

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 96- 9262

**APPROVAL OF RULES OF ADMINISTRATION FOR THE
SEVENTH ADMINISTRATIVE JUDICIAL REGION OF TEXAS**

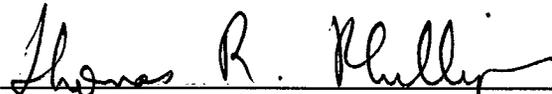
ORDERED:

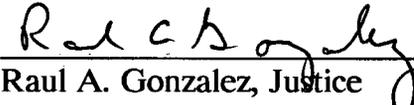
Pursuant to Rule 3a of the Texas Rules of Civil Procedure, the Supreme Court of Texas approves the following:

Rules of Administration for the Seventh Administrative Judicial Region of Texas.

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

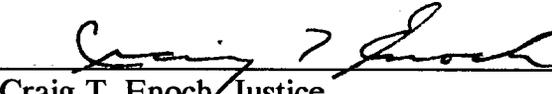
SIGNED AND ENTERED this 6th day of December, 1996


Thomas R. Phillips, Chief Justice


Raul A. Gonzalez, Justice

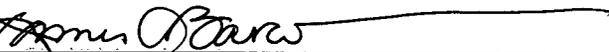

Nathan L. Hecht, Justice

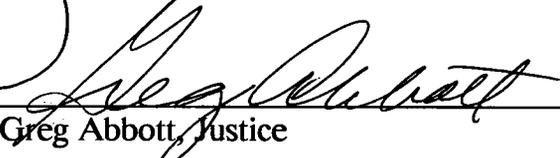

John Cornyn, Justice


Craig T. Enoch, Justice


Rose Spector, Justice


Priscilla R. Owen, Justice


James A. Baker, Justice


Greg Abbott, Justice



SEVENTH ADMINISTRATIVE JUDICIAL REGION OF TEXAS
WELDON KIRK, PRESIDING JUDGE

BETTY JOY VAUGHT
ADMINISTRATIVE ASSISTANT
P. O. BOX 528
SWEETWATER, TEXAS, 79556
915-235-3133, 915 236-6944

November 5, 1996

Mr. Bill Willis
Administrative Assistant
The Supreme Court of Texas
P. O. Box 12248
Austin, Texas 78711

Re: Newly Adopted Rules of Administration for the Seventh
Administrative Judicial Region of Texas

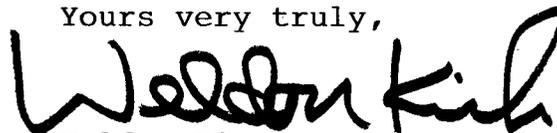
Dear Mr. Willis:

The Seventh Administrative Judicial Region Council of Judges adopted amended Rules at its meeting in Corpus Christi on September 26, 1996.

In accordance with Rule 3a of the Texas Rules of Civil Procedure, the amended Rules were published on October 1, 1996, in accordance with subdivision 4, and are herewith submitted for approval by the Supreme Court.

Thanking you for your attention to this matter, I am

Yours very truly,


Weldon Kirk

WK:bjv
enclosure

**REGIONAL RULES OF ADMINISTRATION
SEVENTH ADMINISTRATIVE REGION**

AUTHORITY. These rules are promulgated pursuant to Chapter 74, Government Code, V.T.C.S.

RULE 1: TIME STANDARDS FOR THE DISPOSITION OF CASES.

District and statutory county court judges of the county in which cases are filed should, so far as reasonably possible, ensure that all cases brought to trial or final disposition are in conformity with the following time standards:

a. CRIMINAL CASES

As provided by Article 32A.02, Code of Criminal Procedure.

b. CIVIL CASES OTHER THAN FAMILY LAW

(1) Civil Jury Cases

Within 18 months from appearance date.

(2) Civil Non-jury 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

Shall be held promptly, but not later than the second working day after a juvenile is taken into custody; provided, however, that when a juvenile is detained on a Friday or Saturday, then such detention hearing shall be held on the first working day after the juvenile is taken into custody.

(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 of 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 that require more complex evaluation.

(4) Nothing herein shall prevent a judge from recessing a juvenile 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 the 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.

- RULE 2:** The local administrative judge or judges of each county shall, upon request by the presiding judge, 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 Judicial Administration, and meet the requirements of Rules 7, 9 and 10, Supreme Court Rules of Judicial Administration. "Board of Judges," as used in these rules, means the district courts and statutory county courts of a county.
- 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 Article 32A.02, Code of Criminal Procedure, for the processing of criminal cases.
- RULE 6:** The district judge or judges of each county must, if required by law, 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 may adopt a plan for judicial absences for vacation, educational events, and a method of notifying the regional presiding judge of the need for visiting judges.

RULE 8: (a) The rules adopted by a board of judges within this administrative region must conform to the requirements of these rules.

(b) 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 Chapter 74, Government Code, 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 the attorney's agent, the case will be tried without further notice.
- (b) Attorney assigned to two courts 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) Case 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 VACATIONS

In civil cases not specially set, an attorney may not be put to trial for a period not to exceed two consecutive weeks of a given year if the attorney 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 the attorney has pending cases, at least 90 days in advance, notice of the attorney's vacation period. At the judge's discretion, a judge may allow more than two weeks vacation period or may shorten the 90-day notice requirement.

Adopted by the Council of Judges
of the Seventh Administrative Region
Corpus Christi, Texas, on September 26 ,1996, and superseding previously
adopted Regional Rules of Administration for the Seventh
Administrative Region.



Weldon Kirk, Presiding Judge
Seventh Administrative Region

ATTEST:



Betty Joy Vaught
Administrative Assistant



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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CLERK
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NATHAN L. HECHT
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CRAIG ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

EXECUTIVE ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

December 11, 1996

Hon. Weldon Kirk
7th Admin Judicial Rgn
Post Office Box 528
Sweetwater, Texas 79556-0528

Dear Judge Kirk,

Please find enclosed, a copy of the order of the Supreme Court that approved local rules for the Seventh Administrative Judicial Region.

Sincerely,

SIGNED

John T. Adams
Clerk

Encl.

cc: Supreme Court Adv Committee

Mr. Jerry Benedict
Office of Court Admin

State Law Library