

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 98-9003

**APPROVAL OF LOCAL RULES
FOR THE DISTRICT COURTS AND COUNTY COURT AT LAW,
BASTROP COUNTY, TEXAS**

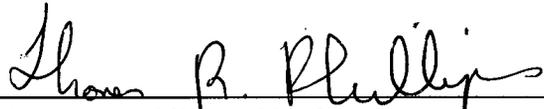
ORDERED that:

Pursuant to Texas Rule of Civil Procedure 3a, the Supreme Court of Texas approves the following local rules:

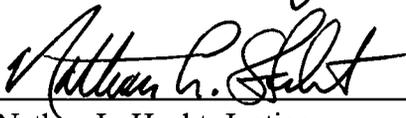
Local Rules for the 21ST and 335th District Courts and the County Court at Law,
Bastrop County, Texas

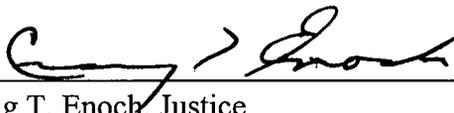
The approval of these rules is temporary pending further orders of the Court.

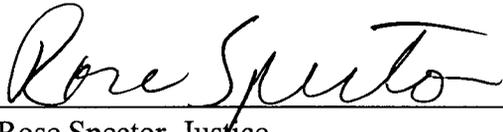
SIGNED AND ENTERED this 29th day of May, 1998.


Thomas R. Phillips, Chief Justice


Raul A. Gonzalez, Justice

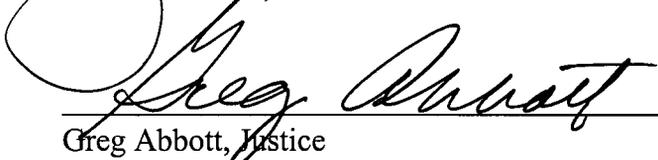

Nathan L. Hecht, Justice

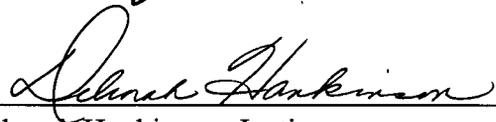

Craig T. Enoch, Justice


Rose Spector, Justice


Priscilla R. Owen, Justice


James A. Baker, Justice


Greg Abbott, Justice


Deborah Hankinson, Justice

LOCAL RULES

21ST AND 335TH DISTRICT COURTS

The following local rules govern the setting and trial of Civil and Criminal cases within the 21st and 335th Judicial Districts. An exchange of districts is deemed expedient to properly handle these dockets under Art. 1916 V.A.T.S.

RULE 1: SCHEDULING OF CASES

- (a) The District Clerk of each County will have dates when NON-JURY matters may be heard.
- (b) All NON-JURY civil matters shall be set by communicating with the District Clerk's office either by phone or letter. When a date and time is given by the Clerk's office, representing counsel must notify opposing counsel of same.

Please DO NOT CALL or WRITE either Judge requesting a setting unless it is necessitated by an actual emergency.

ALL NON-JURY CIVIL SETTINGS shall be made through the District Clerks' offices, including more LENGTHY BENCH TRIALS.

- (c) CRIMINAL CASES will be scheduled by the District Attorney's office on dates and times made in coordination with the District Clerk.
- (d) JURY TRIAL - SETTINGS shall be obtained by written request, noting the APPROXIMATE TIME such case will require. Send request to:

JOHN L. PLACKE
P. O. BOX 357
GIDDINGS, TEXAS 78942

ATTN: Virginia Causey

WHEN REQUESTING A JURY SETTING, PLEASE AFFIX NAMES AND ADDRESSES OF ALL ATTORNEYS INVOLVED. DO NOT (IN LETTER) PUT YOUR CLIENT'S NAME. PLEASE GIVE COUNTY, CAUSE NUMBER AND STYLE OF CASE.

- (e) No settings will be made in the Courtroom or by speaking with the Judges. Settings in this manner have created scheduling confusion.
- (f) JURY CASES will be set in order of their filing date, i.e., oldest case first, etc. This order of hearing will be deviated from ONLY if there is very good cause.

THERE WILL BE NO PREFERENTIAL JURY SETTINGS.

