

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 02- 9166

ORDER APPROVING RULES FOR ADMINISTRATION OF CASES IN THE DISTRICT COURTS OF HENDERSON COUNTY, TEXAS

ORDERED that:

Pursuant to Rule 3a of the Texas Rules of Civil Procedure, the Following Local Rules for the Rules for Administration of Cases in the District Courts of Henderson County, Texas are approved. This approval is temporary pending further orders of the Court.

SIGNED AND ENTERED this 21st day of August, 2002.



Thomas R. Phillips, Chief Justice

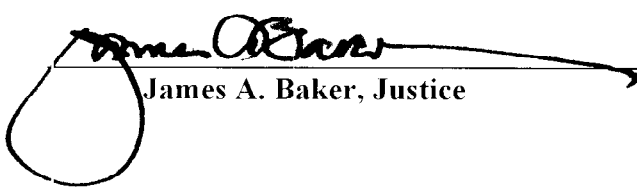


Nathan L. Hecht, Justice

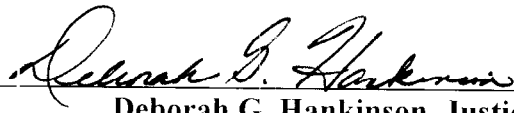


Craig T. Enoch, Justice

Priscilla R. Owen, Justice

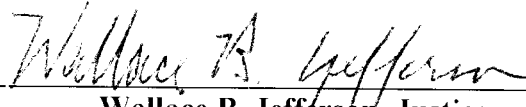


James A. Baker, Justice



Deborah G. Hankinson, Justice

Harriet O'Neill, Justice



Wallace B. Jefferson, Justice



Xavier Rodriguez, Justice

**RULES FOR ADMINISTRATION OF
CASES IN THE DISTRICT COURTS
OF HENDERSON COUNTY, TEXAS**

Three District Courts have jurisdiction in Henderson County, Texas; to wit:

173rd Judicial District
392nd Judicial District
3rd Judicial District

These Rules are promulgated in order to fairly administer the allocation of cases filed in the District Courts of Henderson County, Texas.

RULE 1 – CIVIL CASES IN THE DISTRICT COURTS

- A. Docketing of Cases Filed. All civil cases (other than those filed in the County Court-at-Law) filed with the District Clerk shall be assigned by the District Clerk to one of the three District Courts in accordance with the following procedures:

The District Clerk shall assign, by lot, 1/3 to the 173rd District Court, 1/3 to the 392nd District Court, and 1/3 to the 3rd District Court. In the event a District Court is made aware of a potential conflict, the District Court may notify the District Clerk of the potential conflict and the District Clerk shall not assign such cases to that District Court.

Cases filed with the District Clerk in the District Courts shall be filed in numerical sequence at the time of filing and shall have the year of filing; the initial "A" for the 173rd District Court, "B" for the 392nd District Court, and "C" for the 3rd District Court; and number. For example, the first case filed in the 173rd District Court for 1999 shall be numbered 99A-001.

- B. Re-Filing of Cases. When a case is filed and assigned to a particular District Court by the District Clerk under the present rules, and is then non-suited and re-filed involving the same or similar parties or cause of action, the District Clerk shall file the later case or cases in the same District Court in which the original case was filed.
- C. Temporary Restraining Orders. In cases where an immediate temporary restraining order or other emergency order is requested, the request shall be made to the Judge of the Court in which the case has been or is to be filed, unless that Judge is unavailable, in which event the request may be submitted to another Judge.

- D. Transfer to Another Court. The District Judges, in order to properly distribute the work of the District Courts, may from time to time transfer cases from one District Court to another with the consent of the Judge of the District Court in which the case is transferred.
- E. Hearing of Another Court's Case. The three District Judges can legally sit in the other Courts without the necessity of transferring cases, and the Courts encourage attorneys to explore that possibility in the event the Judge of the Court in which the case is filed is engaged in the trial of other cases or unavailable on the trial date. This procedure requires the consent of both District Judges.
- F. Bills of Review. Bill of Review cases shall be assigned to the District Court whose judgment is sought to be set aside.

RULE 2 – CRIMINAL CASES IN THE DISTRICT COURTS

- A. Criminal Cases Filed in 173rd District Court Only. All felony cases shall be filed in the 173rd District Court, but the three District Court Judges will share the responsibility of empanelling grand juries, trying the cases, and handling pre-trial, writs of habeas corpus, and other incidental matters in criminal cases.
- B. Docketing of Cases Filed. All felony cases filed with the District Clerk shall be assigned by the District Clerk to one of the three District Court in accordance with the following procedures:

The District Clerk shall assign 1/3 to the 173rd District Court, 1/3 to the 392nd District Court, and 1/3 to the 3rd District Court. In the event a District Court is made aware of a potential conflict, the District Court may notify the District Clerk of the potential conflict and the District Clerk shall not assign such cases to that District Court.

Cases filed with the District Clerk in the District Courts shall be filed in numerical sequence at the time of filing and shall have the initial "A" for the 173rd District Court, "B" for the 392nd District Court, and "C" for the 3rd District Court; and number. For example, a case filed in the 173rd District Court shall be numbered A-XX,XXX; in the 392nd shall be numbered B-XX,XXX; and in the 3rd shall be numbered C-XX,XXX.

- C. Seizure Cases. The felony cases associated with a civil seizure case shall be assigned to the District Court in which the civil seizure case is assigned.

- D. Habeas Corpus Cases. The felony cases associated with a habeas corpus action shall be assigned to the District Court which the habeas corpus case is assigned.
- E. Disposition of Cases. Our standard timetable for disposing of criminal cases will be setting cases for arraignment about 30 days after indictment, pre-trial about 60 days from arraignment, and docket trial dates to dispose of the cases as expeditiously as possible. We shall continue our requirement that any pre-trial matters set out in Article 28.01, Texas Code of Criminal Procedure, must be raised by pleadings filed seven days before the pre-trial hearing, and will not thereafter be allowed to be raised or filed except by permission of the Court for good cause shown. In addition, the Courts shall hold a Status Conference hearing prior to the trial date. At the Status Conference hearing, the Court will be advised as to whether a plea bargain has been reached. As a general rule, the Court will not approve a plea bargain agreement after the date of the Status Conference hearing. Also, the Court will be informed by the attorneys at the Status Conference hearing whether the case will be tried before the Court or jury.