

MISC. DOCKET NO. 04-9088

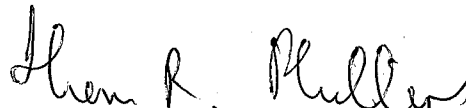
**ORDER OF THE SUPREME COURT OF TEXAS**

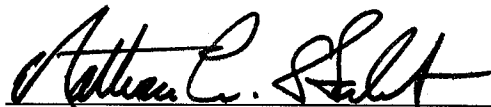
**Approval of the Local Rules of Practice for the District Courts of Comal,  
Hays, and Caldwell Counties, Texas**

**ORDERED that:**

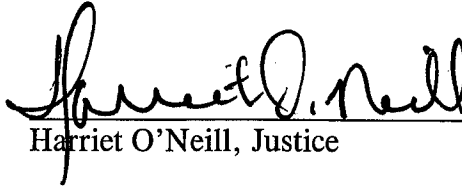
Pursuant to Rule 3 of the Texas Rules of Civil Procedure, the attached Local Rules of Practice for the 22<sup>nd</sup>, 207<sup>th</sup>, and 274<sup>th</sup> District Courts of Comal, Hays, and Caldwell Counties, Texas are approved. This approval is temporary pending further orders of the Court.

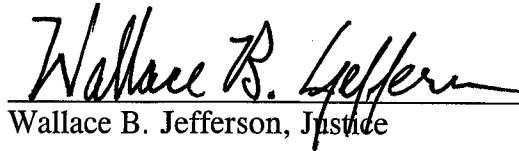
In Chambers, this 10<sup>th</sup> day of May, 2004.

  
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Thomas R. Phillips, Chief Justice

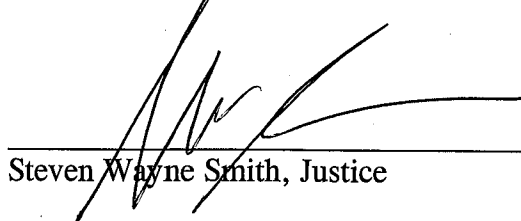
  
\_\_\_\_\_  
Nathan L. Hecht, Justice

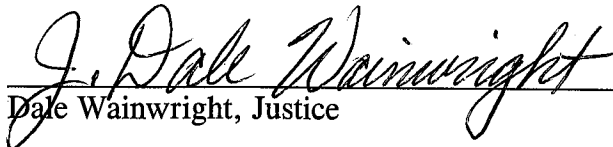
  
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Priscilla R. Owen, Justice

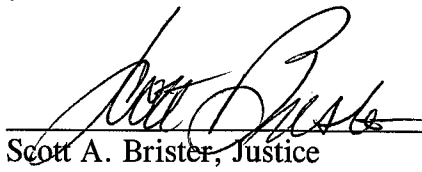
  
Harriet O'Neill, Justice

  
Wallace B. Jefferson, Justice

  
Michael H. Schneider, Justice

  
Steven Wayne Smith, Justice

  
Dale Wainwright, Justice

  
Scott A. Bristor, Justice

# **COMAL, HAYS and CALDWELL COUNTIES**

## **LOCAL RULES OF PRACTICE FOR THE 22<sup>ND</sup>, 207<sup>TH</sup> & 274<sup>TH</sup> DISTRICT COURTS OF TEXAS**

Pursuant to the authority granted District Courts under Rule 3a, T.R.C.P., and Art. 33.08, C.C.P., to promulgate Rules of Practice for conducting the business of District Courts, the rules, suggestions and procedures set out below will be in effect in this Court unless subsequently modified, changed or amended.

The trial dockets of the 22<sup>nd</sup>, 207<sup>th</sup> and 274<sup>th</sup> District Courts of Caldwell, Comal and Hays counties are to be in accordance with the published schedule on file and available for copying in the Offices of the District Clerks.

### **PART ONE: CIVIL RULES**

#### **SECTION ONE – Settings**

##### **Rule 1. Written Request**

All cases, contested or uncontested, MUST be set by way of WRITTEN MOTION WITH ORDER ATTACHED. Forms will be provided, if necessary. Attorneys requesting settings will notify the opposing counsel of such motion by certified mail or by hand delivery at least ten (10) days before the date of such setting. In addition, said Request shall include an estimated length of hearing.

If for good cause opposing counsel cannot go to trial on such date, he shall immediately notify the Court Administrator or Court Coordinator in writing stating such reasons.

If opposing counsel has not advised the Office of Court Administration within five (5) days of such notice, the Court shall proceed to set such case for hearing.