- (g) PRE-TRIAL DATES are for both Civil and Criminal cases.
- (h) Counsel requesting Jury Trial setting, by said request impliedly affirms that the pleadings are in order, ad-litem appointments have been made, all parties are before the Court, all necessary motions have been made, discovery has been completed and the case is ready for trial.
- (i) If the above is NOT ADHERED to, the case will be placed LAST on the jury request list.
- (j) CONTINUANCE - No agreed continuance by attorneys after a case is set is permitted without approval of the Court. EXCEPT for a showing of good cause for a continuance, the case will automatically be placed LAST on the jury request list.
- (k) PURSUANT TO RULE 141, TEXAS RULES OF CIVIL PROCEDURE, IF A CASE IS SETTLED OR CONTINUED WITHIN TEN (10) DAYS OF TRIAL SETTINGS, THE PARTIES MAY BE REQUIRED TO PAY THE COST OF SUMMONING AN UNUSED JURY PANEL.
- (l) APPEARANCE AT PRE-TRIAL SETTINGS BY ATTORNEY IS MANDATORY. On this

date final motions are heard and jury week scheduling is done.

- (m) PROPOSED SPECIAL ISSUES are to be exchanged by Attorneys and presented to the Court on Pre-Trial day.

RULE 2: COURT APPOINTED ATTORNEYS IN CRIMINAL CASES

- (a) The Clerk of each county will keep a roster of local attorneys in the Courtroom. ALL ATTORNEYS will be expected to represent indigent defendants as their name comes up. A few attorneys in all four counties have been carrying the load for all, which is unfair.
- (b) COMPENSATION - Seventy-Five (\$75.00) Dollars per day in Court will be paid appointed attorneys. If matter is disposed of by trial, Three Hundred Fifty (\$350.00) Dollars per day in Court will be paid.
- (c) NO HOURLY BILLING - Some misunderstanding and confusion about compensation for representing indigent defendants have caused problems recently. Both Judges realize that for an attorney to adequately represent an accused, time is necessary to spend on the case. However, it has never been the practice of the Courts to compensate based on hourly billing. This rule may be dispensed with in exceptional situations at the discretion of either Judge.
- (d) HOW TO SUBMIT BILLS FOR REPRESENTING INDIGENT DEFENDANTS
When a case is resolved the payment voucher should be filled out and given to the Clerk at that time in the Courtroom. District Clerks will have forms available at all times in the Courtroom.

RULE 3: ORDERS NEEDING TO BE EXECUTED SHALL BE SENT DIRECTLY TO THE JUDGE WHO HEARD THE MATTER. DO NOT SEND TO THE DISTRICT CLERK. SENDING TO THE DISTRICT CLERK CAUSES DELAY AND CONFUSION.

RULE 4: ORDER OF PROCEEDINGS ON COURT DAYS

- 9:00 A.M. Prisoners without attorneys will be brought to Court for appointments.
- 9:00 A.M. Cases will be heard by the Court in the order set by the Clerk. Such order will be on a "FIRST REQUEST" basis, with time necessary for hearing to be considered by the Clerk in scheduling. The Clerk will have FILES and DOCKETS on bench and the Court will call the cases in that order.
- 11:00 A.M. CALL FOR CRIMINAL DOCKET
- 11:00 A.M. DEPARTMENT OF HUMAN RESOURCES and JUVENILE CASES, if applicable; to and/or other civil matters.
Noon
- 1:00 P.M. The Clerk shall coordinate the afternoon and whatever time is not utilized by criminal matters shall be allocated as the Clerk deems necessary for civil matters.

RULE 5: ASSIGNMENT OF CASES

Civil cases will be assigned to a District Court by the Clerk when filed. Even numbered cases will be assigned to the 21st District Court and odd numbered cases will be assigned to the 335th District Court. Nothing herein shall prevent the Judge of either Court from hearing any part of a case on the docket of the other Court, in accordance with applicable rules of law.

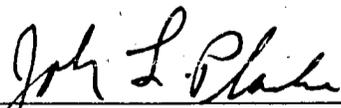
RULE 6: SPECIAL REQUIREMENTS FOR DOMESTIC RELATIONS CASES

- (a) To expedite trials, it shall be the duty of each attorney to confer,

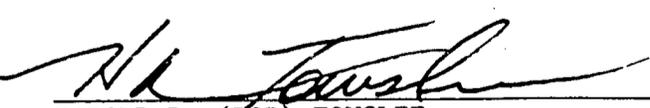
PRIOR to trial, with each other attorney regarding settlement, stipulations, estimated time of trial, waiver of jury, the extent, description, character and value of the property in question, amount of support, conservatorship, periods of possession and/or access, rights, duties and powers of the conservators, and contested issues. Prior to trial, a written statement (form available from Clerk) shall be filed certifying that a good faith effort to so confer has been made and containing any agreed stipulations.

- (b) In all cases requiring the division of property and/or liabilities, the Husband and Wife each shall file with the Court, or upon written mutual agreement, exchange between themselves, sworn inventories. Each inventory shall list the value of each item of property and shall list each liability, the number of periodic payments in arrears, if any, the property securing its payments, and the name of the creditor. Any property or liability claimed to be separate shall be so characterized.
- (c) A Financial Information Sheet (furnished by the Clerk) shall be furnished to the Court and opposing Counsel not later than the commencement of a hearing or trial in which the payment of support or property rights will be an issue.
- (d) Each attorney shall submit a Proposed Property Division (furnished by the Clerk) including property claimed or recognized as separate property, to the Court and opposing counsel not later than the commencement of trial.

