

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 930101

APPROVAL OF LOCAL RULES OF THE 159TH AND 217TH DISTRICT COURTS OF ANGELINA COUNTY

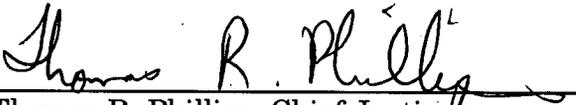
ORDERED:

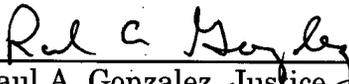
Pursuant to Rule 3a of the Texas Rules of Civil Procedure, the Supreme Court approves the following local rules, which have been previously approved by the presiding judge of the appropriate administrative judicial region and submitted to this Court:

Local Rules of the 159th and 217th District Courts of Angelina County, dated March 29, 1993.

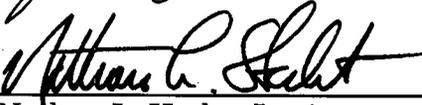
The approval of these rules is temporary, pending further orders of the Court.

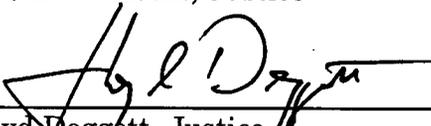
SIGNED AND ENTERED this 10th day of June, 1993.

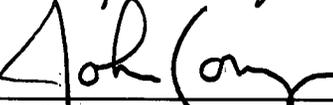

Thomas R. Phillips, Chief Justice


Raul A. Gonzalez, Justice


Jack Hightower, Justice


Nathan L. Hecht, Justice


Lloyd Doggett, Justice


John Cornyn, Justice


Bob Gammage, Justice


Craig Enoch, Justice


Rose Spector, Justice

RULES OF THE
159TH JUDICIAL DISTRICT COURT AND THE
217TH JUDICIAL DISTRICT COURT
OF ANGELINA COUNTY TEXAS

(EFFECTIVE JUNE 1, 1993)

- Rule 1. The objective of the rules of the District Courts of Angelina County is to obtain a just, fair, equitable and impartial adjudication of the rights of litigants under established principles of substantive law and established rules of procedural law, to the end that this objective may be attained with as great expedition and dispatch and at the least expense both to the litigants and to the state as may be practicable, the rules shall be applied to ensure that, so far as reasonably possible, all matters are brought to trial or final disposition at the earliest, reasonable date.
- Rule 2. NO RULE
- Rule 3. Flow of Cases.
- 3.1 By administrative Order signed and entered March 1, 1990, all cases filed in any District Court in this county may be heard by either Judge without the necessities of transfer Orders.
- 3.2 Motions.
- 3.2.1 Hearings on Motions not requiring testimony or documentary evidence may be conducted by telephone conference call by agreement of counsel. Any request for a court reporter must be made in advance. All arrangements and expenses for the telephone conference call must be made by the attorney requesting the telephone conference. Voice-activated speaker phones may be used only with prior approval of the court.
- 3.2.2 Form. Pre-trial & Post-trial Motions and Responses shall be in writing and shall be accompanied by a proposed Order granting the relief sought. The proposed Order shall be a separate instrument, unless the entire motion, order, signature lines and certificate of service are all on one (1) page.

- 3.2.3 Certificate of Conference. A request for hearing shall be accompanied by a Certificate of Conference, which shall:
- a. be in writing;
 - b. include authority relied upon by movant or respondent;
 - c. contain a certificate that:
 1. The movant and respondent have conferred with each other and in good faith have attempted to resolve the matter; but have failed, and,
 2. identifies the matters in dispute;.
 - d. be filed prior to hearing.
 - e. Section 3.2.3 (c) does not apply to motions for summary judgment or motions to transfer venue.

