the associate judges. No scheduled setting will be required for such dockets.

Rule 4.04 Financial Information Statements; Inventory and Appraisal; and Pretrial Procedure:

The associate judges shall establish policies to govern financial information statements, inventories and appraisements, and pretrial proceedings.

Rule 4.05 Jury Demand and Withdrawal of Jury Demand:

A copy of the jury demand or withdrawal of jury demand shall be provided to the referring court and to the

associate judges by the attorney filing same when filed with the district clerk.

Rule 4.06 Objection to Referral:

Objection to referral shall apply to trial on the merits only. A copy of the filed objection shall be provided to the referring court and to the associate judges by the attorney filing same when filed with the district clerk.

Rule 4.07 Withdrawal of Objection:

All withdrawals of objection to referral shall be made with the concurrence of all parties and a copy shall be provided to the referring court and to the associate judges when filed with the district clerk.

Rule 4.08 Cancellation of Court Setting:

Cancellations of court settings shall be in writing, unless expressly excused, and only with the concurrence of both parties. The cancellation notice shall state the parties' concurrence.

Rule 4.09 Request for Setting:

Settings will be arranged through the family law court coordinator. Requests for settings may be required to be in writing, may specify the amount of time needed, and may be filed with the clerk, as directed by the associate judges.

Rule 4.10 Confirmation of Lengthy Hearings:

Attorneys shall confirm in writing with the family law court coordinator at least one week in advance of scheduled hearings of a duration of three hours or more that said hearings are still intended to be held. Failure to so confirm may result in cancellation of the hearing.

Rule 4.11 Proposed Orders or Decrees:

All proposed orders or decrees submitted to an associate judge which must be ratified or approved by the referring court shall include a signature line for the "Judge Presiding."

PART FIVE  
CRIMINAL CASES

Rule 5.01 Filings; Return of Indictments; Assignment of Cases After Indictment:

Criminal cases shall be assigned in accordance with the order of the Council of Judges.

Rule 5.02 Appointment of Counsel:

Appointment of counsel shall be as provided under the El Paso Agreement as approved by the El Paso Council of Judges, the El Paso County Commissioner's Court, and the El Paso County Bar Association.

Rule 5.03 Withdrawal or Substitution of Counsel:

Withdrawal or substitution of counsel shall be by court approval following the provisions of Rule 10, Texas Rules of Civil Procedure.

No attorney shall take any action on behalf of a defendant who is already being represented by appointed or retained counsel, until the attorney has filed a written appearance as co-counsel or has been substituted as attorney of record as required by this rule.

Once an attorney has made an appearance in a case, that attorney shall represent the defendant in all matters relating to the case until the case is finalized or the attorney is permitted to withdraw by the court.

Rule 5.04 Continuance, Resetting, Postponements:

The defendant must be notified in writing of any motion for continuance filed by defendant's attorney of record.

Rule 5.05 Pretrial Hearings -- Criminal Cases:

In criminal cases the district or county attorney's office or counsel for defendant may request setting for pretrial hearings.

Rule 5.06 Interpreters -- Criminal Cases:

In criminal cases, if an attorney desires to request a court appointed interpreter for his client or witness, requests therefor shall be made at the pretrial hearing or earlier.

PART SIX  
JURY MANAGEMENT

Rule 6.01 Empaneling Juries:

(A) The local administrative judge of the county, or a judge designated by the Council of Judges, shall preside over the qualifications of petit jurors and the assignment of jury panels to the various courts.

(B) A plan governing the selection, management, assignment, and time of jury service has been filed with the district clerk, which may be modified at the discretion of the Council of Judges, in compliance with Section 62.011,

PART SEVEN  
JUDICIAL VACATION; JUDICIAL EDUCATION

Rule 7.01 Judicial Vacation:

(A) Judicial vacations and educational events will be scheduled in advance by each judge, subject to change in conditions, and notice thereof is to be filed with the local administrative judge.

(B) The judges of statutory county courts at law and each district court may take personal vacations at any time during the year.

(C) Such vacations shall be coordinated with the local administrative judge so that there are a sufficient number of district and county court at law judges in the county at all times to handle its judicial business.

(D) Judges may take such sick leave as is essential for their health and well-being.

(E) Attendance at judicial conferences and educational programs is considered an official duty and as court time.

(F) Extended absences for other reasons should likewise be coordinated with the local administrative judge.

Rule 7.02 Masters, Associate Judges, Jail Magistrates, and Referees:

Vacation and sick leave of masters, associate judges, jail magistrates, and referees shall be determined by order of the Council of Judges.