Effective the 1ST day of MAY, 1989.



JOHN L. PLACKE
JUDGE, 21ST JUDICIAL DISTRICT COURT



HAROLD R. (BOB) TOWSLEE
JUDGE, 335TH JUDICIAL DISTRICT COURT

FEE SCHEDULE FOR DISTRICT AND COUNTY
 DISTRICT/COUNTY COURT AT LAW COURTS:
 BASTROP COUNTY, TEXAS
 EFFECTIVE SEPTEMBER 1, 1995

CIVIL SUIT

FILING FEE	\$ 85.00
LIBRARY FEE	20.00
STENOGRAPHER FEE	15.00
RECORDS PRESERVATION SECURITY	5.00
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TOTAL	\$ 130.00

EXPUNCTION OF RECORD

FILING FEE	\$ 85.00
LIBRARY FEE	20.00
STENOGRAPHER FEE	15.00
SECURITY	5.00
RECORDS PRESERVATION SECURITY	5.00
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TOTAL	\$ 130.00
(+ NOTICES & ORDER \$7.00 Per Agency)	

DIVORCE W/WAIVER

FILING FEE	\$ 85.00
LIBRARY FEE	20.00
STENOGRAPHER FEE	15.00
BVS & CERTIFIED DECREES	10.00
RECORDS PRESERVATION SECURITY	5.00
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TOTAL	\$ 140.00
(PLUS \$ 1.00 PER CHILD)	

DIVORCE W/CITATION

FILING FEE	\$ 85.00
LIBRARY FEE	20.00
STENOGRAPHER FEE	15.00
BVS & CERTIFIED DECREES	10.00
ISSUANCE OF CITATION	8.00
RECORDS PRESERVATION SECURITY	5.00
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TOTAL	\$ 148.00
(PLUS \$ 1.00 PER CHILD)	

OCCUPATIONAL DRIVERS LICENSE

FILING FEE	\$ 40.00
LIBRARY FEE	20.00
CERTIFICATION FEE	2.00
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TOTAL	\$ 62.00

APPEAL FROM J.P. COURT

FILING FEE	\$ 40.00
LIBRARY FEE	20.00
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TOTAL	\$ 60.00

CROSS-ACTION, MOTION TO MODIFY, MOTION FOR CONTEMPT, INTERVENTIONS MOTION FOR NEW TRIAL, 3RD PARTY PETITIONS - \$ 15.00

OTHER FEES

APPROVING BOND	\$ 4.00
SEARCH FEES	\$ 5.00
ABSTRACT OF JUDGMENT	\$ 8.00
COPIES	\$ 1.00 PER PAGE
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<u>JURY FEE:</u>	
DISTRICT COURT	\$ 30.00
COUNTY COURT AT LAW	\$ 27.00

FOREIGN JUDGMENTS

FILING FEE	\$ 85.00
LIBRARY FEE	20.00
STENOGRAPHER FEE	15.00
RECORDS PRESERVATION SECURITY	5.00
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TOTAL	\$ 130.00

NAME CHANGE

FILING FEE	\$ 85.00
LIBRARY FEE	20.00
STENOGRAPHER FEE	15.00
CERT.COPIES OF ORDER	10.00
RECORDS PRESERVATION SECURITY	5.00
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TOTAL	\$ 140.00

DIVORCE W/CIT., TRO OR NOTICE

FILING FEE	\$ 85.00
LIBRARY FEE	20.00
STENOGRAPHER FEE	15.00
CIT. & TRO OR NOTICE	16.00
RECORDS PRESERVATION SECURITY	5.00
BVS & CERT DECREES	10.00
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TOTAL	\$ 156.00
(PLUS \$ 1.00 PER CHILD)	

ADOPTION

FILING FEE	\$ 85.00
LIBRARY FEE	20.00
STENOGRAPHER FEE	15.00
ADOPTION CERTIFICATE	2.00
CENTRAL ADOPTION FUND	15.00
RECORDS PRESERVATION SECURITY	5.00
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TOTAL	\$ 147.00
(PLUS INVESTIGATOR'S FEE)	

WORKERS COMPENSATION

FILING FEE	\$ 85.00
LIBRARY FEE	20.00
STENOGRAPHER FEE	15.00
CERT.JUDGMENT	5.00
RECORDS PRESERVATION SECURITY	5.00
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TOTAL	\$ 135.00