3.3 Trials.

- 3.3.1 Manner of Setting (non-jury). Cases shall be set for trial by order of the court.
- 3.3.2 Manner of Setting (jury). Cases shall be set for trial upon the party requesting the setting certifying in his written request:
- a. that all pleadings are in order;
 - b. a copy of the request for setting has been mailed to all counsel involved and give the address of such counsel;
 - c. that a jury fee has been paid;
 - d. that all discovery has been or will be accomplished by the requested setting date;
 - e. that the case is ready or will be ready for trial;
 - f. that counsel have in good faith negotiated to settle the case or upon completion of discovery will in good faith negotiate to settle the case.
- 3.3.3 Assignment to Trial. Selection of multiple

juries from petit jury is essential for the orderly administration of justice. Jury cases will normally be set during a two-week period. The judge will decide the number of juries to be selected to best utilize the number of days available for trial. Attorneys are expected to limit their voir dire to thirty (30) minutes per side. The Court may, however, in its discretion expand that time upon request. Challenges for cause may be presented at the conclusion of voir dire. Peremptory challenges will be submitted to the clerk or coordinator at the direction of the court, however, no other attorneys conducting subsequent voir dire will have the benefit of knowing the peremptory challenges exercised in prior cases. At the conclusion of jury selection in all cases to be tried, the juries will be seated, administered the proper oath and directed to return on the appropriate beginning date of their respective trials.

3.3.4 Jury Charges. Each plaintiff's counsel announcing ready for trial shall, in good faith, submit to the court and opposing counsel at docket call the plaintiff's proposed instructions, definitions and questions raised by the plaintiff's pleadings.

(a). Each defense counsel announcing ready for trial shall submit to the court and opposing counsel on the day of docket call all proposed instructions, definitions and questions raised by the defendant's pleadings.

(b). Any additional questions, definitions and explanatory instructions raised as a result of either of the plaintiff's or defendant's submission shall be furnished to the court and to opposing counsel prior to jury selection. The Court will provide both the preliminary and concluding instructions including the signature page.

3.3.5 Unless good cause be shown, the only motions that will be heard at docket call will be Motions for Continuance and Motions in Limine unless good cause be shown. All undisposed motions in cases proceeding to trial shall be considered waived for the purposes of that trial setting only.

RULE 4 Family Law Cases.

4.1 Family and Juvenile cases are to be filed, docketed

and processed by the Office of the District Clerk of this county pursuant to Rule 10b of the Rules of Judicial Administration of the Supreme Court of Texas.

4.2 Juvenile cases are to be filed separately as "Juvenile Court" cases. County Court-at-Law and County Court-at-Law No. 2 will be the designated juvenile courts; however, the District courts may hear juvenile cases in the absence of the designated juvenile court judges upon his (her) recusal or otherwise when requested by the local administrative judge.

4.3 All family law cases will be randomly assigned by the clerk with two going to the District Courts and one going to County Court-at-Law Number Two, or in a manner prescribed by the local administrative judge, and shall be assigned, insofar as practicable in a fair and equitable manner among the courts.

4.4 After assignment to the District Courts or County Court-at-Law, every family law case, both jury and non-jury shall remain pending in such court until final disposition, or transfer.

4.5 Any case may be transferred to another court by Order of the Judge of the Court in which the case is pending with the consent of the Judge of the Court to which it is transferred, or by the Order of the local administrative judge of this county.

4.6 Miscellaneous:

Before any custody case (both original and modification) may be heard, the litigants shall be required to view the video tape "Don't Forget The Children". Counsel for each litigant will be responsible for the viewing of this video tape by his client. A written certification of compliance with this rule shall be filed with the Court.

RULE 5 NO RULE

RULE 6 Flow of Felony Cases.

6.1 The 217Th Judicial District Court will be primarily responsible for all criminal cases beginning January thru June of each year. The 159Th Judicial District Court will be primarily responsible for all criminal cases from July thru December each year.

6.2 All criminal cases will be given an arraignment date upon the return of an indictment. All inditees and sureties on bonds will be notified of arraignment date. The purpose of arraignment is to assure that each defendant has access to

counsel, to arraign and to set a trial date. Unless a properly executed waiver of arraignment has been filed with the clerk prior to the arraignment date, attendance by indictes is mandatory.

6.3 A docket call will be held prior to the trial week. All announcements at docket call shall be in person with defendants present. Only one of the following announcements will be considered: (a) ready, (b) not ready, (c) passed by agreement, (d) plea to be entered or (e) non-jury setting. If the latter is announced, a Waiver of Jury Trial shall be signed and filed before the defendant is released from docket call.

6.4 All hearings for pretrial motions should be requested prior to docket call. All pretrial motions not heard prior to docket call will be heard at the convenience of the Court.

6.5 SETTINGS.

6.5.1 Manner of Setting (Non-jury). Cases shall be set for trial by order of the Court.

6.5.2 Manner of Setting (Jury). Cases shall be set for trial by the Court Coordinator with notice to counsel and to bondsman.

