

LOCAL RULES

of the

FIRST JUDICIAL DISTRICT COURT

and the

273RD JUDICIAL DISTRICT COURT

(Sabine and San Augustine Counties)

**FILED**

AT 5:15 O'CLOCK PM

FEB 21 1989

TANYA WALKER, Clerk District Court  
Sabine County, Texas

By *Tanya Walker* Deputy

By authority of Rule 3a, Texas Rules of Civil Procedure and Section 74.093, Government Code, Rule 10, Supreme Court Rules of Administration and the Regional Rules of Administration of the Second Administrative Judicial Region, the following Local Rules of Administration pertaining to the First Judicial District Court and the 273rd Judicial District Court of Sabine and San Augustine Counties are adopted. All other rules heretofore adopted by each Court are rescinded. Nothing contained in these rules shall be construed or interpreted as interfering with the right of the Judge to make such orders, settings or procedural directions (not inconsistent with the Texas Rules of Civil Procedure) as in the Judge's discretion may be necessary and proper for the expedient and orderly dispatch of the business of the court.

RULE 1. TIME STANDARDS

1.1 Adoption of Time Standards

- a. The District Courts of Sabine and San Augustine Counties hereby adopt the time standards established by Rule 6, Supreme Court Rules of Judicial Administration and Rule 1, Second Administrative Judicial Region Rules of Administration.
- b. The District Courts of Sabine and San Augustine Counties shall, as far as reasonably possible, ensure that all cases are brought to trial or final disposition in conformity therewith.

1.2 Criminal Cases

- a. Within 12 months of arrest or return of indictment whichever is earlier.
- b. Within the time required by constitutional speedy trial provisions if sooner than the 12 month period.

1.3 Civil Cases other than Family Law

- a. Within 18 months of appearance date for jury cases.

- b. Within 12 months of appearance date for nonjury cases.

#### 1.4 Family Law Cases

- a. 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) in contested cases.
- b. 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) in uncontested cases.

#### 1.5 Juvenile Cases

- a. Detention Hearings on the next business day following admission to detention facility.
- b. Adjudicatory or Transfer (Waiver) Hearings
  - (1) For a juvenile in a detention facility, not later than 10 days following admission to such facility, except for good cause shown of record.
  - (2) For 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.
- c. Disposition Hearings
  - (1) Not later than 15 days following the adjudicatory hearing.
  - (2) The court may grant additional time in exceptional cases that require more complex evaluation.
- d. 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. The above time standards are in addition to the requirements of Title 3, Texas Family Code.

## 1.6 Complex Cases

- a. It is recognized that in especially complex cases or special circumstances it may not be possible to adhere to these standards.
- b. Such determination may be made in connection with a pretrial conference or in an order pursuant to Rule 165a, Texas Rules of Civil Procedure.

## RULE 2. SUPPLYING INFORMATION

- 2.1 Office of Court Administrator Report - the District Clerks of Sabine and San Augustine Counties shall send a copy of this monthly report to the Presiding Judge of the Second Administrative Judicial Region.
- 2.2 Other Information - Upon request, the District Clerks of Sabine and San Augustine Counties shall send the Presiding Judge of the Second Administrative Judicial Region other information regarding docket management systems of the District Courts as may be requested.

## RULE 3. DISPOSITION OF CRIMINAL CASES

- 3.1 Policy - Rule 3 is adopted to facilitate the meeting of the time standards set forth in Rule 1.2 above consistent with the ends of justice, statutory and constitutional rights and the objectives of the Code of Criminal Procedure.
- 3.2 Jurisdiction - The jurisdiction of the First and 273rd District Courts shall extend to all criminal cases (as described in Article 4.05, 4.06 and 4.17, Code of Criminal Procedure). Each judge may sit in either court.
- 3.3 Filing of Cases - A central docket will be used and all informations and indictments may be returned to either the First or the 273rd District Courts.
- 3.4 Terms of Court
  - a. The provisions of Rule 4.4 identifying terms of court for civil cases shall apply for the trial of criminal cases. During each term, certain weeks will be set aside for the trial of criminal cases.
  - b. When time permits, the half day schedules set out in Rule 5.4a and 5.4b will be available for hearing pretrial motions, conducting arraignments and taking pleas of guilty.

3.5 Docket Calls - From time to time criminal docket calls will be held on a day certain for setting cases, conduct arraignments, taking pleas of guilty and hearing other pretrial matters as provided in Article 28.01, Code of Criminal Procedure.

3.6 Continuances - The provisions of Rule 4.11a and 4.11b shall apply in keeping with Chapter 29, Code of Criminal Procedure.

