

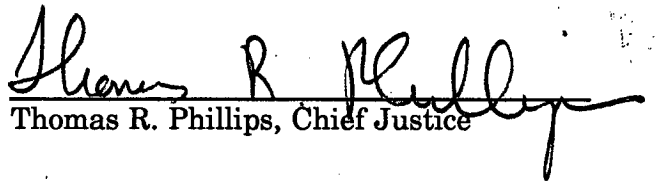
ORDER OF THE SUPREME COURT OF TEXAS

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

Rules of Practice, Procedure and Administration in the Statutory County Courts at Law of Bexar County, dated July 19, 1990.

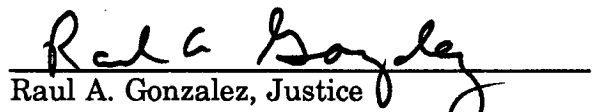
The approval of these rules is temporary, pending further orders of the Court.

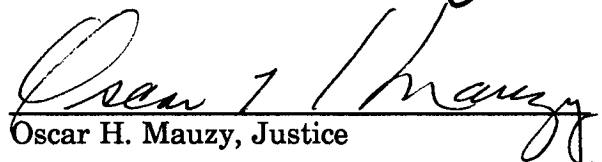
En banc, in chambers, this the 4th day of September, 1990.

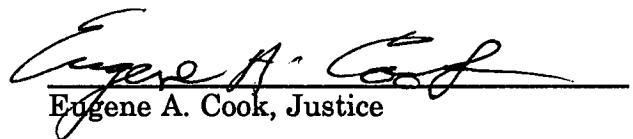

Thomas R. Phillips, Chief Justice

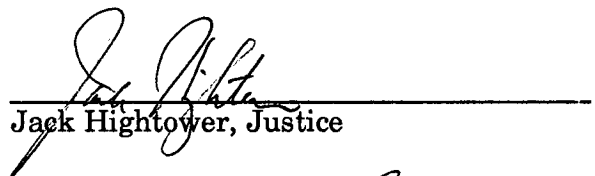

Franklin S. Spears, Justice

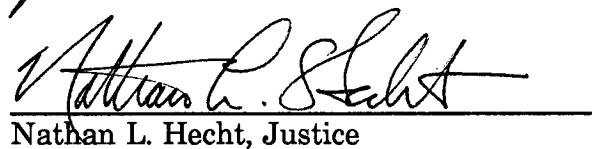

C. L. Ray, Justice

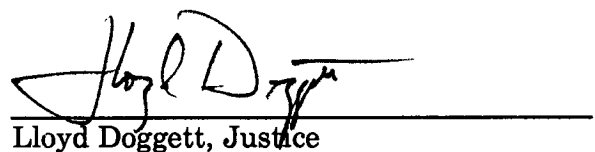

Raul A. Gonzalez, Justice


Oscar H. Mauzy, Justice


Eugene A. Cook, Justice


Jack Hightower, Justice


Nathan L. Hecht, Justice


Lloyd Doggett, Justice

CERTIFICATE OF APPROVAL

As Presiding Judge of the Fourth Administrative Judicial Region, I hereby approve the enclosed Proposed Rules and forward them to the Texas Supreme Court for its consideration.



JOHN CORNYN, PRESIDING JUDGE

8-3-90

(Date)



RAYMOND A. WIETZEL
JUDGE, COUNTY COURT AT LAW NO. 3
BEXAR COUNTY
SAN ANTONIO, TEXAS 78205

July 26, 1990

Judge John Cornyn
Presiding Judge
Fourth Judicial Region of Texas
San Antonio, Texas 78205

Dear Judge Cornyn:

Enclosed you will find for your examination and approval, the local "Rules of Practice, Procedure, and Administration for the Statutory County Courts at Law of Bexar County, Texas".

They are submitted on a single sheet format to facilitate any corrections, additions or deletions that may have to be made. Upon your and the Supreme Court's approval, they will of course be printed, covered and bound.

I call your and the Supreme Court's attention to page 5-C. Photographs and Television. In the light of the latest apparent easing of restrictions in this area, perhaps you or the Supreme Court may wish to address this subject and re-write this rule for our and other Courts guidance.

If you have any questions or need anything further, please call at once.

Sincerely,

A handwritten signature in cursive script that reads "Ray Wietzel".

Raymond A. Wietzel
Judge, County Court
at Law NO. 3
Administrative Judge

**RULES OF PRACTICE, PROCEDURE AND
ADMINISTRATION IN THE
STATUTORY COUNTY COURTS-AT-LAW
BEXAR COUNTY, TEXAS**

ADMINISTRATIVE JUDGE
STATUTORY COUNTY COURTS-AT-LAW
OF
BEXAR COUNTY, TEXAS

PREFACE

The Statutory County Court at Law Judges of Bexar County adopted these Local Rules of Practice, Procedure and Administration on the 19th day of July, 1990, under the authority of Section 74.093, Texas Government Code, Rule 3a, Texas Rules of Civil Procedure, and Rule 10, Rules of Judicial Administration. These Rules are subject to the approval of the Texas Supreme Court.

