

# IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 93-0247

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## APPROVAL OF RULES OF FOURTH ADMINISTRATIVE REGION

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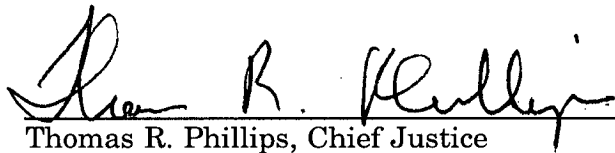
### **ORDERED:**

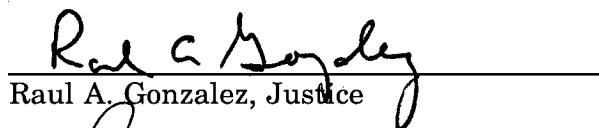
Pursuant to Rule 3a of the Texas Rules of Civil Procedure, the Supreme Court approves the following local rules, which have been submitted to this Court:

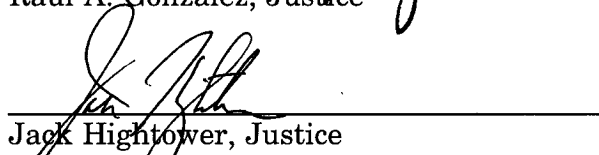
Rules of the Fourth Administrative Judicial Region, dated September 23, 1993.

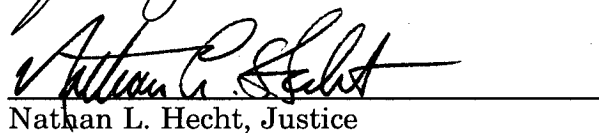
The approval of these rules is temporary, pending further orders of the Court.

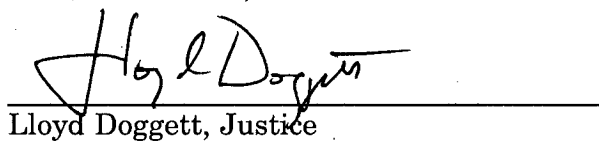
SIGNED AND ENTERED this 7<sup>th</sup> day of December, 1993.

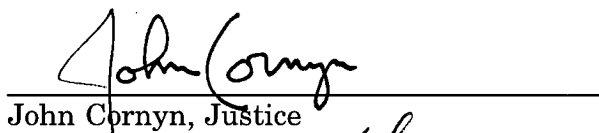
  
Thomas R. Phillips, Chief Justice

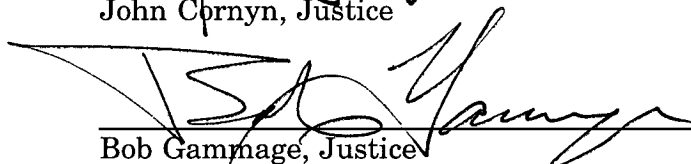
  
Raul A. Gonzalez, Justice

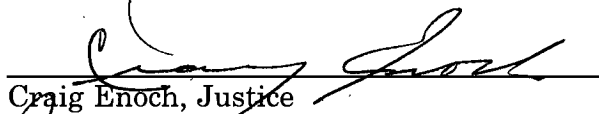
  
Jack Hightower, Justice

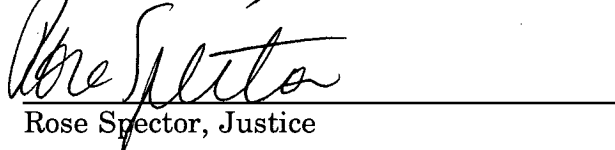
  
Nathan L. Hecht, Justice

  
Lloyd Doggett, Justice

  
John Cornyn, Justice

  
Bob Gammage, Justice

  
Craig Enoch, Justice

  
Rose Spector, Justice

**RULES OF THE  
FOURTH ADMINISTRATIVE JUDICIAL REGION OF TEXAS**

**RULE 1. TIME STANDARD FOR THE DISPOSITION OF CASES.** District and statutory county court judges of the county in which cases are filed should, as far as reasonably possible, ensure that all cases be brought to trial or final disposition in conformity with the following standards:

**a. CRIMINAL CASES**

Set for trial within 180 days from date of indictment or information except for good cause shown.

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

**(1) Civil Jury Cases**

Within 18 months from appearance date.

**(2) Civil Nonjury Cases**

Within 12 months from appearance date.

**c. FAMILY LAW CASES**

**(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.

**(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.

**d. JUVENILE CASES**

In addition to the requirements of Title 3, Texas Family Code:



**(1) Detention Hearings**

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

**(2) Adjudicatory or Transfer (Waiver) Hearings**

**(a) Concerning a juvenile in a detention facility:**

Not later than 10 days following admission to such a facility, except for good cause shown on record.

**(b) 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.

**(3) Disposition Hearings**

Not later than 15 days following the adjudicatory hearing. The court may grant additional time in exceptional cases requiring more complex evaluation.

**(4) Nothing herein shall prevent a judge from recessing a juvenils hearing at any stage of the proceeding where the parties are agreeable or when in the opinion of the judge presiding in the case the best interests of child and of society shall be served.**

**e. COMPLEX CASES**

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

**f. CONTINUANCE**

A continuance shall not be granted except as permitted by law and upon proper motion as required by the Rules of Procedure.

**g. AGREED PASSES**

After one agreed pass has been granted, thereafter, agreed passes shall not be granted and each party receiving same shall be charged with a continuance.

**RULE 2.** 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.** 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 6, Supreme Court Rules of Administration, and meet the requirements of Rules 7, 9 and 10, Supreme Court Rules of Judicial Administration.

**RULE 4.** 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 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.** 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 herein.