#### RULE 4. DISPOSITION OF CIVIL CASES

4.1 Policy - Rule 4 is adopted to facilitate the meeting of the time standards set forth above in Rule 1.3 consistent with safeguarding the rights of litigants to the just processing of their causes.

4.2 Jurisdiction - The jurisdiction of the First and 273rd District Courts shall extend to all cases and each judge may sit in either court.

4.3 Filing of Cases - A central docket will be used and all civil cases shall be docketed numerically in the order of filing.

4.4 Terms of Court - The following terms of court shall apply to the District Courts of Sabine and San Augustine Counties.

a. First District Court will hold at least two jury/nonjury terms in Sabine and San Augustine Counties beginning as follows:

(1) Sabine - The last week in April and the second week in November, and at such other times as may be designated by the Court.

(2) San Augustine - The first week of March and the first week of October and at such other times as may be designated by the Court.

b. 273rd District Court will hold at least two jury/nonjury terms in Sabine and San Augustine Counties beginning as follows:

(1) Sabine - The first week in February and the first week in September and at such other times as may be designated by the Court.

(2) San Augustine - The first week of August and the first week of December, and at such other times as may be designated by the Court.

- c. The designated periods are minimum times. Additional time will be provided consistent with the moving of the docket and the disposition of cases within the time standards for the disposition of civil cases.

#### 4.5 Docket Calls

- a. The dockets of Sabine and San Augustine Counties will be called on a day certain prior to the opening day of a term of court for the purpose of setting cases for trial during designated weeks.
- b. Docket settings may be made by the Court for the various jury and nonjury weeks.
- c. Nonjury cases, when set during a jury week, are set subject to the jury docket for that week.
- d. Notice of docket calls shall be made to the law firms and unless otherwise requested, shall constitute notice to the attorney in charge.
- e. Request for settings may be made by mail or by telephone prior to the docket call. Personal appearances will not be necessary unless presence of counsel is required for hearing any pretrial matter.

#### 4.6 Resetting Cases

- a. After docket calls, in which cases have been set for trial, parties may, by agreement, reset cases for another week during the term.
- b. All resettings will be subject to court approval. The cases, when reset, will tail the docket.

#### 4.7 Dismissal Dockets

- a. There shall be dismissal dockets in the First District Court in April and October and in the 273rd District Court in February and August of each year and, in addition, as many such dockets as may be needed to deal with lack of prosecution and to comply with the time standards.
- b. All cases failing to meet the time standards shall be subject to the dismissal docket, the retention order requirements of Rule 165a, Texas Rules of Civil Procedure.

#### 4.8 Request for Settings - Nonjury Cases

- a. The Courts will be available for nonjury trials at times other than jury weeks.
- b. When requesting a setting for a nonjury trial, it is requested that the approximate length of time required for the trial be given in order to facilitate scheduling.
- c. The request for trial setting may be made by telephone or by mail and shall comply with the Texas Rules of Civil Procedure.

#### 4.9 Emergency and Special Matters

- a. The District Clerks of Sabine and San Augustine Counties, or counsel, upon filing, may present applications for immediate or temporary relief to either judge for appropriate action.
- b. Hearings on temporary restraining orders or petitions for temporary relief may be set for hearing before either judge depending upon their availability, trial schedules and the time requirements for hearing such ancillary matters.

#### 4.10 Hearing Motions, Exceptions and Dilatory Pleas

- a. Before a motion, special exception or other dilatory plea will be heard, the moving party shall first talk with counsel to determine whether there is opposition.
- b. If the matter will not be opposed, the moving party shall send a proposed order, signed by counsel, indicating approval.
- c. If there will be opposition, or, if after reasonable efforts this cannot be determined, the court will be advised and a hearing will be scheduled.

#### 4.11 Continuances

- a. By directive of Rule 7, Supreme Court Rules of Judicial Administration, there must be adherence to firm trial dates with strict policies on continuances.
- b. Agreements to continue a case will be respected by the Courts when consistent with the orderly administration of the docket and the Supreme Court Rules of Judicial Administration.
- c. A motion for continuance, when filed, should be brought to the attention of the Court and that of opposing counsel with reasonable diligence.

- d. Proposed continuances in cases subject to pretrial orders under Rule 165a, Texas Rules of Civil Procedure, must be based upon valid and compelling reasons.

#### 4.12 Settlements

- a. The possibility of compromise settlement and resolution of issues must be fully discussed and explored before announcing ready for trial.
- b. The Court shall be promptly advised of any settlement or agreement that might affect the trial docket.

