

# **IN THE SUPREME COURT OF TEXAS**

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Misc. Docket No. 18-9136

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## **APPROVAL OF REGIONAL RULES OF ADMINISTRATION FOR THE ELEVENTH ADMINISTRATIVE JUDICIAL REGION**

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**ORDERED** that:

Pursuant to Texas Rule of Civil Procedure 3a, the Supreme Court approves the following Regional Rules of Administration for the Eleventh Administrative Judicial Region.

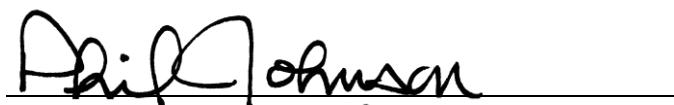
Dated: October 16, 2018.



Nathan L. Hecht, Chief Justice



Paul W. Green, Justice



Phil Johnson, Justice



Eva M. Guzman, Justice



Debra H. Lehrmann, Justice



Jeffrey S. Boyd, Justice



John P. Devine, Justice



Jeffrey V. Brown, Justice



James D. Blacklock, Justice

## **ELEVENTH ADMINISTRATIVE JUDICIAL REGION OF TEXAS** **REGIONAL RULES OF ADMINISTRATION**

### **Authority**

The Council of Judges of the Eleventh Administrative Judicial Region issue these Rules under the authority of § 74.048(c) of the Texas Government Code and Rule 4(c) of the Texas Rules of Judicial Administration.

### **RULE 1: APPLICATION.**

These Rules apply to all district and statutory county courts of the Eleventh Administrative Judicial Region of the State of Texas.

### **RULE 2: DEFINITIONS.**

The following definitions apply to these Rules:

- (a) “Broadcasting” means disseminating or transmitting to the public through newspapers, television, radio, internet, or other means.
- (b) “Chapter 74” means Chapter 74 of the Texas Government Code.
- (c) “Chapter 75” means Chapter 75 the Texas Government Code.
- (d) “Court Proceedings” do not include investitures or ceremonial proceedings.
- (e) “Former Judge” means a person who served as an active judge in a district, statutory county, statutory probate, or appellate court for at least 96 months and is not yet retired.
- (f) “Media” means any person or organization engaging in news gathering or reporting and includes any newspaper, radio or television station or network, news service, magazine, trade paper, in-house publication, professional journal, or other news reporting or news gathering agency, whether the information is transmitted or disseminated by broadcasting, cable, satellite, internet, or other means.
- (g) “Presiding Judge” means the presiding judge of the Eleventh Administrative Judicial Region.
- (h) “Recording” means photographing, audio recording, or video recording by any means.
- (i) “Region” means the Eleventh Administrative Judicial Region as created by Section 74.042(l) of the Texas Government Code.

- (j) “Retired Judge” means a judge who served as a district, appellate court, or statutory county court judge and is receiving an annuity under the judge’s respective retirement system.
- (k) “Senior Judge” means a retired district or appellate court judge who served for at least 96 months and has elected to be a judicial officer under § 75.001 of the Texas Government Code.

### **RULE 3: COUNCIL OF JUDGES.**

- (a) As provided by Rule 4(a) of the Rules of Judicial Administration, the Council of Judges for the Eleventh Administrative Judicial Region is composed of the Presiding Judge as Chair, the judges of the district and statutory county courts within the Region, and retired and former district and statutory county court judges residing in the Region who have qualified to serve as judicial officers under Section 74.055(c) of the Government Code.
- (b) The Presiding Judge must call and preside over at least one annual regular meeting of the Council of Judges at a designated time and place. The Presiding Judge may call special meetings of the Council of Judges at any time.
- (c) The Council of Judges must consider those matters prescribed by § 74.048(c) and Rules 3 and 4 of the Rules of Judicial Administration.
- (d) All matters requiring approval of the Council of Judges are decided by a majority of the judges present at the meeting. No proxy votes are allowed.

### **RULE 4: AUTHORITY OF THE PRESIDING JUDGE.**

- (a) Under § 74.047 of the Texas Government Code, the Presiding Judge has the authority to perform the acts necessary to carry out the provisions of Chapter 74 and to improve the management of the court system and the administration of justice.
- (b) As provided by § 74.056(c) of the Texas Government Code, the Presiding Judge may appoint an Acting Presiding Judge to serve in the absence of the Presiding Judge. The Acting Presiding Judge has all the rights, duties, and powers of the Presiding Judge.

### **RULE 5: JUDICIAL SERVICE BY RETIRED AND FORMER JUDGES.**

- (a) In accordance with § 74.055(a), the Presiding Judge must maintain a list of qualified Retired and Former Judges who are eligible to sit by assignment in the Region.
- (b) The list of Retired and Former Judges must include the areas of expertise (criminal, civil, or family) for each eligible judge. Although a judge may qualify for assignment in more than one area of expertise, a judge may not be assigned to a case or docket outside the judge’s listed areas of expertise.

- (c) Retired and Former Judges may elect to serve as judicial officers eligible for assignment in accordance with Chapters 74 and 75.
- (d) Retired and Former Judges must annually certify their continued eligibility for judicial assignment on the form provided by the Region.