PART EIGHT  
NONJUDICIAL PERSONNEL

Rule 8.01 Nonjudicial Personnel:

(A) The local administrative judge of the county shall supervise the Office of Court Administration and shall be responsible for all administrative matters peculiar to the courts as distinguished from judicial matters.

(B) The local administrative judge shall periodically review the case flow procedures and operations of the court administration and shall recommend necessary changes to the judges of the district courts and statutory county courts at law.

(C) Each judge shall be responsible for seeing that his or her nonjudicial personnel are prompt and well-qualified for their duties.

(D) Nonjudicial personnel should observe the standards of decorum and conduct set forth in the Code of

Judicial Conduct.

Rule 8.02 Conduct of Nonjudicial Personnel;

(A) All court personnel serve at the pleasure of the appointing judge or his/her successor in office.

(B) No duties shall be assigned to the bailiff except upon approval by the judge of such court.

PART NINE  
ATTORNEYS

Rule 9.01 Conduct and Decorum in the Courtroom:

(A) While the court is in session there shall be:

1. No smoking or use of tobacco products.
2. No reading of newspapers or magazines.
3. No propping of feet on table or chairs.
4. No loud noises or talking.
5. No gum chewing.

(B) In addressing the court, lawyers shall rise and remain standing at their positions at counsel table.

(C) Lawyers shall not approach the bench except with permission or on request of the court.

(D) Lawyers shall not lean on the bench, sit on rails or tables, or appear to engage the court in a confidential manner.

(E) All lawyers shall be dressed appropriately while in attendance of the court, unless otherwise permitted by the court.

(F) Lawyers shall advise their clients, employees, agents and witnesses of the formalities of the court, and of these rules of conduct and decorum.

(G) The lawyers, the judge, and all other officers of the court shall be prompt at all sessions and in the dispatch of all court business.

(H) All counsel are admonished to respect the letter and the spirit of all rules and ethics, including particularly, those dealing with discussion of cases with the court outside of the courtroom and not in the presence of opposing counsel.

(I) The court may enforce these rules of conduct and decorum by appropriate action or sanctions.

(J) All remarks of counsel to the Court shall be addressed to the court formally.

(K) Once an attorney has entered the courtroom and appeared before the court, he/she shall not leave without obtaining permission from the court.

(L) Nothing herein shall prevent or prohibit the individual courts from adopting additional rules of decorum.

Rule 9.02 Attorney Vacations:

An attorney wishing to avoid assignment during a vacation period (not to exceed four weeks during the calendar year) may advise the court coordinators of each of the courts and the office of court administration of the attorney's proposed vacation at least 60 days prior to the beginning of the vacation on the suggested vacation form. Nothing herein shall preclude the filing of a motion for continuance and other circumstances regarding vacation. The filing of a vacation certificate shall not be grounds for resetting cases already set. In the event an attorney already has a setting at the time the vacation notice is filed, it shall be the attorney's responsibility to notify opposing counsel and the court coordinator and file a motion for continuance and obtain a ruling by the court.

Rule 9.03 CJIS Database, Clerks, Attorneys Responsibility:

The district and county clerks are responsible to update the CJIS database when there is a substitution, appearance or withdrawal of an attorney.

Attorneys are responsible to give prompt written notification of any change of their address, firm or telephone number to the Council of Judges Administration, Room 101, El Paso County Courthouse.

Attorneys whose names do not appear in the CJIS attorneys database must provide the Council of Judges Administration with their name, address, firm, telephone number, fax number and bar number by written notification to the Council of Judges Administration, Room 101, El Paso County Courthouse. The Council of Judges Administration phone number is (915) 546-2143.

The clerks shall obtain and enter the addresses of any pro se party into the CJIS database.

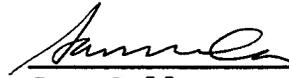
PART TEN  
MISCELLANEOUS LOCAL RULES

Rule 10.01 Local Practices Not Published in These Rules:

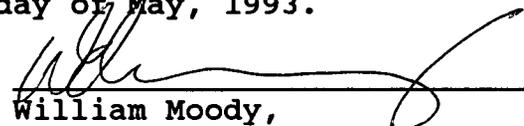
In the absence of a section or subsection, interested persons may assume there is no local rule covering the described subject.

\*\*\*\*\*

Approved by the El Paso Council of Judges on May  
11, 1993.

  
\_\_\_\_\_  
Sam Callan,  
Local Administrative Judge

Approved this 13<sup>th</sup> day of May, 1993.