RAYMOND A. WIETZEL
Administrative Judge

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PART I. GENERAL RULES.

GENERAL RULES

The practice, procedure and administration of the Statutory County Courts at Law of Bexar County will be governed by the Texas Rules of Civil Procedure. The Texas Code of Criminal Procedure, The Rules of Appellate Procedure, The Court Administration Act (Government Code Chapter 74), Rules of Judicial Administration, other pertinent Statutes and these Local Rules.

The purpose of these Rules is to promote uniformity, efficiency and quality in the local judiciary consistent with the diverse needs and requirements of each of the Courts.

Whenever the words "Court" or "Courts" are used in these rules, it means a Statutory County Court at Law or the collective body of Statutory County Courts at Law of Bexar County, Texas.

I. RULES OF CONDUCT

A. OPENING:

The Courts shall be formally opened each day upon which business is transacted as follows:

1.1 Immediately before the scheduled time for opening Court, the bailiff shall direct all Court officers, the jury, if there is one, litigants, witnesses and spectators to their seats. As the Judge enters the courtroom the bailiff shall state, "Everyone rise, please," and while everyone is still standing, he shall announce: "The Honorable (appropriate Court designation) of Bexar County, Texas, is now in session. Be seated, please."

1.2 In recessing, the bailiff shall announce: "The Court is now in recess. Everyone rise, please."

1.3 In reconvening after recess, the bailiff shall give warning as the Judge enters, cause all persons to stand until the Judge is seated.

B. All Judges will usually wear robes during trial proceedings.

C. The following rules of Conduct shall govern both laymen and attorneys appearing in the Courts while the Courts are in session:

- 1.4 No tobacco in any form shall be used, except as permitted by the Court.
- 1.5 No person interrogating or being interrogated shall chew gum.
- 1.6 No reading of newspapers or magazines, except as part of the evidence in a case.
- 1.7 No noise or talking which interferes with Court proceedings.
- 1.8 No bottles, paper cups, beverage containers, or edibles shall be brought into the courtroom except for use as demonstrative evidence, as allowed by the Court.

D. The following rules of conduct shall govern attorneys appearing in the Courts.

- 1.9 When addressing the Court, they shall at all times promptly rise and remain standing at their positions at the counsel table, and shall not approach the bench except with permission or on request of the Court, and shall remain seated at the counsel table while interrogating the witness, except as may be necessary in the handling or display of exhibits or demonstrative evidence. Counsel may approach the witness after first requesting, "May I approach the witness," and receiving the Court's permission to do so.
- 1.10 Leaning on the bench will not be permitted. Addressing the Court in a confidential manner will not be permitted unless invited by the Court.
- 1.11 All lawyers and Court officials shall wear business attire while in attendance on the Court, providing judicial discretion may be exercised in extreme situations.
- 1.12 Lawyers shall advise their clients and witnesses of the formalities of the Court and obtain cooperation therewith, thereby avoiding

embarrassment to the Court as well as to the laymen.

1.13 Judges and opposing counsel should be respectfully addressed at all times. All objections and legal arguments by counsel shall be directed to the Judge and not to opposing counsel.

1.14 The Judges, the lawyers, and all other officers of the Court shall be prompt in attendance at all sessions. The Court's business should be dispatched as expeditiously as possible.

II. GENERAL RULES OF ADMINISTRATION

A. COURT DIVISIONS:

There shall be two (2) Divisions of the Courts.

2.1 The Civil Division - presently consisting of County Courts No. 2 and No. 3, in addition to any Judge of the Criminal Division who volunteers to serve as Presiding Civil Judge.

2.2 The Criminal Division - presently consisting of County Court at Law No. 1 Probate Court and County Courts at Law Nos. 4, 5, 6, 7, 8 and 9.

B. TIMES AND PLACES FOR HOLDING COURT:

	<u>CRIMINAL DOCKET CALL</u>	<u>CIVIL DOCKET CALL</u>	<u>PLACE</u>
County Court at Law No. 1 - Probate Court	9:00 A.M.	9:30 A.M.	Bexar County Justice Center
County Court at Law No. 2	9:00 A.M.	9:30 A.M.	Bexar County Courthouse 2nd Floor
County Court at Law No. 3	9:00 A.M.	9:30 A.M.	Bexar County Courthouse 1st Floor
County Court at Law No. 4	9:00 A.M.	9:30 A.M.	Bexar County Justice Center

County Court at Law No. 5	9:00 A.M.	9:30 A.M.	Bexar County Justice Center
County Court at Law No. 6	9:00 A.M.	9:30 A.M.	Bexar County Justice Center
County Court at Law No. 7	9:00 A.M.	9:30 A.M.	Bexar County Justice Center
County Court at Law No. 8	9:00 A.M.	9:30 A.M.	Bexar County Justice Center
County Court at Law No. 9	9:00 A.M.	9:30 A.M.	Bexar County Justice Center