6.5.3 Assignment to Trial. (See Rule 3.4.2).

RULE 7 NO RULE

RULE 8 NO RULE

RULE 9 NO RULE

RULE 10 Court Room Decorum.

The following rules of conduct shall govern both laymen and attorneys in the District Courts of Angelina County, Texas while the Court is in session:

- a. No tobacco in any form shall be used, except as permitted by the Court;
- b. No person interrogating or being interrogated shall chew gum;
- c. No reading of newspapers or magazines, except as part of the evidence in a case;

- d. No noise or talking which interferes with court proceedings;
- e. No bottles, paper cups, beverage containers or edibles shall be brought into the court room except for use as demonstrative evidence, as allowed by the Court.
- f. All lay persons (litigants, witnesses, and spectators) shall wear proper attire as follows:
Men - full-length trousers and shirts with sleeves; women - skirts, dresses or full-length trousers and appropriate blouses or shirts.

RULE 11 NO RULE

RULE 12 Local Courts Administration.

- 12.1 Election of the Administrative Judge. The election of the Administrative Judge shall be held on the first Friday of January.
- 12.2 Term. The term of the local Administrative Judge shall be one year.
- 12.3 Voters. All District Judges and all Statutory County Court-at-Law Judges are eligible voters.
- 12.4 Manner of Election. The nominee who receives a simple majority of the votes will be elected. In the event of a tie vote, the presiding Judge of the Region would be asked to break the tie.
- 12.5 Powers and Duties of Local Administrative Judge. The local administrative judge shall have all the necessary powers, both express and implied, to execute, implement and perform the duties set forth in the Government Code chapter 74, the Supreme Court Rules of Judicial Administration and the rules promulgated by the Regional Presiding Judge.
- 12.6 There will be a meeting of all the District and Statutory County Court at Law Judges of the County at least once per year, and as deemed necessary by the local administrative judge.

RULE 13 Conflict in Trial Settings.
(See rules of Procedure of the Second Administrative
Judicial Region)

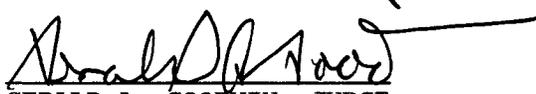
RULE 14 Lawyers' Vacations.

- 14.1 Each attorney who desires to assure himself a

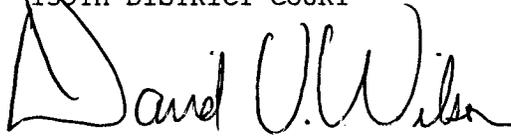
vacation for a period not to exceed four weeks, may do so automatically by designating the four weeks in writing, addressed and mailed or delivered to the district court coordinator before the 15th day of May of each year. The vacation period so designated shall be honored by all of the judges.

- 14.2 This provision shall not apply to vacations for attorneys engaged in a criminal case.
- 14.3 Nothing herein provided shall prevent the various judges from recognizing vacations of attorneys in a discretionary manner.

ENTERED this 29th day of March, 1993.



GERALD A. GOODWIN, JUDGE
159TH DISTRICT COURT



DAVID V. WILSON, JUDGE
217TH DISTRICT COURT



**SECOND ADMINISTRATIVE JUDICIAL REGION
OF TEXAS**

THOMAS J. STOVALL, JR.
PRESIDING JUDGE

JUDY MAPLES GEIGER
ADMINISTRATIVE ASSISTANT

VIKKI NELSON
REGIONAL DOCKET MANAGER

P.O. BOX 40, SEABROOK, TEX. 77586
PHONE (713) 471-3911

OFFICE LOCATED: HARRIS COUNTY
COURTHOUSE, LA PORTE ANNEX
117 E. AVE. A, LA PORTE, TEXAS

April 28, 1993

Hon. Nathan L. Hecht, Justice
Supreme Court of Texas
P. O. Box 12248
Austin, TX., 78711

Re: Local Rules, Angelina County

Dear Justice:

The enclosed proposed Local Rules for the District Courts of Angelina County seem reasonable to me and follow a general pattern of activity that has worked well in this growing County. I approve them and request the Supreme Courts' temporary approval.

Should you have any question about these proposals, please let me or one of the affected Judges know.

Best wishes,

A handwritten signature in black ink, appearing to read "Thomas J. Stovall, Jr.", written in a cursive style.