

# IN THE SUPREME COURT OF TEXAS

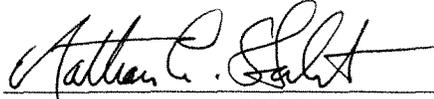
Misc. Docket No. 14-**9233**

## APPROVAL OF AMENDED LOCAL RULES FOR THE DISTRICT COURTS OF BELL COUNTY

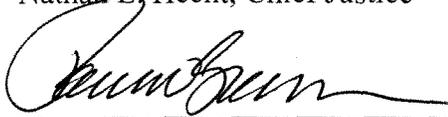
**ORDERED** that:

Pursuant to Texas Rule of Civil Procedure 3a, the Supreme Court approves the following local rules for the District Courts of Bell County.

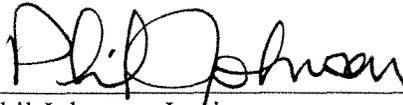
Dated: November 24, 2014.



Nathan L. Hecht, Chief Justice



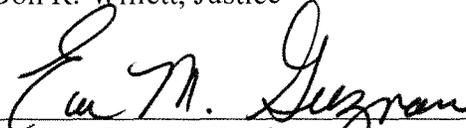
Paul W. Green, Justice



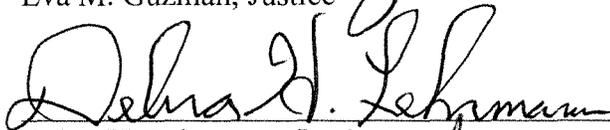
Phil Johnson, Justice



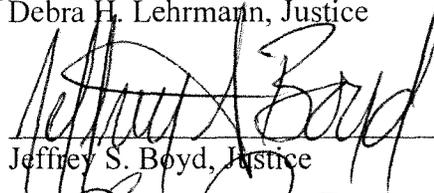
Don R. Willett, Justice



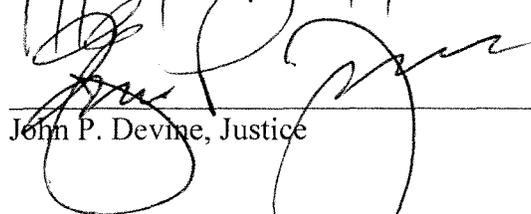
Eva M. Guzman, Justice



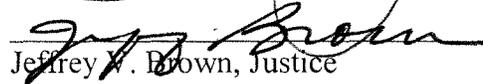
Debra H. Lehrmann, Justice



Jeffrey S. Boyd, Justice



John P. Devine, Justice



Jeffrey W. Brown, Justice

# BELL COUNTY DISTRICT COURT LOCAL RULES

## TITLE 1. RULES GOVERNING ALL PROCEEDINGS

### RULE 1.1. CONDUCT AND COURTROOM DECORUM

a. Policy

Judges and attorneys have a duty to uphold the highest standards of conduct and to earn and promote public respect for the judiciary, the legal profession and the American system of justice.

b. The Texas Lawyer's Creed

The Standards of Professional Conduct in Section IV of The Texas Lawyer's Creed, as promulgated by the Texas Supreme Court and the Texas Court of Criminal Appeals are adopted and incorporated herein by reference as guidelines for participating in litigation in the District Courts of Bell County, Texas.

c. Conduct Required of Counsel

1. Counsel shall timely appear before the court at each setting and following each recess.
2. Counsel shall be appropriately attired for all court proceedings.

Male attorneys shall be dressed neatly in business suits or sportcoats, with slacks, dress shirt and tie. The shirt collar shall be buttoned. Blue jeans, sportswear and similar clothing are not considered appropriate courtroom attire.

Female attorneys shall be dressed in conservative dress or business attire. Blue jeans, sportswear and similar clothing are not considered appropriate courtroom attire.

3. Counsel shall rise and remain standing while addressing the Court, unless otherwise instructed.
4. Counsel shall address all statements, requests, and objections to the Court and not to opposing counsel.
5. Counsel shall not argue objections in the presence of the jury without prior leave of court.
6. Counsel shall not interrupt or talk over opposing counsel, except to state formal objections.