C. TIME STANDARDS FOR DISPOSITION OF CASES:

County Court at Law Judges will, as far as reasonably possible, ensure that all cases are brought to trial or final disposition in conformity with the following time standards:

1. Criminal Cases: Trial Priorities - shall comply with Art. 32A.01 C.C.P., with the oldest cases heard first.
2. Civil Cases:
 - a) Civil Jury Cases - within 18 months from appearance date.
 - b) Civil Non-Jury Cases - within 12 months from appearance date.
3. Complex Cases: It is recognized that in especially complex cases or special circumstances it may not be possible to adhere to these standards.

III. MISCELLANEOUS RULES

A. VACATIONS.

- 3.1 Attorneys who desire to take a vacation when they have civil or criminal hearings and/or trials already scheduled, must reset them by agreement pursuant to these rules or file and set a Motion for Continuance and obtain a ruling thereon from the Judge. Existing settings will not be dropped,

postponed, or rescheduled solely on the basis of a vacation letter from an attorney to the Court or opposing counsel.

- 3.2 Attorneys who desire to take a vacation and prevent the scheduling of hearings and/or trials during their absence must so notify the Judge of each Court in writing at least 15 full days before the vacation begins.

B. NOTICE.

For the purpose of these rules, three-day notice means that three full working days must elapse between the day the responding attorney is served with the setting papers and the day of the scheduled hearing. Three weeks notice means that 21 full calendar days (including working days, weekends, and holidays) must elapse between the day the responding attorney is served with the trial setting and the day of the scheduled trial. Thirty (30) days notice means that thirty (30) full calendar days (including working days, weekends, and holidays) must elapse between the day the responding attorney is served with the setting papers and the day of the scheduled hearing.

C. PHOTOGRAPHS AND TELEVISION.

The taking of photographs or the televising or broadcasting of judicial proceedings in or from the courtroom or as close thereto as to disrupt the order and decorum thereof, either while the Court is in session or at recess, is prohibited, except as provided by the Code of Judicial Conduct.

PART II. CIVIL DIVISION RULES

LOCAL RULES FOR
THE STATUTORY COUNTY COURTS AT LAW
OF BEXAR COUNTY, TEXAS
CIVIL DIVISION

I. PRESIDING JUDGE - CIVIL DIVISION

A. Pursuant to Section 74.093 of the Government Code there is established a Presiding Judge (system) for the Civil Division.

B. The Judges of the Courts of the Civil Division shall each serve as Presiding judge for a term of two (2) calendar months, on a successive rotating Schedule. Those Judges serving as Civil Presiding Judge shall sign a Joint Order publishing a Schedule of the terms of the Judges serving as the Presiding Civil Judge. This Schedule shall be posted in a conspicuous public place in each Court, and in the Civil and Criminal Sections of the Bexar County Clerk's Office.

C. DUTIES:

1.1 Recommend to the Administrative Judge the necessity of calling a meeting of the Judges of the Civil Division to discuss matters concerning the Civil Division.

1.2 Assist the Administrative Judge in those matters concerning the Civil Division, that may be delegated to him/her by the Administrative Judge.

II. GENERAL RULES

A. The Presiding Judge shall maintain:

2.1 A trial calendar; and

2.2 A motion calendar.

B. All Fiats or Orders setting hearings on motions, injunctions, receiverships, to show cause, etc., shall be set by the Presiding Judge. No setting shall be accepted by phone. The Fiats or Orders addressed by this rule may be signed by the Judge assigned to hear such matter or by the Presiding Judge.

C. Attorneys or Guardians Ad Litem shall be appointed no less than one working day prior to the hearing on the suit. This requirement may be waived by the Presiding Judge or the Judge assigned to conduct the hearing.

D. Non-suits, dismissals, settlements or agreed judgments shall be called to the attention of the Civil Assignment Clerk. This notice may be oral or written, formal or informal. Such Notice shall be given the same day such action is taken.

E. All motions seeking withdrawal as Attorney of Record shall:

2.3 Require a Court hearing unless:

- a) The withdrawal is agreed to by opposing counsel as indicated by approval and signature on the order granting relief; or
- b) Substitution of counsel is requested in the motion and provided in the order.

2.4 Said motions and any related pleading(s) shall contain certification that a copy of same has been mailed or delivered, pursuant to applicable notice requirements, to the party(ies) represented by the attorney seeking withdrawal from the case and opposing counsel.

F. All instruments presented for a Judge's signature shall contain the following notation:

"Signed this _____ day of _____, 19__.

JUDGE PRESIDING"

The original and all copies shall reflect the date presented for actual signing, and all copies shall be conformed by the Court Clerk.