##### **Rule 2. Setting through the Office of Court Administration**

ONLY the Court Administrator or Court Coordinator can set a case. Motions to Set should be sent to the Court Coordinator in the respective County.

### **Rule 3. Agreements as to Settings**

Inclusive with the above procedures, a contested case may be set for trial on the merits or for pre-trial hearing by agreement of counsel and approved by the Court, or may be set by order of the Court.

### **Rule 4. Order on the Docket, Preferential Settings**

All cases shall be set in the same sequence as the dates of the orders setting the cases; provided, however, for good cause, after motion and hearing, a case may be advanced on the docket by order of the Court.

## **SECTION TWO – Jury Cases**

### **Rule 5. Jury**

A Jury Demand must be filed and a Jury fee paid prior to obtaining a setting on the Jury docket.

### **Rule 6. Mediation**

A Certificate of Completion of Mediation must be on file no later than the Thursday prior to the Jury setting; unless Mediation has previously been waived by the Court.

### **Rule 7. Written Questions**

In all contested jury cases, before announcements of “**Ready**”, counsel shall furnish the Court with all written questions anticipated for the Charge of the Court.

## **SECTION THREE – Domestic Relations**

### **Rule 8. Court Mandated Divorce Seminar**

A Certificate of Completion of a Court Mandated Divorce Seminar must be on file prior to the parties obtaining a divorce. The course is required for both parties in Domestic Relations cases, involving minor children, filed after January 1, 2002. The Court Mandated Divorce Seminars include ‘For Kids Sake’; ‘Putting Kids First’; ‘Kids in Divorce Situations’ or any other programs approved by the District Court.

## **Rule 9. Uncontested Cases**

In all uncontested Domestic Relations cases, all forms, and preferably the Final Judgment, should be ready at the time of trial.

## **Rule 10. Support and Temporary Spousal Alimony**

### **a) Financial Information Statement.**

Before any contested trial or hearing involving child support or temporary spousal alimony, each party shall prepare and file with the Court a financial information statement in the form provided by the Clerk.

### **b) Obligor's Place of Payment.**

Unless waived by the Court, all support and temporary spousal alimony payments shall be made through the Office of the District Clerk and forwarded to the Obligee.

### **c) Envelopes.**

The Obligee shall provide self-addressed, postage prepaid envelopes to the District Clerk in order for payments to be forwarded to the Obligee.

## **Rule 11. Social Studies**

### **a) Adoptions.**

Arrangements for the preparation of a social study shall be made on all adoptions before the case will be set for trial.

### **b) Arrangements for Payment.**

In contested domestic relation cases involving custody of children wherein a social study is requested, the anticipated costs of preparation must be deposited with the District Clerk or other satisfactory arrangements made to guarantee payment to the

person preparing the social study. Without such arrangements, the preparation of a social study will not be ordered.

### **Rule 12. Guidelines**

Copies of the Supreme Court Guidelines on Support and the Local Guidelines on Visitation may be obtained from the District Clerks.

## **SECTION FOUR – Judgments**

### **Rule 13. Approval as to Form**

All judgments shall be approved by all attorneys involved before presenting to the Court for signature.

## **PART TWO: CRIMINAL RULES**

### **SECTION ONE – Settings**

#### **Rule 14. Settings**

All criminal cases shall be set **ONLY** by Court Order or by administrative notice of setting by the Court Administrator.

If for good cause defense counsel cannot go to trial on such date, he shall, within five (5) days of receipt of the setting notice, so advise the Court Administrator in writing stating such reason. In no event shall the case be re-set beyond the time limits set out in the Code of Criminal Procedure or the Rules of Judicial Administration.

### **SECTION TWO – Pretrial**

#### **Rule 15. Pretrial Date Required**

All cases shall be set for a pretrial hearing.

Evidentiary pretrial motions will be heard at time of trial unless otherwise ordered by the Court.

## **Rule 16. Paperwork**

All pretrial motions shall be filed in accordance with Code of Criminal Procedure.

All paperwork shall be prepared in advance, whether it be a negotiated plea or a pretrial.

On pretrial motions, attach by separate page on all motions an order with the proper cause number and style of case.

## **SECTION THREE – Jury Trial**

### **Rule 17. Jury**

After pretrial hearing, all cases will be set for jury trial unless the defense attorney request a court trial or a date for a plea of guilty.

## **SECTION FOUR – Trial before the Court**

### **Rule 18. Waiver**

If defense request a court trial, a jury waiver must be filed with the Court. Said waiver to be signed and sworn to by defendant and approved by defense counsel and District Attorney.