## **RULE 6: JUDGE'S VACATION, ABSENCES, AND DISQUALIFICATION.**

The Board of Judges of each County must adopt a plan for judicial absences, vacation, and educational events and a method of notifying the Presiding Judge of the need for visiting judges.

## **RULE 7: TIME STANDARDS FOR DISPOSITION OF CASES.**

District and Statutory County Court Judges of the County in which cases are filed should, as far as reasonably possible, ensure that all cases are brought to trial or final disposition in conformity with the following time standards:

- (a) **Criminal Cases.**
  - (1) **Felonies.** Within 12 months of arrest or return of indictment, whichever is earlier.
  - (2) **Misdemeanors.** Within 6 months of arrest or filing of complaint, whichever is earlier.
- (b) **Civil Cases Other Than Family Law.**
  - (1) **Civil Jury Cases.** Within 18 months of appearance date.
  - (2) **Civil Non-Jury Cases.** Within 12 months from appearance date.
- (c) **Family Law Cases.**
  - (1) **Contested Family Law Cases.** Within 6 months from appearance date or within 6 months from the expiration of the waiting period provided by the Family Code where such is required, whichever is later.
  - (2) **Uncontested Family Law Cases.** Within 3 months from appearance date or within 3 months from the expiration of the waiting period provided by the Family Code where such is required, whichever is later.
- (d) **Juvenile Cases.** In addition to the requirements of Title 3 of the Texas Family Code:
  - (1) **Detention hearings.** On the next business day following admission to any detention facility.

- (2) **Adjudicatory or Transfer (Waiver) Hearings.**
    - (A) *Concerning a juvenile in a detention facility.* Not later than 10 days following an admission to such a facility, except for good cause shown of record.
    - (B) *Concerning a juvenile not in a detention facility.* Not later than 30 days following the filing of the petition, except for good cause shown of record.
  - (3) **Disposition Hearings.** Not later than 15 days following the adjudicatory hearing. The Court may grant additional time in exceptional cases that require more complex evaluation.
  - (4) Nothing herein prevents a judge from recessing a juvenile hearing at any stage of the proceeding where the parties are agreeable or when in the opinion of the judge presiding in the case the best interests of the child and society shall be served.
- (e) **Complex Cases.** A judge may depart from these time standards in especially complex cases or when special circumstances make adherence to these standards impractical.

#### **RULE 8: SELECTION AND CONTROL OF JURIES.**

The Board of Judges of each County must adopt a Jury Plan governing the selection, management, assignment, and time of jury service; file the same with the District Clerk; and, when required, secure the approval of the Commissioner's Court.

#### **RULE 9: COURT ADMINISTRATION AND LOCAL RULES.**

- (a) The Local Rules adopted by the Boards of Judges of the Counties this Region must conform with the requirements of these Rules.
- (b) The Local Rules must be numbered to cover the same subject matter prescribed by the Rules, using the same numbering system used in these Rules.
- (c) The Board of Judges of each County must adopt Local Rules providing for regular meetings of the judges, committee assignments, and other designation of duties necessary to the work of the Courts of the County as required by Section 74.093 of the Texas Government Code.
- (d) **Local Rules for Disposition of Cases.**
  - (1) *Criminal cases.* The Board of Judges or Judges giving preference to criminal cases in each County must adopt and uniformly follow Local Rules conforming with the time standards in Rule 7(a) for the processing of criminal cases.

- (2) *Civil Cases.* The Board of Judges or Judges giving preference to civil cases in each County must adopt and uniformly follow Local Rules governing the filing, docketing, and assignment of civil cases to achieve the time standards of Rule 7(b).
  - (3) *Family Law and Juvenile Cases.* The Board of Judges or Judges giving preference to Family Law and Juvenile cases in each County must adopt and uniformly follow Local Rules governing the filing, docketing, and assignment of Family Law and Juvenile cases to achieve the time standards of Rule 7(c)-(d).
- (e) Local Rules do not go into effect until approved by the Presiding Judge and the Supreme Court of Texas.

## **RULE 10: SUPPLYING INFORMATION.**

The Local Administrative Judges of each County must cause the proper Clerk to send the Presiding Judge a copy of the report sent each month to the Office of Court Administration, as well as such other information regarding docket management systems of the County as the Presiding Judge requests.

## **RULE 11: RECUSAL PROCEDURES.**

- (a) **Voluntary Recusal with Local Rules.** If a county has adopted local rules to govern reassignment of cases after the voluntary recusal of a judge, the case must be reassigned in accordance with the local rules.
- (b) **Voluntary Recusal—No Local Rule.** If a county has no local rule to govern reassignment of cases after the voluntary recusal by a judge, the recusing judge or the Local Administrative Judge must refer the case to the Presiding Judge for assignment to another judge.
- (c) **Motion for Recusal or Disqualification of Judge. (Tex. R. Civ. P. 18a).**
  - (1) If a trial judge declines to recuse after a party files a motion to recuse or a motion for disqualification, the judge must sign an order referring the case to the Presiding Judge using the form of order promulgated by the Region.
  - (2) If the trial judge declines to recuse, the Presiding Judge will rule on the referred motion by written order under Rule 18a(g)(3), set it for hearing, or assign a judge to rule on the motion. If a hearing is required, the judge ruling on the motion must provide notice to all parties and conduct the hearing as soon as practicable.
  - (3) The assigned recusal judge must rule by written order under Rule 18a(g)(3) or hear the assigned motion, rule, and sign an order. The order must be filed with the clerk, with a copy sent to the referring judge and the Presiding Judge and all parties.