G. The Texas Rules of Civil Procedure shall govern all proceedings herein described. The rights of party litigants are of paramount concern. Rules relating to setting, trial, and continuance of cases on either the trial calendar or motion calendar shall be followed and enforced, particularly:

Rule 11, Agreements to be in writing;
Rule 37, Additional parties,
Rule 63, Amendments;
Rules 166-175, Pre-Trial Procedures
Rules 215-254, Continuances.

H. All attorneys having conflicts with other Court settings and who will be late for docket call shall notify the Civil Assignment Clerk and opposing counsel of such conflict as soon as it becomes apparent, and shall state:

1. The nature of the conflict;
2. Where counsel may be reached;
3. What announcement counsel wishes to make; and
4. Time that Presiding Judge should expect counsel to personally appear.

I. Lawyers practicing at the Bar in Bexar County shall be ever mindful that it is their individual duty to give their first attention to the setting and trial of cases previously set in these Courts. Causes of action or other matters in other jurisdictions shall not be an excuse, or reasonable ground, justifying a resetting or continuance of a case on a trial or motion calendar of the Courts in Bexar County, except as herein provided:

1. If an attorney has a special setting outside of Bexar County, and notifies the Presiding Judge in writing of this setting at least ten (10) days prior to any pending setting on the trial calendar. Such written notice must state the date and place of the out-of-county setting. The Presiding Judge has the discretion to grant said attorney permission to participate in said out-of-county case. The Presiding Judge may continue said attorney's case to the next available setting date.

III. ADMINISTRATIVE RESPONSIBILITIES

The Judge of a Court shall:

- 3.1 Diligently discharge the administrative responsibilities of the office.

- 3.2 Rule on a case within three months from the date the case is taken under advisement.
- 3.3 Request the Administrative Judge to assign another Judge from this administrative region to hear a motion relating to the recusal of the Judge from a case pending in the Court.
- 3.4 Utilize methods to expedite the disposition of cases on the docket which are consistent with the safeguarding of the rights of litigants. This includes adherence to firm trial dates and strict continuance policies.
- 3.5 All courtrooms are open to the public, provided space is available. *In camera* proceedings are an exception to this rule. The Judge may limit access to the courtroom if the Judge deems the public interest would be served by such action.

PART III. CRIMINAL DIVISION RULES

LOCAL RULES FOR
THE STATUTORY COUNTY COURTS AT LAW
OF BEXAR COUNTY, TEXAS
CRIMINAL DIVISION

I. PRESIDING JUDGE - CRIMINAL DIVISION

A. Pursuant to Section 74.093 of the Government Code, there is established a Presiding Judge (system) for the Criminal Division.

B. The Judges of the Courts of the Criminal Division shall each serve as Presiding Judge for a term of one (1) calendar month on a successive rotating schedule beginning with County Court at Law No. 1 Probate Court through County Court at Law No. 9. This Schedule shall be posted in a conspicuous public place in each Court, and in the Civil and Criminal Sections of the Bexar County Clerk's Office.

C. DUTIES:

1.1 Recommend to the Administrative Judge the necessity of calling a meeting of the Criminal Division Judges to discuss matters concerning the Division.

1.2 Assist the Administrative Judge in overseeing the jail population.

1.3 Assist the Administrative Judge in those matters concerning the Criminal Division that may be delegated to him/her by the Administrative Judge.

II. FILING OF COMPLAINTS AND INFORMATIONS*

*Hereinafter Complaints and Informations shall be referred to as Cs/Is plural - C/I singular.

2.1 Direct Filing - all Cs/Is shall be filed by the County Clerk's central filing office in a Criminal Court on a rotating basis except as hereinafter provided in 2.3-2.6.

2.2 When a C/I is filed against two or more co-defendants, the Court in which the first C/I is filed shall receive, by filing or transfer, all Cs/Is against such co-defendants.

- 2.3 When several Cs/Is are filed against the same individual, the Court in which the first C/I is filed shall receive, by filing or transfer, all such Cs/Is filed against the said individual.
- 2.4 When a C/I is filed against an individual who is on misdemeanor probation, the Court which granted probation shall receive, by filing or transfer, such C/I.
- 2.5 When a C/I is filed against an individual who has a C/I pending in one Court, that Court shall receive by filing or transfer, the subsequent C/I.
- 2.6 The transfers directed in these paragraphs shall be ordered and signed by the Administrative Judge or the Presiding Judge of the Criminal Division.

III. ARRAIGNMENT

Defendants may be arraigned during a pre-trial hearing, at docket call, or immediately prior to trial (guilty plea, bench or jury).

IV. COUNSEL

A. APPOINTMENT OF COUNSEL.

- 4.1 Each Judge has the sole authority to appoint an attorney for indigent defendant.
- 4.2 Attorneys shall be paid according to the Fee Schedule adopted by the County Courts at Law Judges.
- 4.3 The Judge of each court is responsible for establishing procedures to determine the financial status of any individual who requests court-appointed counsel.
- 4.4 When an individual accused of a crime demonstrates eligibility for court-appointed counsel, the Judge shall assign the case to an attorney from the list provided by the Court Administrator's office.

