

**IN THE SUPREME COURT OF TEXAS**


Misc. Docket No. 12- 9079

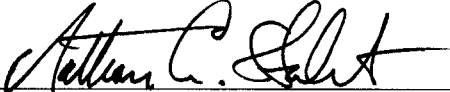
**APPROVAL OF LOCAL RULES FOR  
TARRANT COUNTY COURTS**

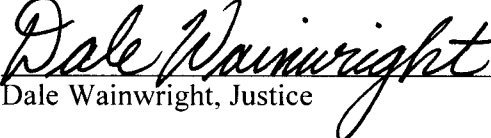
**ORDERED** that:

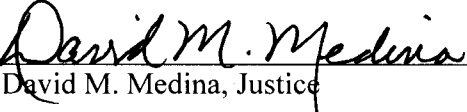
Pursuant to Texas Rule of Civil Procedure 3a and the Texas Constitution, article V, section 31(a), the Supreme Court approves the following Local Rules Governing Criminal Proceedings in Misdemeanor Cases in Tarrant County Courts.


Dated: May 8<sup>th</sup>, 2012.


  
Wallace B. Jefferson, Chief Justice

  
Nathan L. Hecht, Justice

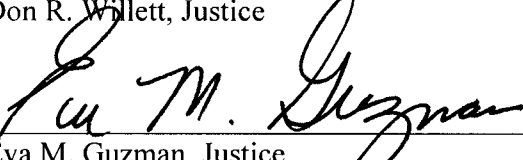
  
Dale Wainwright, Justice

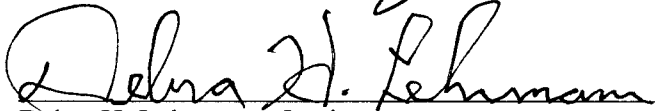
  
David M. Medina, Justice

  
Paul W. Green, Justice

  
Phil Johnson, Justice

  
Don R. Willett, Justice

  
Eva M. Guzman, Justice

  
Debra H. Lehrmann, Justice

**RULES GOVERNING CRIMINAL PROCEEDINGS IN MISDEMEANOR CASES**

**COURTROOM DECORUM**

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**Conduct Required of Counsel**

- (a) Counsel shall timely appear before the court at each setting and following each recess.
- (b) Counsel shall be appropriately attired for all court proceedings.
- (c) Counsel shall rise and remain standing while addressing the Court.
- (d) Counsel shall address all statements, requests, and objections to the court and not to opposing counsel.
- (e) Counsel shall neither make nor insinuate derogatory or insulting remarks about opposing counsel.
- (f) Counsel shall address the Court as "Your Honor" or "Judge" and except with permission of the Court, shall refer to all counsel, parties and witnesses (except children) by their surnames, using such titles as Mr., Mrs., Dr., etc. as appropriate, and not by first names or nicknames or any discriminatory or inappropriate classification.
- (g) Counsel shall request permission of the Court before approaching the bench or approaching the witness when necessary to work with documentary or tangible evidence.
- (h) Counsel shall advise counsel's clients, witnesses, and others subject to counsel's control of these rules of conduct and courtroom decorum.
- (i) Counsel shall strictly follow Rule 3.07 of the Texas Disciplinary Rules of Professional Conduct regarding trial publicity.

**Conduct Required of All Persons**

- (a) All persons in the courtroom during trials and other proceedings shall be attentive and shall refrain from any action which may disrupt the proceedings.
- (b) All persons entering the courtroom shall be dressed in clothing reasonably befitting the dignity and solemnity of court proceedings.
- (c) All persons shall rise when the judge enters the courtroom, and at such other times as the bailiff shall instruct.
- (d) No beverages, food, chewing gum, candy, and tobacco products are permitted in the courtroom without permission of the Court.
- (e) No reading of newspapers, books, or magazines is permitted.  
No propping of feet on tables or chairs is permitted.
- (f) No person shall make gestures, facial expressions, or sounds indicating approval or disapproval of any ruling, testimony, person, or conduct.
- (g) No person shall bring radios, tape recorders, computers, cameras, or other electronic devices into the courtroom unless the device is required for the court proceedings and prior approval has been given by the Court.
- (h) No audible sounds from communication devices shall be permitted.
- (i) No overt advertising, campaign buttons, and campaign materials are permitted in the courtroom.
- (j) No person shall be permitted to display or wear any clothing, item, or thing that may influence the jury in the performance of its duties.
- (k) No person shall be permitted any verbal or physical contact with a prisoner without the prior approval of the bailiff or sheriff.
- (l) No children shall be permitted in the courtroom during any court proceedings without prior approval of the Court.

**Enforcement**

The sheriff or bailiff of the Court shall enforce the rules of conduct and courtroom decorum.

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**DOCKET MANAGEMENT**

The Court encourages meaningful plea negotiations and dispositions at all settings.

**Initial Appearance Setting**

The first setting for each misdemeanor case is the Initial Appearance Setting (IA). The main purpose of the IA is to ensure that each defendant has an attorney on all pending cases.