ISSUING PROCESS

CIT., TRO, NOTICES	\$ 8.00
ORDER OF SALE	\$ 8.00
SUBPOENA	\$ 8.00
(+ \$ 10.00 WITNESS FEE)	
WRITS-(EXECUTION, ATTACHMENT POSSESSION, SEQUESTRATION)	

State of Texas in the Bastrop County Court At Law**ORDER ADOPTING LOCAL RULES**

The County Court At Law of Bastrop County adopts as its local rules those Local Rules adopted May 1, 1989, by the 21st and 335th Judicial District Courts (a copy of which is attached) with the following additional rules:

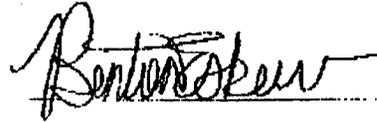
RULE 1: SCHEDULING OF CASES

(m) No setting for longer than ½ day in any case may be obtained without prior permission of the Judge hearing said case.

RULE 6: SPECIAL REQUIREMENTS FOR DOMESTIC RELATIONS CASES

(f) LENGTH OF SETTINGS FOR TEMPORARY ORDERS. No setting for any temporary orders hearing in a domestic relations case may be obtained for a length of more than two (2) hours without prior permission of the Judge hearing said hearing.

SIGNED this 15th day of September, 1997.



Judge Presiding

BASTROP COUNTY COURT AT LAW



BENTON ESKEW
JUDGE

804 PECAN STREET
BASTROP, TEXAS 78602

(512) 321-9228

February 25, 1997

Judge Olan Underwood
301 North Main, Suite 228
Conroe, TX 77301

Dear Judge Underwood:

Judge Placke, Judge Towslee, Judge Reue and I met recently to discuss some additions to our existing local rules. According to the information I have obtained these proposals which must be approved by the Supreme Court require a letter from both the Regional Administrative Judge and the Local Administrative Judge along with the proposed additions.

I am attaching our agreed proposals which are additions to the existing Local Rules. The Local Rules already in effect will remain in place. Please consider these proposals and let me know if you concur and whether you would like me to write a letter for your signature or send me a letter that I can include with our package to the Supreme Court requesting the additions.

Thank you for your time and consideration.

Sincerely,

Judge Benton Eskew

*vicki:
Send w/ letter
B. Brown*

PROPOSED ADDITIONS TO LOCAL RULES:

The following are the additional rules requested to be added to the Local Rules for the 21st and 335th Judicial Districts, including the Bastrop County Court at Law and the Washington County Court at Law. All other rules currently in place shall remain in effect.

RULE 1: SCHEDULING OF CASES

(m) No setting for longer than ½ day in any case may be obtained without prior permission of the Judge hearing said case.

RULE 6: SPECIAL REQUIREMENTS FOR DOMESTIC RELATIONS CASES

(f) LENGTH OF SETTINGS FOR TEMPORARY ORDERS. No setting for any temporary orders hearing in a domestic relations case may be obtained for a length of more than two (2) hours without prior permission of the Judge hearing said hearing.

The undersigned have reviewed these proposed additional rules to the Local Rules and give the approval to the form and content of the said additions.



SECOND ADMINISTRATIVE JUDICIAL REGION OF TEXAS

OLEN UNDERWOOD
PRESIDING JUDGE

JUDY M. GEIGER
ADMINISTRATIVE ASSISTANT

VIKKI L. NELSON
REGIONAL DOCKET MANAGER

June 10, 1997

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

Dear Mr. Adams:

Pursuant to Rule 3a, Texas Rules of Civil Procedure, I am forwarding the Local Rules of Procedure with additions for Bastrop County. I approve these rules as to form and content, and submit them for Supreme Court approval.

Thank you for your usual courtesies.

Sincerely,

A handwritten signature in cursive script, appearing to read "Olen Underwood".

Olen Underwood

OU/vn

cc: Hon. Benton Eskew

Enclosures



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

EXECUTIVE ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

JUSTICES
RAUL A. GONZALEZ
NATHAN L. HECHT
CRAIG T. ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT
DEBORAH G. HANKINSON

May 29, 1998

Hon. Olen Underwood
2nd Admin. Judicial Rgn.
301 N. Main, Suite 228
Conroe, Texas 77301

Dear Judge Underwood,

Please find enclosed, a copy of the order of the Supreme Court that approved local rules for the district and county courts at law of Bastrop County.

Sincerely,

SIGNED

John T. Adams
Clerk

Encl.

cc: Hon. H. R. Towslee
Lcl. Admin. Judge

Hon. M. Benton Eskew
County Court at Law

District Clerk

County Clerk

Supreme Court Adv Committee

Mr. Jerry Benedict
Office of Court Admin

State Law Library