

**IN THE SUPREME COURT OF TEXAS**

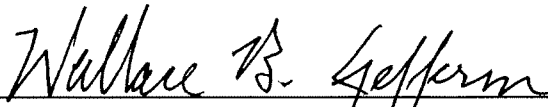
Misc. Docket No. 07- **9186**


**APPROVAL OF AMENDED REGIONAL RULES OF ADMINISTRATION  
FOR THE SECOND ADMINISTRATIVE JUDICIAL REGION**


**ORDERED** that:


Pursuant to Texas Rule of Civil Procedure 3a, the following Amended Regional Rules of Administration for the Second Administrative Judicial Region are approved. This approval is temporary pending further orders of the Court.

In Chambers, this 30<sup>th</sup> day of October, 2007.

  
Wallace B. Jefferson, Chief Justice

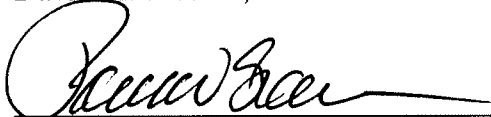
  
Nathan L. Hecht, Justice

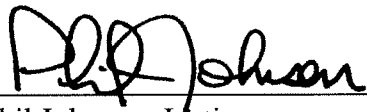
  
Harriet O'Neill, Justice

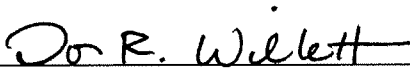
  
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J. Dale Wainwright, Justice

  
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Scott Brister, Justice

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David M. Medina, Justice

  
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Paul W. Green, Justice

  
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Phil Johnson, Justice

  
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Don R. Willett, Justice

**SECOND ADMINISTRATIVE JUDICIAL REGION OF TEXAS  
REGIONAL RULES OF ADMINISTRATION**

**RULE 1: TIME STANDARD.** 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:

**1.1 CRIMINAL CASES.**

1.1.1 Felonies. Within 12 months of arrest or return of indictment, whichever is earlier.

1.1.2 Misdemeanors. Within 6 months of arrest or filing of complaint, whichever is earlier.

**1.2 CIVIL CASES OTHER THAN FAMILY LAW.**

1.2.1 Civil Jury Cases. Within 18 months of appearance date.

1.2.2 Civil Non-Jury Cases. Within 12 months from appearance date.

**1.3 FAMILY LAW CASES.**

1.3.1 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.

1.3.2 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.

**1.4 JUVENILE CASES.** In addition to the requirements of Title 3, Texas Family Code:

1.4.1 Detention hearings. On the next business day following admission to any detention facility.

1.4.2 Adjudicatory or Transfer (Waiver) Hearings

1.4.2.1 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.

1.4.2.2 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.

1.4.3 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.

1.4.4 Nothing herein shall prevent a judge from recessing a juvenile hearing at any state 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.

**1.5 COMPLEX CASES.** It is recognized that in especially complex cases or special circumstances it may not be possible to adhere to these standards.

**RULE 2: SUPPLYING INFORMATION.** The Local Administrative Judge of each County 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 Presiding Judge.

**RULE 3: DISPOSITION OF 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, above, and Rule 6, Supreme Court Rules of Judicial Administration, and meet the requirements of Rules, 7 9 and 10, Supreme Court Rules of Judicial Administration.

**RULE 4: DISPOSITION OF 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 1, above, and Rule 6, Supreme Court Rules of Judicial Administration, and meet the requirements of Rules 7, 9 and 10, Supreme Court Rules of Judicial Administration.

**RULE 5: DISPOSITION OF FELONY AND MISDEMEANOR CASES.** The Board of Judges or Judges giving preference to criminal cases in each County must adopt and uniformly follow local rules conforming with Rule 1, above, for the processing of criminal cases.

**RULE 6: 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 7: 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 Regional Presiding Judge of the need for visiting judges.

**RULE 8: THE RULE WITH RESPECT TO RULES.**

- 8.1 **The Rules adopted by the several Counties within each Administrative Region must conform with the requirements of these Rules.**
- 8.2 **The Local Rules must be numbered to cover the same subject matter prescribed by the Rules, using a section numerical system and decimal subsection system in accordance with the following description of content. In the absence of a section or subsection, interested persons may assume there is no Rule covering the described subject. Local Rules shall use a decimal system allowing for a larger group of special circumstances. (i.e., 1.1, 1.11, 1.12, 1.2, 1.21; 2.1-10.99).**
- 8.3 **Local Rules shall not be effective until approved by the Presiding Judge of the Region and Supreme Court of Texas.**

**RULE 9: LOCAL COURT ADMINISTRATION.**

- 9.1 **Local Rules.** The Board of Judges of each County must adopt as a part of the Local Rules a rule 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 Chapter 5, Art. 22.a-1, V.T.C.S.
- 9.2 **Recusal Procedures.**