**Pre-Trial Setting**

The Pre Trial Setting (PT) is conducted in the assigned county court and includes all of the defendant's then pending cases. The purpose of the PT is to provide the opportunity for counsel to meet and consult with the state in order to allow, if possible, a prompt and just resolution of the case.

**Announcement Setting**

The last case setting before a trial or disposition setting is the Announcement Setting (AN). The defendant will be expected to execute necessary trial motions with the county clerk, such as an application for probation and an election of punishment, and the case will be scheduled for trial.

**Disposition Setting**

Disposition Setting (DI) is the final setting in lieu of trial. Purpose of the Disposition Setting is to finalize all pleas on the Announcement Setting.

**CONTINUANCES**

A motion for continuance must be in writing, under oath, and presented in open court with all parties present, as required by the Texas Code of Criminal Procedure Chapter 29. A continuance may only be granted for the prosecution or the defense for sufficient cause shown, as defined by the statute.

**TRANSFER OF CASES AMONG COURTS**

**Transfer of Cases Between County Courts**

The transfer of cases between county courts of Tarrant County may be done by written order upon consent of the judges of those courts participating in the transfer.

**Transfer of Cases from a District Court**

The transfer of cases from a district court to a county court may be done in accordance with Texas Code of Criminal Procedure Article 21.26.

## ATTORNEYS

### Appearance of Counsel

Upon a party's first appearance through counsel, the attorney whose signature first appears on the initial pleading shall be the attorney in charge, unless another attorney is specifically designated therein. The attorney's appearance shall be a general appearance and the attorney will remain as the attorney in charge until the final disposition of the case or until permitted to withdraw by the Court.

### Withdrawal or Substitution of Counsel

- (a) If prior to the disposition of a case an appointed or retained attorney has reason to withdraw, the attorney must file a written motion to that effect with the Court and appear with the defendant before the Court to address the motion.
- (b) If an attorney is retained to replace existing counsel, the attorney must file a motion to substitute counsel, naming both himself and the attorney to be relieved, signed by the defendant and both attorneys. The motion must also have attached a certificate of service showing notice to both previous counsel and the District Attorney.

### Attorney Appointment

Appointment of counsel to represent indigent defendants will be governed by the Tarrant County Criminal Courts Misdemeanor Court Appointment Plan. The judges trying criminal cases will administer the Plan. Counsel appointed to represent indigent defendants will adhere to the rules of the Plan.

### Attorney Fees

- (a) Attorneys appointed to represent indigent defendants must disclose to the Court all compensation received from any source on behalf of the indigent defendant. The Court will take that disclosure into consideration in determining the appropriate fee to pay court appointed counsel.
- (b) Attorney fees will be paid in accordance with a schedule of fees adopted by formal actions of the judges of the county courts trying criminal cases, pursuant to Texas Code of Criminal Procedure Article 26.05.

### Attorney Vacations and Continuing Education

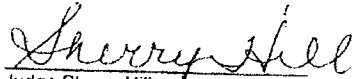
Counsel wishing to avoid assignment to trial or other court settings during a vacation or continuing education period shall advise the court by notifying the Office Of Attorney Appointment and Misdemeanor Auxiliary Court Coordinator in writing at least forty-five (45) days prior to the beginning of the vacation period. This information will be entered into the Tarrant County Case Management System.


### Conflicting Settings

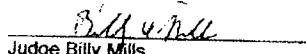
- (a) A conflicting setting exists when an attorney is already set for trial or hearing in another court or an attorney is assigned to more than one court at the same time. It is the duty of an attorney to call the affected judges' attention to all multiple settings as soon as they are known by the attorney.
- (b) Priorities of criminal settings are pursuant to Texas Government Code Section 23.101.

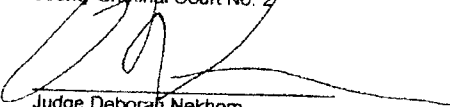
We, the undersigned judges, adopt the following RULES GOVERNING CRIMINAL PROCEEDINGS IN MISDEMEANOR CASES for Tarrant County, this 8<sup>th</sup> day of February 2012.

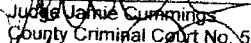
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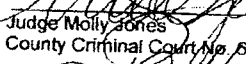
  
Judge Sherry Hill  
County Criminal Court No. 1

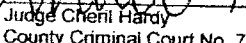
  
Judge Mike Mitchell  
County Criminal Court No. 2

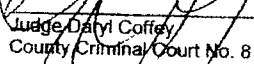
  
Judge Billy Mills  
County Criminal Court No. 3


  
Judge Deborah Nekhom  
County Criminal Court No. 4


  
Judge Jamie Cummings  
County Criminal Court No. 5

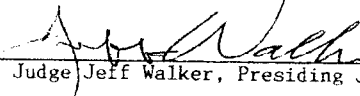
  
Judge Molly Jones  
County Criminal Court No. 6

  
Judge Cheril Hardy  
County Criminal Court No. 7

  
Judge Daryl Coffey  
County Criminal Court No. 8

  
Judge Brent Carr  
County Criminal Court No. 9

  
Judge Phil Sorrells  
County Criminal Court No. 10

 APPROVED March 13, 2012  
Judge Jeff Walker, Presiding Judge 8th Judicial Region