B. WITHDRAWAL OR SUBSTITUTION OF COUNSEL.

A lawyer who has entered an appearance and becomes counsel of record by being retained, by signing a bail bond, or by appointment, may not withdraw as counsel of record except by permission of the Court.

V. ISSUANCE OF CAPIAS (WARRANTS OF ARREST) OR SUMMONS - BAIL & FORFEITURE

A. GENERALLY.

- 5.1 No capias or summons shall issue except as authorized and directed by the Court.
- 5.2 When a person is arrested and in custody for a class A or B misdemeanor offense and a case is filed in a County Court at Law, the Clerk of the Court is authorized and directed to issue a capias instanter.
- 5.3 Where a case is filed and the defendant is at large (a fugitive) and in felony reduction cases, the Court, upon request of the attorney representing the State, may issue a summons.
- 5.4 The form of the summons and procedure shall follow Article 23.03, T.C.C.P.

B. BAIL BONDS AND FORFEITURES - CAPIAS AFTER FORFEITURE.

- 5.5 The amount of bail to be required shall be set after considering the rules contained in Article 17.15, Code of Criminal Procedure and the Local Bond Schedules.
- 5.6 Once the amount of the bail has been set, the amount shall not be raised or lowered except upon the order of the Judge.
- 5.7 Matters concerning bond forfeitures shall be governed by Chapter 22, Code of Criminal Procedure.
- 5.8 Each Judge has the sole authority to declare a bond forfeiture and issue a capias after forfeiture in their respective Courts.

- 5.9 When a Defendant fails to appear in Court, the Judge shall declare a bond forfeiture by indicating the same on the Court's file (or the Court's Clerk or Coordinator may indicate the same so long as the Judge approves said entry by writing his initials).
- 5.10 The failure of the defendant to appear for Court plus the notation "Bond Forfeiture" or (B/F) declared" shall be entered into the computer on that day.
- 5.11 The Clerk of the Court, unless otherwise instructed by the Judge, may wait ten (10) days before issuing a capias after bond forfeiture.
- 5.12 In the event the Judge of the Court is absent, the Presiding Criminal Judge, Administrative Judge, or any other Judge of the County Courts at Law, in this sequence, shall have the authority to raise or lower the amount of bail set, declare or set aside a bond forfeiture and issue or recall any capias after forfeiture or any other capias issued by the absent Judge upon a showing of good cause.
- 5.13 Computer entries by the Clerk concerning setting of bail, raising or lowering the amount of bail set, bond forfeitures, setting aside bond forfeitures and the issuance and recalling of a capias after forfeiture or any other capias by the Court are considered an extension of the Judge's Judicial authority, and no computer entry shall be made which supersedes, preempts, or countermands a Judge's order.

VI. PRE-TRIAL MOTIONS, HEARINGS, OTHER MATTERS

- 6.1 An application to the Court for an order, whether in the form of a motion, plea or other form of request, unless presented during a hearing or trial, shall be made in writing, shall state the grounds therefor, shall set forth the relief or order sought, and shall be filed and noted on the docket.
- 6.2 An application to the Court for an order and notice of any hearing thereon not presented during a hearing or trial, shall be served upon the

adverse party not less than three (3) days before the time specified for the hearing, unless otherwise provided by these rules or shortened by the Court.

- 6.3 Formal pre-trial hearings will be conducted in accordance with Article 28.01, Code of Criminal Procedure.
- 6.4 Other motions, pleadings and exceptions will be filed as provided in Chapter 28, Code of Criminal Procedure.

VII. GUILTY PLEAS, NOLO CONTENDERE AND PLEA BARGAINS

Pleas of guilty and nolo contendere WILL be made in conformance with Article 26.13, Code of Criminal Procedure.

VIII. DOCKET CALLS AND ANNOUNCEMENTS

- 8.1 Attorneys and/or their clients shall appear in Court at the appointed time and make an "announcement." Neither the attorney or his client shall depart from the Court unless excused by the Court or if authorized by the Coordinator.
- 8.2 Attorneys who announce "conferring" and are excused to confer with the State's Attorney shall report the results of such conference back to the Court before departing or the noon recess, whichever comes first.
- 8.3 Attorneys who have conflicting settings or attorneys or unrepresented defendants who have good and sufficient reason for not appearing shall notify the respective Court Coordinator prior to 8:50 A.M. on that date. Those attorneys or unrepresented defendants who make such contact shall have until 5:00 P.M. the next working day to appear for a resetting. The Coordinator or other staff person who receives such contact shall notify the attorney or unrepresented defendant of the "5:00 P.M. next working day deadline" and after making appropriate notations on the case file, shall hold the file until 5:00 P.M. on the next working day. Should the attorney or unrepresented defendant not appear in accordance with this rule, the Court Coordinator, on the

following working day, shall call this to the attention of the Court, who may order any action it deems appropriate.