  
\_\_\_\_\_  
William Moody,  
Regional Presiding Judge



STATE OF TEXAS

OFFICE OF COURT ADMINISTRATION

Post Office Box 12066  
Austin, Texas 78711-2066  
512/463-1625

C. Raymond Judice  
Administrative Director

Jack Reynolds  
Deputy Director

Jim Hutcheson  
Executive Counsel

May 25, 1993

Mr. John T. Adams  
Clerk, Supreme Court of Texas  
Supreme Court Building  
Austin, Texas 78701

Dear Mr. Adams:

Enclosed is the original and a copy of a proposed Order of the Supreme Court approving the local rules of El Paso County as submitted by Judge Kitty Schild, County Court at Law No. 4 and approved by Judge William Moody, Presiding Judge of the Sixth Administrative Judicial Region on May 13, 1993.

After you have entered this proposed order on the Miscellaneous Docket of the Court, please forward the original of the proposed order to the chambers of Justice Hecht for further action by the Court.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Raymond Judice".

C. Raymond Judice  
Administrative Director

Enclosures

cc: Justice Nathan L. Hecht  
Supreme Court

Hon. Kitty Schild  
Judge, County Court at Law No. 4, El Paso County



SAM W. CALLAN, 205th Dist.  
Administrative Judge

DISTRICT COURT JUDGES:  
SAM M. PAXSON, 210th Dist.  
EDWARD S. MARQUEZ, 65th Dist.  
HERBERT E. MARSH, JR., 243rd Dist.  
JOSE J. BACA, 346th Dist.  
PETER S. PECA, JR., 171st Dist.  
WILLIAM E. MOODY, 34th Dist.  
MARY ANNE BRAMBLETT, 41st Dist.  
ROBERT DINSMOOR, 120th Dist.  
GUADALUPE RIVERA, 168th Dist.  
PHILIP MARTINEZ, 327th Dist.

COUNTY COURT AT LAW JUDGES:  
JACK FERGUSON, CC3  
JOHN L. FASHING, CC2  
HERB COOPER, CC5  
KITTY SCHILD CC4  
DAVID BRIONES CC1

JAIL MAGISTRATE:  
SCOTT SEGALL

COURT MASTERS:  
ARTURO AGUIRRE  
MIKE THOMPSON  
KATHLEEN CARDONE

PROBATE COURT:  
MAX HIGGS

## COUNCIL OF JUDGES ADMINISTRATION

District Courts of El Paso County  
500 E. San Antonio, #101  
El Paso, Texas 79901

MARTHA A. BAÑALES  
Asst. to Administrative Judge  
Director, Office of Council of Judges  
(Civil Docket)  
(915) 546-2143

ESTELA E. VELIZ  
First Assistant  
Office of Council of Judges  
(Criminal Docket)  
(915) 546-2157

I SELA DEL TORO  
Supervisor  
Indigent Defense Program  
(915) 546-8127

May 13, 1993

John T. Adams, Clerk  
Supreme Court of Texas  
P. O. Box 12248  
Austin, Texas 78711

Dear Mr. Adams:

Enclosed please find the Local Rules for El Paso County. The El Paso Council of Judges approved the rules on May 11, 1993, and they have also been approved by William Moody, our Regional Presiding Judge.

On behalf of the El Paso Council of Judges, I am requesting that you present our Local Rules to the Supreme Court for their approval. If any of the justices have any questions concerning the Local Rules, please feel free to have them contact me.

Thank you very much for your assistance in this matter. I also want to thank you for the tour of your beautiful new facilities. I hope that you are already moved in or will be moving into them shortly.

Sincerely,

*Kitty Schild*  
Judge Kitty Schild  
County Court at Law No. 4

KS/ps



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

POST OFFICE BOX 12248      AUSTIN, TEXAS 78711

TEL: (512) 463-1312

FAX: (512) 463-1365

CLERK  
JOHN T. ADAMS

JUSTICES  
RAULA A. GONZALEZ  
JACK HIGHTOWER  
NATHAN L. HECHT  
LLOYD DOGGETT  
JOHN CORNYN  
BOB GAMMAGE  
CRAIG ENOCH  
ROSE SPECTOR

EXECUTIVE ASS'T.  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T.  
MARY ANN DEFIBAUGH

June 10, 1993

Hon. Kitty Schild  
County Court at Law #4  
500 East San Antonio  
El Paso, Texas 79901

Dear Judge Schild,

Please find enclosed, a copy of the order of the Supreme Court that approved local rules for El Paso County.

Sincerely,

SIGNED

John T. Adams  
Clerk

Encl.

cc: Hon. William E. Moody  
6th Admin Judicial Rgn

District Clerk

County Clerk

Supreme Court Adv Committee

Mr. Raymond Judice  
Office of Court Admin

State Law Library