7. Counsel shall remain behind counsel table while examining witnesses, except with leave of court. If requested by counsel, counsel may stand at a podium while examining witnesses.
8. Counsel shall neither make nor insinuate derogatory or insulting remarks about opposing counsel.
9. Counsel shall address the Court as “Your Honor” or “Judge” and except with leave of court, shall refer to all counsel, parties and witnesses (except children) by their surnames, using such titles as Mr., Mrs., Miss, Ms., Dr., etc., as appropriate, and not by first names or nicknames, or any discriminatory or inappropriate classification.
10. Counsel shall request leave of court before approaching the bench or to approach the witness when necessary to work with documentary or tangible evidence.
11. Counsel shall not lean on the bench except as may be necessary to prevent jurors from overhearing bench conferences. Counsel shall not engage in personal discussions with the Court or each other during trial while in the presence of jurors, parties, or witnesses.
12. Counsel shall not use profanity in the courtroom.
13. Counsel shall advise counsel’s clients, witnesses and others subject to counsel’s control of these rules of conduct and courtroom decorum.

d. Conduct Required of All Persons

All persons in the courtroom during trials and other proceedings shall be attentive to the proceedings and shall refrain from any action which may disrupt the proceedings.

Therefore, all persons shall comply with the following:

1. All persons shall be appropriately attired for court proceedings.  
  
All persons entering the courtroom shall be dressed in clothing reasonably befitting the dignity and solemnity of court proceedings. Tank tops, T-shirts, shorts, flip flops, and clothing that is tattered or soiled are among those items of clothing not considered appropriate courtroom attire. No hats, caps, sunglasses, or telephone ear-pieces shall be worn in the courtroom without prior approval.
2. No tobacco use in any form is permitted.
3. No bottles, beverage containers, paper cups or edibles are allowed in the courtroom, except as permitted by the Court.
4. No gum chewing is permitted.
5. No propping feet on tables or chairs is permitted.
6. No talking or unnecessary noise is permitted which interferes with the court proceeding.

7. No person may, by facial expression, shaking or nodding of the head, or by any other conduct, express approval or disapproval of any testimony, statement or transaction in the courtroom.
8. All persons shall rise when the judge enters the courtroom, and at such other times as the bailiff shall instruct.
9. No person shall bring packages, suitcases, boxes, duffel bags, shopping bags or containers into the courtroom without the prior approval of the bailiff.
10. No person shall be permitted any verbal or physical contact with a prisoner without the prior approval of the bailiff.

e. Enforcement

The bailiff of the court shall enforce the rules of conduct and courtroom decorum.

## RULE 1.2. REQUESTS FOR CONTINUANCE OR POSTPONEMENT

a. Consent or Notice Required

No request for a continuance, to pass, postpone or reset any trial, pretrial, or other hearing shall be granted unless the Court and counsel for all parties consent, or unless all parties not joining in such request have been notified and have had an opportunity to object.

b. Contents of Motion

Unless counsel for all parties consent in writing to the request for a continuance and the same is approved by the Court, a motion must be filed pursuant to Rule 251, et seq. of the Texas Rules of Civil Procedure, as amended or Article 29.01, Texas Code of Criminal Procedure, as applicable, and the motion must be accompanied by an order setting the motion for a hearing. Any motion that does not meet these requirements will be denied without prejudice to the right to refile.

## RULE 1.3. CONFLICT IN TRIAL SETTINGS

a. Duty of Counsel to Notify Court

Whenever an attorney has two or more cases on trial dockets for trial at the same time, it shall be the duty of the attorney to bring the matter to the attention of the courts concerned immediately upon learning of the conflicting settings.

b. Priority of Cases In Event of Conflict

Insofar as practicable, the affected courts shall attempt to agree upon which case shall have priority. Absent such agreement, conflicting trial settings shall be resolved in the following priority:

1. Federal cases
2. Cases given statutory preference
3. Criminal Cases against defendants who are detained in jail pending trial
4. Temporary injunctions
5. Preferentially set cases
6. The earliest set case

## **TITLE 2. RULES GOVERNING CIVIL PROCEEDINGS**

### **RULE 2.1. APPLICATION FOR EX PARTE ORDERS**

By presenting any application for an ex parte order, counsel is deemed to represent to the Court that:

- a. to the best of counsel's knowledge, the party against whom the relief is sought is not represented by counsel; or
- b. if the party against whom the relief is sought is represented by counsel, that (i) such counsel has been notified of the application and does not wish to be heard by the Court thereon; or (ii) counsel presenting the application has diligently attempted to notify opposing counsel, has been unable to do so, and the circumstances do not permit additional efforts to give such notice.

### **RULE 2.2. PRETRIAL AND TRIAL SETTINGS**

- a. At any time after the filing of an answer or entry of an appearance by the opposing party, any party may request a setting for a trial on the merits or, where applicable, a pretrial hearing, by (i) filing with the Court a motion requesting a hearing, and an order setting the hearing, accompanied by a certificate of service to opposing counsel; or (ii) orally requesting the Court to schedule the hearing and confirming the setting by letter addressed to the Court, a copy of which shall be served on opposing counsel in accordance with Rule 21a of the Texas Rules of Civil Procedure, as amended. All requests for a setting shall include an estimate of the amount of court time required for the hearing.
- b. Prior to requesting a setting, counsel shall attempt to coordinate a setting with opposing counsel.