IX. SETTINGS, RESETS, MOTIONS FOR CONTINUANCE

- 9.1 Each Judge has the sole authority to set cases in the Court.
- 9.2 Motions for continuance will be governed by Chapter 29, Code of Criminal Procedure.
- 9.3 Request for resets and postponements will be acted upon only by the Court, or as otherwise provided in 9.4 below.
- 9.4 The Court Coordinator in each Court is responsible for managing the Court's docket within the policies set by the Judge in that Court.
 - a) The Court Coordinator may reset a case in the following circumstances:
 - (1) The Court receives a letter, in compliance with Local Rules, notifying the Court that the attorney will be unavailable.
 - (2) The Court receives notice that the attorney is unavailable due to a conflict in another Court.
 - (3) The Court is notified that the attorney is ill.
- 9.5 The Court's file shall indicate a reset by the Judge's written order on the file or an authorized entry by the Court staff initialed by the Judge.
- 9.6 To obtain a reset, the defendant representing himself or the attorney for a defendant shall appear in person to complete a reset form. No case may be reset unless authorized by the Court.
- 9.7 Computer entries by the Clerk concerning the Court's actions on Motions for Continuance, resettings or postponements are considered an extension of the Judge's judicial authority and no

computer entry shall be made which supersedes, preempts or countermands the Judge's actions.

9.8 In the event the Judge of the Court is unavailable, the Presiding Criminal Judge, Administrative Judge or any other Judge of a County Court at Law, in this sequence, shall have the authority to act on Motions for Continuance, settings, and resetting cases of the absent Judge upon good cause shown.

X. TRIAL MATTERS

10.1 The defendant shall be present at all phases of the trial on the merits and is entitled to representation by counsel as provided in Article 33.03, Code of Criminal Procedure.

10.2 Texas Rules of Criminal Evidence will govern matters pertaining to witnesses and evidence.

10.3 Jury selection and voir dire will be in accord with Chapter 33 and 35, Code of Criminal Procedure.

10.4 Applications for probation and deferred adjudication will be submitted in accordance with Article 42.12, Code of Criminal Procedure.

10.5 Pre-sentence reports, when requested by the Court, will be processed as provided in Article 42.12, Code of Criminal Procedure.

10.6 Judgments will be prepared as required by Article 42.01 C.C.P.

10.7 Motions to revoke probation and to proceed to adjudication will be conducted in accordance with the requirements of Article 42.12, Code of Criminal Procedure.

10.8 Applications and proceedings pertaining to Writs of Habeas Corpus will be conducted in accordance with Chapter 11, Code of Criminal Procedure.

10.9 Only the Judge of the Court has the authority to amend, vacate or set aside any judgment, order, or computer entry of the Court. Upon a Judge's absence, the Presiding Criminal Judge,

Administrative Judge or any other County Court at Law Judge, in this sequence, shall act for the absent Judge upon good cause shown.

XI. JUDGMENTS NISI

A. SETTING ASIDE JUDGMENTS NISI.

- 11.1 A judgment nisi shall not be set aside except by order of the Judge.
- 11.2 All motions to set aside judgments nisi must be presented to the court in written form setting out the cause relied upon by the Movant.
- 11.3 A copy of the motion to set aside judgment nisi must be served upon the attorney for the State according to the Texas Rules of Civil Procedure.
- 11.4 If a hearing is required, it shall be called to the attention of the Court so that the cause may be set upon the Court's docket.

B. DOCKET.

- 11.5 The judgment nisi docket shall be conducted and called on a rotating basis among all the County Courts at Law, beginning with County Court at Law No. 1 - Probate through County Court at Law No. 9. Each Court may set the day and time for the call of the docket.

XII. APPEALS FROM JUSTICE OF THE PEACE AND MUNICIPAL COURTS

- 12.1 Notwithstanding the County Court at Law to which a case is appealed in the Appeal bond, all appealed cases shall initially be docketed on an arraignment docket.
- 12.2 At the Arraignment Docket, the various prosecutors and defense attorneys shall confer and attempt to settle as many of their respective cases as possible without trial.
- 12.3 All contested pre-trial motions to quash the complaint and other contested pre-trial motions shall be presented to the arraigning Presiding Judge for a ruling.

- 12.4 Should a trial be requested, the case shall be transferred by the Arraignment Court to the Court appearing in the Appeal Bond.
- 12.5 County Courts at Law No. 2 and No. 3 are presently designated as the Arraignment Courts. The call of the Arraignment Docket shall be alternated between these two Courts. The term or length of the alternated period for each Court shall be determined by the Judges of these Courts.

XIII. MISCELLANEOUS MATTERS

A. JAIL PRISONERS.

- 13.1 The Court shall dispose of jail cases and prisoners, as far as practical, on a weekly basis.
- 13.2 Upon the absence of a Judge, the Administrative Judge shall designate any County Court at Law Judge to dispose of the absent Judge's jail cases and prisoners.