## **SECTION FIVE – Judgments**

### **Rule 19. Prepared by Prosecutor**

The prosecutor shall prepare all Judgments in criminal cases.

## **PART THREE: GENERAL RULES**

## **SECTION ONE – Docket Call**

### **Rule 20. Time**

Docket call is at 9:00 a.m., unless otherwise noticed in writing.

## **SECTION TWO – Removal of Case from Docket Setting**

### **Rule 21. Continuance**

Except as provided herein, after a case is set by written order or administrative notice of setting it cannot be removed from the docket unless a written Motion for Continuance is filed seven (7) days prior to setting date and approved by the Court, by written mutual agreement, by dismissal, or by other agreed final disposition filed with the District Clerk prior to the setting date and notice to the Office of Court Administration.

### **Rule 22. Dismissal for Want of Prosecution**

If a case is set by written order or by administrative notice of setting, and not otherwise removed from the docket setting by the rules established herein, the Court will call the case and if no appearance or announcement is made, the case will be dismissed for want of prosecution.

## **SECTION THREE – Decorum in Court**

### **Rule 23. Recording and Photographing prohibited**

During sessions and recesses between sessions of Court no broadcasting, televising, recording (audio or visual) or taking of photographs (nor equipment capable of doing the same) shall be allowed in the Courtroom or on the same floor where the Courtroom is located.

### **Rule 24. Cell Phones and Pagers prohibited**

All pagers and cell phones must be turned off upon entering the Courtroom.

### **Rule 25. Reading Material**

No reading of newspapers, magazines and/or books are allowed in the Courtroom, except for officers of the Court, inside the rail.

### **Rule 26. Dress Code**


In the Courtroom, all Attorneys and Court officials shall dress in keeping with the dignity required for Court proceedings.



**Rule 27. Food and Drinks**

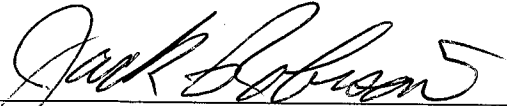
No food or drinks are allowed in the Courtroom, except for officers of the Court, inside the rail.

ORDERED this 6<sup>th</sup> day of September, 1989. Amended July 3, 2003.



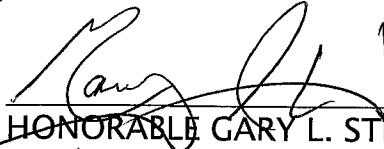
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HONORABLE CHARLES RAMSAY  
22<sup>nd</sup> Judicial District Court



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HONORABLE JACK ROBISON  
207<sup>th</sup> Judicial District Court



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HONORABLE GARY L. STEEL  
274<sup>th</sup> Judicial District Court

## CERTIFICATE OF APPROVAL

The attached Local Rules of Practice for the 22<sup>nd</sup>, 207<sup>th</sup> and 274<sup>th</sup> District Courts of Texas are hereby approved and transmitted to the Supreme Court of Texas for final action this 8<sup>th</sup> day of September, 2003.

A handwritten signature in cursive script, appearing to read "B.B. Schraub", written in black ink.

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B.B. Schraub, Presiding Judge  
Third Administrative Judicial Region



**THIRD ADMINISTRATIVE JUDICIAL REGION**

**B. B. SCHRAUB, PRESIDING JUDGE**

830-379-8556

FAX 830-372-0400

E-MAIL 3rdjudreg@co.guadalupe.tx.us

ADMINISTRATIVE ASSISTANT  
DIANNE GRIEPENTROG

101 EAST COURT STREET, ROOM 302  
SEGUIN, TEXAS 78155-5742

September 8, 2003

The Honorable Thomas R. Phillips  
Chief Justice, The Supreme Court of Texas  
P.O. Box 12248  
Austin, Texas 78711

**RE: LOCAL RULES OF PRACTICE FOR THE  
22<sup>ND</sup>, 207<sup>TH</sup> AND 274<sup>TH</sup> DISTRICT COURTS OF TEXAS**

Dear Chief Justice Phillips:

Enclosed you will find proposed Local Rules of Practice for the 22<sup>nd</sup>, 207<sup>th</sup> and 274<sup>th</sup> District Courts of Texas. I have approved Rules as evidenced by the enclosed Order.

I respectfully request this matter be submitted to the Supreme Court for their consideration and approval.

Very truly yours,

B.B. Schraub

BBS/dg

Enclosure

xc: The Honorable Charles R. Ramsay, 22<sup>nd</sup> District Court  
The Honorable Jack H. Robison, 207<sup>th</sup> District Court  
The Honorable Gary L. Steel, 274<sup>th</sup> District Court