**RULE 6.** The board of judges of each county must adopt a jury plan governing the selection, management, assignment and time of jury service, and file the same with the district clerk, and, when required, secure the approval of the commissioners court.

**RULE 7.** The board of judges of each county must adopt a plan for judicial absences for vacation and educational events and a method of notifying the regional judge of the need for visiting judges.

**RULE 8.** (a) The rules adopted by the several counties within each administrative region must conform to the requirements of these rules.

(b) The local rules must be numbered to cover the same subject matter as prescribed by these rules using a selection numerical system and decimal subsection system in accordance with the following description of content. In the absence of a section of 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. 1.1, 1.11, 1.12, 1.2, 1.21,; 2.1, 10.99.

(c) Local rules shall not be effective until approved by the presiding judge of the administrative region and by the Supreme Court of Texas.

**RULE 9.** 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 designations of duties necessary to the work of the courts of the county as required by 5, Article 200a-1, V.T.C.S.

**RULE 10. CONFLICTING ENGAGEMENTS.**

**(a) Attorney already in trial in another court:**

- (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 on when the attorney will be released.**
- (2) If the attorney is not actually in trial as represented by the attorney or his or her agent, the case will be tried without further notice.**

**(b) Attorneys assigned to two court; for the same date:**

- (1) It is the duty of an attorney to call the affected judges' attention to all dual settings as soon as they are known.**
- (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:
  - (I) Criminal cases.**
  - (II) Cases given preference by statute.**
  - (III) Preferentially set cases.**
  - (IV) Cases set at earliest date.**
  - (V) Case with earliest filing date.**
  - (VI) Courts in multi-judge counties should yield to courts in rural counties in all other instances of conflicting settings.****

**RULE 11. ATTORNEY VACATION.** In civil cases not specially set, an attorney may not be put to trial for a period not to exceed four consecutive weeks of a given year if he or she has, in writing, filed with the appropriate clerk of the county of his residence, with a copy to the



appropriate clerk of any other county where he or she has pending cases, at least 90 days in advance, notice of his or her vacation period. At his or her discretion, a judge may recognize another time for the designated vacation period.

**RULE 12. PROCEDURES.**

(a) Pretrial Motions - A pretrial motion shall be filed with the clerk 3 days before docket call to facilitate the trials of cases and shall be presented to the court at docket call.

(b) Requests for Settings - A party requesting a setting shall certify by request in writing, signed by counsel, to the clerk of court or court administrator with copy to opposing counsel or party where there is not counsel, that all depositions have been taken, that discovery has been completed or that the party requesting the setting has tendered his client for deposition at least 20 days prior to such request; and that the case is ready for trial.

**RULE 13. DECORUM.**

(a) All persons in the courtroom during the pendency of any hearing shall be attentive to the proceedings of the Court and shall refrain from any action which is disruptive of the court proceedings. When court is in session all persons, before entering courtroom, shall first remove overcoats, hats cigars, etc., and shall quietly be seated in the proper places provided.

(b) A judge shall not permit:

- (1) reading of newspaper or magazine during court proceedings;
- (2) bringing of bottles, paper cups or beverage containers into the courtroom;

- (3) bringing edibles in the courtroom (at any time);
- (4) persons to walk through the courtroom while any proceedings are being held (or court in session):
- (5) noises or talking which interferes with the court procedure;
- (6) smoking, except where judge presiding permits; and
- (7) the possession or use of cameras, photographic or electronic recording equipment, audio, visual or audio-visual equipment in the courtroom or adjacent thereto without leave of court first being obtained;

(c) All female lawyers and court officials shall dress in keeping with proper courtroom decorum, and all male lawyers and court officials shall wear coats and ties while in the attendance of the court; provided, however, that judicial discretion be exercised otherwise in special situations.

(d) While the Court is in session all remarks of counsel shall be addressed to the Court and not to opposing counsel or the Judge as an individual.

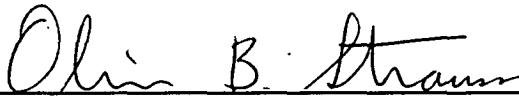
(e) In addressing the Judge, lawyers shall at all times rise and remain standing to address the Judge from their position at the counsel table. They shall remain at counsel table while interrogating witnesses, except as may be necessary in handling or displaying of exhibits or demonstrating evidence.

(f) The Judge shall be respectfully and properly addressed by title at all times; all objections and legal arguments by counsel shall be directed to the Judge and not to opposing counsel, and counsel shall be impersonal in addressing the Judge.

(g) Lawyers shall be advised their clients and witnesses of proper courtroom decorum and seek their full cooperation therewith. This will

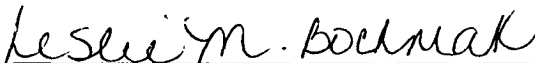
prevent possible embarrassment to the Judges as well as to the lawyers and laymen.

I, OLIN B. STRAUSS, PRESIDING JUDGE, OF THE FOURTH ADMINISTRATIVE JUDICIAL REGION OF TEXAS, ON THIS THE 23rd DAY OF SEPTEMBER, 1993, DO HEREBY CERTIFY THAT THE ABOVE RULES OF THE FOURTH ADMINISTRATIVE JUDICIAL REGION OF TEXAS WERE ADOPTED BY THE COUNSEL OF PRESIDING JUDGES MEETING IN AUSTIN ON THE 23RD DAY OF SEPTEMBER, 1993.



OLIN B. STRAUSS, PRESIDING JUDGE,  
FOURTH ADMINISTRATIVE JUDICIAL REGION OF TEXAS

**ATTEST:**



LESLIE M. BOCHNIAK