## RULE 2.3. WITHDRAWAL OF COUNSEL

### a. Withdrawal

Withdrawal of counsel shall be governed by Rule 10 of the Texas Rules of Civil Procedure, as amended, and the following rules.

### b. Notice to Client

If another attorney is not to be substituted as attorney for the party or if the party does not consent to the motion to withdraw, the withdrawing attorney shall notify the client in writing that the Court will be requested to sign an order granting the withdrawal on or after ten (10) days following the date of such notice. Notice shall be sent by certified mail, return receipt requested.

### c. No Delay of Trial

Unless allowed in the discretion of the Court, no motion to withdraw shall be granted that is presented within thirty (30) days of the trial date or at such time as to require a delay of trial.

## RULE 2.4. ALTERNATIVE DISPUTE RESOLUTION

### a. Policy

It shall be the policy of the courts of Bell County, Texas to encourage the peaceable resolution of disputes and early settlement of pending civil litigation, excluding family law litigation, expedited cases, and delinquent tax cases, by referral to alternative dispute resolution (ADR) pursuant to the Texas Alternative Dispute Resolution Procedures Act, Texas Civil Practice and Remedies Code, Chapter 154.

### b. ADR Mandatory

No trial on the merits shall be conducted in any civil litigation case until all contested issues have been referred to an ADR procedure, ADR has been unsuccessful, or the Court has determined that ADR is inappropriate for the case.

### c. Manner of Referral

It is anticipated that the parties shall cooperate in referring such issues to an ADR procedure under terms and conditions as are mutually agreeable, without the need for court intervention. If the parties are unable to cooperate or agree to a referral

of such issues to an ADR procedure, then upon written notification to the Court by one of the parties that efforts to coordinate a referral have been unsuccessful, the Court, without a hearing, shall enter an order of referral to an ADR procedure, and under such terms and conditions selected by the Court.

d. Objection to Referral

If the Court enters an order of referral to an ADR procedure, any party may object to such referral pursuant to Texas Civil Practice and Remedies Code, Chapter 154. Upon the filing of an objection, the Court shall schedule a hearing. If the Court finds that there is a reasonable basis for the objection, the Court may, in its discretion, order that the case not be referred to an ADR procedure and order the case set for trial on the merits.

## RULE 2.5. DISMISSAL FOR WANT OF PROSECUTION

a. Procedure

The Court, on its own motion, may dismiss a case for want of prosecution. The procedure provided in Rule 165a of the Texas Rules of Civil Procedure, as amended, shall apply.

b. Reasons For Dismissal

A case may be dismissed for want of prosecution for any of the following reasons:

1. Failure of a party seeking affirmative relief to take appropriate action when the case has been pending without action for six months.
2. Failure of counsel for a party seeking affirmative relief to appear for a pretrial or preliminary hearing, particularly if there has been a previous failure to appear or no motion has been timely filed to meet the exceptions previously sustained.
3. Failure of a party seeking affirmative relief to make an announcement as scheduled when the case has been set for trial.

## RULE 2.6. ORDERS AND DECREES

a. Reduction to Writing Within Ninety (90) Days

Within ninety (90) days after rendition, announcement of the Court's ruling, or announcement of settlement by counsel, counsel shall cause all judgments, decrees or orders of any kind to be reduced to writing, forwarded to opposing counsel for approval as to form, and delivered to the Court for signing.

b. Dismissal if Written Order Not Furnished

Upon failure to furnish the Court with a judgment, order or decree disposing of the case within the ninety (90) day period, the Court may place the case on the next regularly scheduled dismissal docket, whereupon the case may be dismissed and costs may be taxed at the Court's discretion.

c. Procedure for Entry of Order

If counsel is unable to secure all opposing counsel's approval as to form, counsel may:

1. File a motion for entry of the proposed judgment, order or decree and secure a hearing for the same, with notice to all opposing counsel pursuant to Rule 21a, Texas Rules of Civil Procedure. At a hearing, the Court may assess costs and attorney's fees within the Court's discretion; or
2. Present the Court with the proposed judgment, decree or order, together with a letter requesting the Court to sign the same if the Court has not received a written objection from opposing counsel within ten (10) days from the date of the letter. Each party who submits a proposed judgment for signature shall serve the proposed judgment and a copy of the letter on all other parties who have appeared and remain in the case, in accordance with Rule 21a, Texas Rules of Civil Procedure. If the Court receives a written objection from opposing counsel within the stated time, the proponent of the judgment, decree or order shall schedule a hearing for entry of the same pursuant to subdivision 1 of this rule.