#### 4.13 Jury Questions

- a. Proposed jury questions and instructions shall be given to the Court by each side prior to the presentation of their case. Counsel need not exchange questions and instructions until directed by the Court.
- b. Such questions and instructions shall be in a form ready for submission on paper measuring approximately 8½ inches by 11 inches.
- c. The party having the right to open and close shall prepare the standard introductory and concluding instructions.

### RULE 5. DISPOSITION OF FAMILY LAW AND JUVENILE CASES

- 5.1 Policy - Rule 5 is adopted to facilitate the meeting of the time standards set forth in Rule 1.4 and Rule 1.5 consistent with the Family Code and with safeguarding the rights of litigants to the just processing of their causes.
- 5.2 Jurisdiction - The jurisdiction of the First and 273rd District Courts shall extend to all cases and each judge may sit in either court.
- 5.3 Filing of Cases - A central docket will be used for cases filed under the Family Code with separate dockets for divorce and juvenile cases. Other family law cases will be maintained on the civil docket.
- 5.4 Terms of Court - In addition to the jury and nonjury terms of Court specified in Rule 4.4 above, the following schedules will be observed.

a. First District Court - The following half day schedules will be observed for hearing family law matters, except for the months of June and December or holidays, unless otherwise provided. ~~Counsel should check with the District Clerks for~~ the schedule for these days in June and December or when the regular scheduled day is a holiday.

(1) Sabine - 4th Friday at 9:00 A.M.

(2) San Augustine - 4th Friday at 1:30 P.M.

b. 273rd District Court - The following half day schedules will be observed for hearing family law matters, except for the month of July or holidays, unless otherwise provided. Counsel should check with the District Clerks for the schedule for these days in July or when the regular scheduled day is a holiday.

(1) Sabine - 2nd Friday at 9:00 A.M.

(2) San Augustine - 2nd Friday at 1:30 P.M.

c. On each of these designated days, the Courts will hear all matters in open court unless special circumstances warrant otherwise and the law permits.

#### 5.5 Docket Calls

a. The provisions of Rule 4.5 shall apply to all family law cases, except juvenile cases, in which a jury fee has been paid. A specific request must be made to have the case included in the docket call.

b. The provisions of Rule 4.6 for resetting cases that have been set for trial at a docket call, shall apply to such family law cases.

5.6 Dismissal Docket - The provisions of Rule 4.7 shall apply to all family law cases.

#### 5.7 Request for Settings

a. A request for setting will not be required to obtain hearings by agreement or for uncontested cases during the half day schedules set out in Rule 5.4 above.



- b. Consideration should be given to the time constraints on those half day schedules when seeking hearings on contested cases. In this connection, Rule 4.7 shall apply when trial of a contested case (except for hearings for temporary orders) is sought.
  - c. If it appears that not enough time would be available during the half day schedules for hearing temporary matters and the scheduling of witness, for example, is a factor, the matter should be brought to the attention of the Court as soon as possible.
- 5.8 Emergency and Special Matters - The provisions of Rule 4.9 shall apply to family law cases.
- 5.9 Documentation for Support/Property Division
- a. Child support - The parties shall furnish sufficient information to enable the Court to accurately identify net resources and the ability to provide child support.
  - b. Temporary Alimony - The parties shall furnish the Court with an exhibit setting forth all relevant factors which may be considered in determining this issue.
  - c. Property Division - The parties shall furnish the Court with an exhibit setting forth the property (separate/community), with estimates of value, the amounts of debts, the existence of liens and a proposed division.
- 5.10 Other Procedural Matters.
- a. Hearing Motions - The provisions of Rule 4.10 shall apply.
  - b. Continuances - The provisions of Rule 4.11 shall apply.
  - c. Jury Questions - The provisions of Rule 4.13 shall apply.
- 5.11 Appointment of Counsel - In contempt cases, the following statement shall be included in or attached as a part of the notice of hearing given a respondent:

IN A CONTEMPT ACTION YOU HAVE THE RIGHT TO BE REPRESENTED BY AN ATTORNEY AND THE RIGHT TO THE APPOINTMENT OF AN ATTORNEY IF YOU ARE INDIGENT. YOU MUST BE PREPARED TO SIGN AN AFFIDAVIT AND PRESENT EVIDENCE UNDER OATH AT THE HEARING TO PROVE ANY CLAIM OF INDIGENCY BEFORE AN ATTORNEY CAN BE APPOINTED.

## 5.12 Court Master

- a. All cases filed pursuant to Title IV-D of 42 U.S.C. Sections 651, et seq., will, by direction of Section 14.82(b) of the ~~Family Code be referred for hearing to the Master appointed~~ by the Presiding Judge of the Second Administrative Judicial Region.
- b. The duly appointed Master shall have the powers as provided by Section 14.82, Family Code and Subchapter A, Chapter 54, Government Code.