B. PRIORITY OF BEXAR COUNTY CASES.

- 13.3 Criminal cases pending and their settings in the County Courts at Law of Bexar County shall take priority over out-of-county, Civil and Criminal County Court at Law settings and all Justice of the Peace and Municipal Court settings.

PART IV. ADMINISTRATION RULES

SELECTION OF JURIES

I. PLAN FOR MANAGEMENT OF JURIES ADOPTED BY REFERENCE

Petit juries will be managed in accordance with the plan submitted by the District Judges to the Commissioners Court and adopted by them. That plan is hereby adopted and incorporated into these rules. Juries will be specifically managed as provided in Government Codes §§ 62.011, 62.016, 62.062, 62.018 and 62.019, together with other judicial directions and orders.

II. ABSENCE OF JUDGES

- 2.1 The Judges of Statutory County Courts at Law may take personal vacation at any time during the year. Such vacations should be coordinated with the Administrative Judge so that there are sufficient number of County Court Judges in the County at all times to handle its Judicial business.
- 2.2 Normally vacations will be limited to a calendar month or 21 working days per annum.
- 2.3 The Judges may take such sick leave as is essential for their health and well being.
- 2.4 Attendance at Judicial Conferences is considered an official duty and as court time. However, it is requested that such attendance be coordinated with the Administrative Judge. Attendance at additional educational programs and seminars should likewise be coordinated with the Administrative Judge.
- 2.5 Military leave would not be included in normal vacation time.
- 2.6 Extended absences for other reasons should likewise be coordinated with the Administrative Judge, so that there are sufficient Judges in the County at all times to handle its judicial business.

III. NON-JUDICIAL PERSONNEL

A. DEFINITIONS.

- 3.1 In these rules, the term "Non-Judicial Personnel" means those persons who work directly or indirectly for the Judiciary and who are hired, directly or indirectly, by the Judiciary, including, but not limited to: Official Court Reporters, additional Official Court Reporters, Court Administrators, Court Coordinators, staff of Court Administrators, and others so employed and hired.
- 3.2 County Court staff employees subject to the Bexar County "Personnel Rules" who work under the Judge's direct supervision including clerks, assistant clerks, and others so assigned to the Court.

B. QUALIFICATIONS.

- 3.3 The qualifications for those positions set out in III A-3.1 shall be those set forth in the pertinent statutes, in approved job descriptions or in official joint Court orders.
- 3.4 The Qualifications for those positions set out in III A-3.2 shall be those set forth in the Bexar County Clerks "Job Descriptions" and the Bexar County "Personnel Rules."

C. CONDUCT OF NON-JUDICIAL PERSONNEL.

- 3.5 Non-Judicial Personnel should observe the standards of decorum and conduct set forth in the Code of Judicial Conduct.

IV. COURT ADMINISTRATION SYSTEM FOR THE COUNTY COURTS AT LAW

The County Courts at Law will have a Court Administration System consisting of a Court Administrator in accordance with 75.401 of the Government Code, appropriate staff and a coordinator in each County Court at Law.

V. PROCEDURE FOR ADOPTION AND AMENDMENT

A. ADOPTION OF RULES.

Adoption of these rules shall be by a majority of the Statutory County Court at Law Judges of Bexar County at a special meeting expressly called for that purpose by the Administrative Judge.

- 5.1 The proposed rules shall be posted by providing written copies thereof to each Judge at least ten (10) days before the meeting.
- 5.2 Notice of the meeting shall be in writing and delivered five (5) days prior to the meeting.
- 5.3 The Judges may vote on the adoption of the rules by proxy. However, the proxy shall be in writing given to a named Judge or the Administrative Judge.
- 5.4 If a majority of the Judges of the Courts fail to adopt the proposed rules, then there may be a second Called Meeting to consider the same or modified proposed rules in accordance with the procedures set forth above.

B. ADOPTION BY THE LOCAL ADMINISTRATIVE JUDGE.

If the rules are not adopted by a majority of the Judges at the second call or if there be no second call, then the Administrative Judge may and should promulgate rules in accordance with the authority contained in Government Codes 74.0911 and 74.093.

C. AMENDMENT.

- 5.5 Parts I and IV of these Rules may be amended in the same manner as is provided for adoption of these Rules under V. A (supra).
- 5.6 Parts II and III of these Rules may be amended at a meeting called by the Administrative Judge for that purpose by a majority of the judges within a division. Judges from other divisions may attend such a meeting, they may be heard, but may not vote on any amendment. The notice and procedural requirements set forth under Rule V. A shall apply

to any such proposal to amend Parts II and III of these Rules.

D. NOTICE AND PUBLICATION OF RULES.

Upon adoption of the Rules by either a majority of the Judges or being promulgated by the Administrative Judge, the Rules shall be printed and made available to all Judges and non-judicial personnel and shall be binding thereon. Thereafter, the Rules shall be printed and submitted, as required, to the Supreme Court of Texas for subsequent approval and publication.