### **TITLE 3. RULES GOVERNING TRANSFER OF CASES AMONG COURTS**

**RULE 3.1.** Any judge of a district court in Bell County may act as the judge of any other district court in Bell County without formal order. The authority of this subsection applies to an active or retired judge assigned to a court as provided by law.

**RULE 3.2.** The transfer of cases between district courts of Bell County may be done by written order upon consent of the judges of those courts participating in the transfer.

**RULE 3.3.** All transfers not specifically provided for in Title 3 and its subsections shall be made only by the administrative judge of Bell County for the fair and equitable division of case loads. No case shall be transferred by the administrative judge unless the cases transferred are within the jurisdiction of the court to which the cases are transferred.

## **TITLE 4. TIME STANDARDS**

### **RULE 4.1. TIME STANDARDS FOR CASE DISPOSITION**

Pursuant to Article 5, Section 31 of the Texas Constitution, Sections 22.004., 72.002 (2) and 74.024 of the Texas Government Code, Title 3 of the Texas Family Code, Rule 6 of the Rules of Judicial Administration, and Rules [1,3,4 and 5] of the Regional Rules of Judicial Administration, time standards have been established to which reference is made for all purposes, as they now exist, or as they may be hereafter amended.

## **TITLE 5 LOCAL ADMINISTRATIVE JUDGE**

### **RULE 5.1. POWERS AND DUTIES OF LOCAL ADMINISTRATIVE JUDGE**

- a. Election of the Administrative Judge.
  1. Pursuant to Section 74.091 of the Texas Government Code a majority of the District Judges will elect a Local Administrative District Judge for a two-year term at the January meeting in 2014 and at the January meeting of each second year thereafter.
  2. The Local Administrative District Judge will have all duties and the responsibility for attending to emergency and special matters of the District Courts pursuant to Rule 9 and 10 (d) Rules of Judicial Administration.
- b. Meetings of the Judges of the County.
  1. The Local Administrative District Judge or a majority of the Judges will call meetings of the Judges once each month or as needed.
  2. The Local Administrative District Judge shall preside over such meetings and in his or her absence a temporary Chairman may be elected by a majority of the quorum.

## **TITLE 6. ADOPTION, AMENDMENT, NOTICE**

### **RULE 6.1. ADOPTION, AMENDMENT, NOTICE**

These rules may be amended by majority vote of the District Judges, provided:

- a. that any proposed rule or amendment shall not be inconsistent with rules adopted by the Supreme Court of Texas or with any rule of the Administrative Judicial District in which the Court is located; and,

- b. any proposed rule or amendment shall not become effective until it is submitted and approved by the Supreme Court of Texas; and
- c. any proposed rule or amendment shall not become effective until at least thirty (30) days after its publication in a manner reasonably calculated to bring it to the attention of attorneys practicing before the court or courts for which it is made; and,
- d. all rules adopted and approved in accordance herewith are made available upon request to members of the Bar and the public.

**Adoption**

Subject to the approval by the Supreme Court of Texas, these rules shall become effective [REDACTED] and so long thereafter until amended, repealed or modified by order of the District Courts. All existing Local Rules previously governing the management of the Court dockets that are inconsistent with these rules shall be repealed on the effective date of these rules. Each numbered or lettered paragraph of these rules shall be considered to be separate and distinct from all other portions hereof, and if any portion should be declared by a higher Court to be improper, such declaration will not affect any other portion not so declared to be improper.

The District Clerk is directed to furnish a copy of these rules to the Supreme Court of Texas, pursuant to Rule 3a of the Texas Rules of Civil Procedure, and to record these rules in the Civil Minutes of the 27<sup>th</sup>, 146<sup>th</sup>, 169<sup>th</sup>, 264<sup>th</sup> and 426<sup>th</sup> District Courts.

Adopted this the 12 day of Dec., 2013 to become effective on April 1, 2014 or upon approval by the Supreme Court of Texas, whichever is later.

  
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**JUDGE JOHN GAUNTT**  
27<sup>th</sup> District Court

  
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**JUDGE JACK JONES**  
146<sup>th</sup> District Court

  
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**JUDGE GORDON G. ADAMS**  
169<sup>th</sup> District Court

  
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**JUDGE MARTHA J. TRUDO**  
264<sup>th</sup> District Court

  
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**JUDGE FANCY H. JEZEK**  
426<sup>th</sup> District Court