- 9.2.1 **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 local rules.
- 9.2.2 **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 county administrative judge must refer the case to the Presiding Judge of the Second Judicial Administrative Region for assignment to another judge.
- 9.2.3 **Motion for Recusal or Disqualification of Judge. (Rule 18a T.R.C.P.).** A judge must sign an order referring the case to the Presiding Judge, using the form of order promulgated by the Region.
- 9.2.3.1 If the referring judge recuses, the Presiding Judge must assign another judge.
- 9.2.3.2 If the referring judge declines to recuse, the Presiding Judge must assign a judge to timely hear the motion for recusal or disqualification. In the event there is a pending hearing or trial, the Presiding Judge will schedule an expedited hearing.
- 9.2.3.3 The assigned recusal judge must 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.
- 9.2.4 **Assignment of a Judge to a Referring Court.** The Presiding Judge will assign a judge to a case in a referring court after a recusal or disqualification in accordance with the procedure established by the Region. Forms will be promulgated by the Region.
- 9.2.4.1 The Presiding Judge will assign a judge to the referring court with case specific jurisdiction, giving first preference to assignment of another judge in the county on a rotation basis.
- 9.2.4.2 After assignment of a judge, the case may be transferred in accordance with local rules, unless the court in which the case is pending has continuing exclusive jurisdiction. In the event the court has continuing exclusive jurisdiction, the case must remain in the referring court with the assigned judge sitting for the referring court.
- 9.3 **Recording and Broadcasting Proceedings.** In addition to the inherent power of the judge to control proceedings to maintain the dignity, decorum, and impartiality of court proceedings, judges may utilize these rules covering recording and broadcasting of court proceedings.
- 9.3.1 If a county has adopted Local Rules approved by the Second Administrative Judicial Region and the Supreme Court which governs Recording and Broadcasting Proceedings, the Local Rules will take precedence over the Regional Rules.
- 9.3.2 If a county has not adopted Local Rules these rules will control.
- 9.3.3 Definitions.
- 9.3.3.1 “Recording” means photographing, audio recording or video recording by any means.
- 9.3.3.2 “Broadcasting” means disseminating or transmitting to the public through newspapers, television, radio, internet or other means.

9.3.3.3 “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.

9.3.3.4 “Court Proceedings” do not include investitures or ceremonial proceedings.

9.3.4 **Recording or Broadcasting by the Media.** A party or the media must request permission to have the media record or broadcast court proceedings.

9.3.4.1 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. The court may specify the placement of personnel and equipment to permit reasonable coverage without disruption to the proceedings. Unless the court in its discretion orders otherwise, the following standards apply to the placement and operation of media equipment:

9.3.4.2 One television camera, one audio recording machine, and one still photographer are permitted. In appropriate circumstances, the court in its discretion may allow an unmanned second camera into the courtroom.

## **RULE 10: CONFLICTING ENGAGEMENTS OF ATTORNEYS.**

### **10.1 Attorney already in trial in another Court.**

10.1.1 When informed that an attorney is presently in trial, the Court will determine where and when assigned. This information will be verified upon request of opposing counsel. The case will be placed on "hold" or reset, depending upon when the attorney will be released.

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

### **10.2 Attorney assigned to two Courts for the same date:**

10.2.1 It is the duty of the attorney to call the affected Judge's attention to all dual settings as soon as they are know.

10.2.2 Insofar as practicable, Judges should attempt to agree on which case has priority, otherwise the following priorities shall be observed by the Judges of the respective Courts:

10.2.2.1 Criminal Cases.

10.2.2.2 Cases given preference of Statute.

10.2.2.3 Preferentially set cases.

10.2.2.4 Case set at earliest date.

10.2.2.5 Case with earliest filing date.

10.2.2.6 Courts in metropolitan County areas should yield to Courts in rural County areas in

all other instances of conflicting settings.

10.2.2.7 In event of unresolved conflict between two judges, the issue will be decided by the Local Administrative Judge or the Regional Presiding Judge.

**Rule 11: ATTORNEY VACATIONS.**

- 11.1 **Designation of Vacation.** Subject to the provision of subparts b and c of this rule, an attorney may designate not more than four weeks of vacation during a calendar year as vacation, during which that attorney will not be assigned to trial or required to engage in any pretrial proceedings. This rule operates only where lead counsel, as defined by T.R.C.P. 8, is affected, unless the trial court expands coverage to other counsel.
- 11.2 **Summer Vacations.** Written designation for vacation weeks during June, July, or August must be filed with the district clerk by May 15. Summer vacation weeks so designated will protect the attorney from trials during those summer weeks, even if an order setting the case for trial was signed before the vacation designation was filed.
- 11.3 **Non-Summer Vacations.** Written designation for vacation in months other than June, July, or August must be filed with the district clerk by February 1. Non-summer vacation weeks may not run consecutively for more than two weeks at a time. Non-summer vacation weeks so designated will not protect an attorney from a trial by an order signed before the date the designation is filed.

EFFECTIVE the 3rd day of January, 1996, subject to approval by the Supreme Court of Texas.

ADOPTED by the Council of Judges, Second Administrative Judicial Region of Texas, in San Antonio, Texas, this 26th day of September, 1995. Amended by the Council of Judges, Second Administrative Judicial Region of Texas, in Galveston, Texas, this 17th day of September, 2007.