VI. LOCAL ADMINISTRATIVE JUDGE

A. POWERS, BOARDS - COMMITTEES, ABSENCE.

- 6.1 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.
- 6.2 The Administrative Judge shall be chairman, ex-officio, of all judicial boards created by statute unless otherwise indicated. The Administrative Judge shall be ex-officio member of all standing, ad hoc and special committees.
- 6.3 When absent the duties and powers of the Administrative Judge shall devolve upon and be exercised by the Presiding Civil or Criminal Judge in their respective areas of responsibility.
- 6.4 In the event of the absence of the Administrative Judge, who also may be serving concurrently as a Presiding Judge of a division, the Administrative Judge shall, in writing, if practicable, appoint another Judge of the concurrent division to act in his/her place and stead.

VII. ELECTION OF THE ADMINISTRATIVE JUDGE

- 7.1 Election Day shall be held on the first Friday of December in the year prior to the expiration of the term of the incumbent Administrative Judge

(hereafter referred to as "The Administrative Judge").

- 7.2 On Election Day, the Administrative Judge shall call and preside over a meeting of the Judges of the Courts for the only purpose of electing a new Administrative Judge. After the election, upon an affirmative vote of a majority of the Judges, the meeting may be opened to other matters.
- 7.3 At the meeting any Judge eligible for election and desiring to run may nominate him/herself. Such nomination needs no second. Thereafter, each nominee shall have a period of time, limited by a majority vote of the Judges, to explain his/her candidacy.
- 7.4 The Election shall be conducted by secret ballot. The Administrative Judge shall prepare slips of paper to serve as a ballot. The Judges shall write the name of the nominee Judge of their preference on the ballot and deliver it to the Administrative Judge.
- 7.5 The Administrative Judge shall openly publish and tabulate the results of the balloting. The nominee who receives a majority of the votes will be elected. The term "Majority" in this Rule means a simple majority of the Judges eligible to vote. If a runoff is necessary, the runoff election will be conducted immediately following the Primary vote, unless a recess is requested by one of the runoff candidates. If a recess is requested, it shall be granted subject to time limitations by a majority vote of the Judges.
- 7.6 If a runoff election is necessary, the election shall be conducted according to the procedure set out in 7.4 (supra), except that the names of the two highest nominees only will be considered. The election shall continue until one nominee receives a majority of the votes. In the event of a continuing tie vote, the runoff election shall be continued to the following Friday, during which time the Presiding Judge of the Administrative Judicial District will be asked to break the tie.

- 7.7 Upon certification by the Administrative Judge, the Administrative Judge Elect will take office on the first day of January following the election.

VIII. COMMITTEES

A. The Administrative Judge shall appoint the following committees:

- 8.1 The Criminal County Court Coordinator Oversight Committee.
- 8.2 A standing committee to consider the fee schedule and forms necessary to maintain same in the appointment, payment, and handling of attorneys appointed to represent indigent defendants under the provisions of Code of Criminal Procedure.
- 8.3 The Administrative Judge may appoint special or ad hoc committees as necessary and appropriate.

These rules shall take effect thirty (30) days after their adoption subject to the approval of the Supreme Court of Texas. They supersede all rules previously promulgated. All Joint Orders previously issued remain in effect unless in conflict with these Rules in which event these Rules shall govern.

APPENDIX A
ROSTER OF COUNTY COURT AT LAW JUDGES,
ADDRESSES AND TELEPHONE NUMBERS

ROSTER OF JUDGES
STATUTORY COUNTY COURTS AT LAW
OF BEXAR COUNTY

ANTHONY J. FERRO Judge, County Court at Law No. 1 - Probate Court Bexar County Justice Center San Antonio, Texas 78205	220-2571
H. PAUL CANALES Judge, County Court at Law No. 2 Bexar County Justice Center San Antonio, Texas 78205	220-2573
RAYMOND A. WIETZEL Judge, County Court at Law No. 3 Bexar County Justice Center San Antonio, Texas 78205	220-2575
SARAH H. GARRAHAN Judge, County Court at Law No. 4 Bexar County Justice Center San Antonio, Texas 78205	220-2426
TIMOTHY F. JOHNSON Judge, County Court at Law No. 5 Bexar County Justice Center San Antonio, Texas 78205	220-2567
ROBERT LOZANO Judge, County Court at Law No. 6 Bexar County Justice Center San Antonio, Texas 78205	220-2156
TONY JIMENEZ Judge, County Court at Law No. 7 Bexar County Justice Center San Antonio, Texas 78205	220-2002
MIGUEL RODRIGUEZ Judge, County Court at Law No. 8 Bexar County Justice Center San Antonio, Texas 78205	220-2005
BONNIE REED Judge, County Court at Law No. 9 Bexar County Justice Center San Antonio, Texas 78205	220-2008