## 5.13 Settlements

- a. The successful conclusion of family law matters and the enhancement of post divorce adjustment is being achieved through the settlement of issues.
- b. Each party is expected to make a good faith effort to dispose of, by agreement, as many issues as possible. Counsel shall so advise their clients.

## RULE 6. SELECTION AND CONTROL OF JURIES

6.1 General Provisions - The following procedures will be used for the selection of names of persons for jury service.

- a. Sabine County - The jury wheel method of selection as set forth in Sections 62.001 through 62.010, Government Code shall be used.
- b. San Augustine County - The jury wheel method of selection as set forth in Sections 62.001 through 62.010, Government Code, shall be used.

## 6.2 Jury Trial Selection Procedures

- a. Jury selection shall take place on the first day of each jury week. Selection will be for one week only.
- b. In civil cases, juries will be selected in all cases in which a "ready" announcement has been made unless the court directs otherwise.
- c. In criminal cases, if more than one case is to be tried during the week, the panel will be reassembled, following completion of the first trial, for further selection.

- d. As many cases will be tried during a jury week as time permits.
- e. Sessions for cases on trial shall be from 9:00 A.M. until noon and from 1:00 P.M. until 5:00 P.M. with morning and afternoon recesses. Trial in the first case will begin on the first day of the jury week after all jury panels are selected and sworn.

RULE 7. JUDGE'S VACATION, ABSENCES AND DISQUALIFICATION

- 7.1 Vacation - The vacation time for the First District Court is June and that of the 273rd District Court is one week in March, two weeks in July and one week in November.
- 7.2 Judicial Conferences - Attendance at the mid winter conference of the Second Administrative Judicial Region during the second week of February and the annual meeting of the Judicial Section of the State Bar of Texas during the last week of September is authorized.
- 7.3 Educational Meetings - Attendance at the criminal justice conference for trial judges in May, the juvenile justice conference in November and such other conferences offered by the State Bar of Texas, when scheduling permits, is authorized.
- 7.4 Military Leave - For any judge having military duty as a member of the state military forces or a reserve component of the armed forces, leave of absence is authorized as provided in Section 431.005, Government Cod.
- 7.5 Disqualification - If a judge determines, on his own, that under Rule 18b, Texas Rules of Civil Procedure, he is disqualified to sit in a particular case or that he should recuse himself, he shall first talk with the other judge of their common district about hearing the case. After conferring, if it is determined that getting a visiting judge would be more feasible, then a request will be made to the Presiding Judge of the Second Administrative Judicial Region for an assignment of a visiting judge.

RULE 8. THE RULE WITH RESPECT TO RULES

- 8.1 Authority - These local rules are adopted pursuant to and in conformity with the Regional Rules of the Second Administrative Judicial Region of Texas.
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8.2 Effective Date - These local rules shall not become effective until approved by the Presiding Judge of the Second Administrative Region and the Supreme Court of Texas and until 30 days after publication as provided in Rule 3a(3), Texas Rules of Civil Procedure.

RULE 9. LOCAL COURT ADMINISTRATION

9.1 Board of Local Judges

- a. The district judges of Sabine and San Augustine Counties, under the direction of the local administrative judge, shall constitute the Board of Local Judges for each county.
- b. The local administrative judge shall have the duties as authorized by Section 74.092, Government Code.

9.2 Meetings

- a. The Board of Local Judges shall meet regularly to address matters set forth in Rule 3e and Rule 9b, Supreme Court Rules of Judicial Administration and Section 74.093, Government Code.
- b. Meetings shall be held at least quarterly or at shorter intervals as the need arises.

RULE 10. CONFLICTING ENGAGEMENTS OF ATTORNEYS

10.1 State Courts - Rule 10, Second Administrative Judicial Region Rules of Administration shall apply.

10.2 Federal Courts - Rule 10a (1) and (2) and Rule 10b (1), Second Administrative Judicial Region Rules of Administration shall apply.


RULE 11. ATTORNEY VACATIONS


11.1 Policy - Rule 11, Second Administrative Judicial Region Rules of Administration shall apply.

ORDER

It is ORDERED that the District Clerks of Sabine and San Augustine Counties shall cause these local rules to be entered upon the official minutes of the District Courts of each county and that the same be published in a manner reasonably calculated to bring them to the attention of attorneys practicing before the courts and it is further ORDERED that such rules be made available upon request to members of the bar.

ADOPTED this 19 day of February, 1988.

  
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O'NEAL BACON  
Presiding Judge  
First District Court

  
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J. L. SMITH  
Presiding Judge  
273rd District Court