- (d) **Assignment of a Judge to a Referring Court.** When a motion to recuse or disqualify a judge is granted, the Presiding Judge will assign a new judge to the case. The Presiding Judge will provide forms.
- (1) If the referring court has general jurisdiction, the Presiding Judge will give first preference to assigning another judge from the County of the referring court on a rotation basis.
  - (2) After assignment of a new judge, the case may be transferred in accordance with the Local Rules, unless the court in which the case is pending has continuing exclusive jurisdiction. But if the referring court has continuing exclusive jurisdiction, the case must remain in the referring court with the assigned judge sitting for the referring court.

## **RULE 12: RECORDING AND BROADCASTING PROCEEDINGS.**

- (a) In addition to the inherent power of the judge to control proceedings to maintain the dignity, decorum, and impartiality of court proceedings, a judge may use these rules covering recording and broadcasting of court proceedings.
- (b) If a county has adopted Local Rules approved by the Supreme Court that govern recording and broadcasting court proceedings, the Local Rules control.
- (c) If a county has not adopted Local Rules that govern recording and broadcasting court proceedings, these rules control.
- (d) **Recording or Broadcasting by the Media.** A party or the media must request permission to have the media record or broadcast court proceedings.
  - (1) The court may require the media to demonstrate that their proposed equipment complies with these rules, and may exclude from the courtroom any media who fail to comply with these Rules.
  - (2) The court may specify the placement of personnel and equipment to permit reasonable coverage without disrupting the proceedings. Unless the court in its discretion orders otherwise, one television camera, one audio recording machine, and one still photographer may be present in the courtroom. In appropriate circumstances, the court in its discretion may allow an unmanned second camera into the courtroom.

## **RULE 13: CONFLICTING ENGAGEMENTS OF ATTORNEYS.**

- (a) **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. If opposing counsel requests, the Court will verify this information. If the attorney is actually in trial, the court will place the case on “hold” or reset it depending upon when the attorney in trial will be released.
  - (2) If the attorney is not actually in trial, the court will try the case without further notice.
- (b) **Attorney Assigned to Two Courts for the Same Date.**
- (1) Attorneys have the duty to call the affected judge’s attention to all dual settings as soon as the attorney learns of them.
  - (2) When attorneys advise the court that they are assigned to two courts for the same date, the judges should attempt when practicable to agree on which case has priority. The judges should observe the following priorities when attempting to prioritize cases involving an attorney with conflicting trial assignments:
    - (A) Criminal Cases.
    - (B) Cases given preference of statute.
    - (C) Preferentially set cases.
    - (D) Case set at the earliest date.
    - (E) Case with earliest filing date.
    - (F) Courts in metropolitan county areas should yield to courts in rural county areas in all other instances of conflicting assignments.
  - (3) If the judges cannot agree on which case should have priority, the Local Administrative Judge or the Presiding Judge will decide.

## **RULE 14: ATTORNEY VACATIONS.**

- (a) **Designation of Vacation.** Except as provided by paragraphs (b) and (c) below, attorneys may designate up to four weeks during a calendar year as vacation during which they cannot be assigned to trial or required to engage in any pretrial proceedings in any case in which they are the attorney in charge as defined by Tex. R. Civ. P. 8. The trial court may expand the protection of this Rule to other attorneys working on the case besides the attorney in charge.

- (b) **Summer Vacations.** To designate vacation weeks during June, July, or August, attorneys must file their vacation designations with the district clerk by May 15. Timely filed vacation designations for June, July, or August will protect attorneys from trials during those summer weeks, even if the trial judge signed an order setting a case for trial before the attorney filed the vacation designation.
- (c) **Non-Summer Vacations.** To designate vacation weeks in months other than June, July, or August, attorneys must file their vacation designations with the district clerk by February 1. Non-summer vacation weeks may not run consecutively for more than two weeks at a time. Timely filed vacation designation for non-summer vacation weeks will not protect an attorney from a trial set by an order signed before the date the attorney filed the designation.

#### **RULE 15: COURTROOM DECORUM.**

Counsel must conduct themselves in accordance with the standards of professionalism set out in The Texas Lawyer's Creed, preserve order and decorum in court proceedings, and be courteous to litigants, jurors, witnesses and other lawyers. *See Tex. Code Jud'l Conduct Canon 3B(3)-(4).*

ADOPTED by the Council of Judges, Eleventh Administrative Judicial Region of Texas, in Houston, Texas, this 5<sup>th</sup> day of September, 2018.