

IN THE SUPREME COURT OF TEXAS

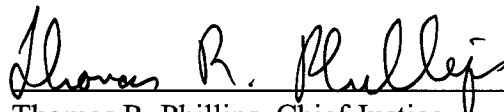
Misc. Docket No. 98-9066

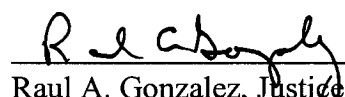
**APPROVAL OF AMENDMENTS TO
LOCAL RULES FOR THE
COUNTY COURTS AT LAW OF TRAVIS COUNTY**

ORDERED that:

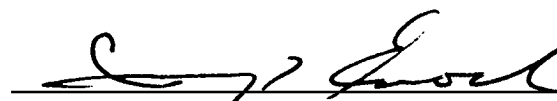
Pursuant to Texas Rule of Civil Procedure 3a, the Supreme Court of Texas approves the following amendments to the Local Rules for the County Courts at Law of Travis County, Texas. The approval of these rules is temporary pending further orders of the Court.


SIGNED AND ENTERED this 27th day of April, 1998.


Thomas R. Phillips, Chief Justice



Raul A. Gonzalez, Justice

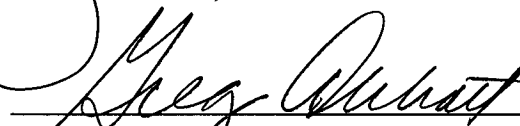

Nathan L. Hecht, Justice

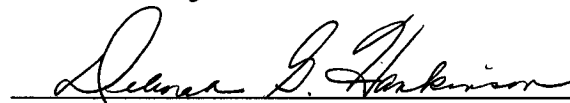

Craig T. Enoch, Justice


Rose Spector, Justice


Priscilla R. Owen, Justice


James A. Baker, Justice


Greg Abbott, Justice


Deborah G. Hankinson, Justice

Notice

**This is a list of six amendments
adopted by vote of the Judges of
the County Courts at Law of Travis
County, Texas at a meeting on
August 27, 1997**

**These Amendments will be effective on
January 1, 1999**

First

Rule 1.6 of the Local Rules of Procedure and Rules of Decorum for the County Courts at Law, Travis County now reads:

"1.6 Jury Selection.

The County Courts at Law utilize the electronic method of selecting names of persons assigned for jury service. Jury Impanelling will be conducted each Tuesday at 8:00 a.m. to assign jury panels to the courts for the balance of that week and Monday of the following week."

It is hereby amended to read:

"1.6 Jury Selection.

The County Courts at Law utilize the electronic method of selecting names of persons assigned for jury service. Jury Impanelling is conducted on Mondays of Jury Weeks in cooperation with the District, Municipal and Justice Courts."

The purpose of the amendment is to update the rules to conform with current practice.

Second

Rule 2.1 of the Local Rules of Procedure and Rules of Decorum for the County Courts at Law, Travis County now reads:

"2.1 Filing Cases.

All civil cases shall be filed in rotation in County Courts at Law 1 and 2. Pulling the file and docket sheet (if any) from the Clerk's office for any contact with the court will be the responsibility of the attorneys."

It is hereby amended to read:

"2.1 Filing Cases.

All civil cases shall be filed in rotation in County Courts at Law 1 and 2, except for Applications for Protective Orders pursuant to the Family Code, which shall be filed in Court 4. Pulling the file and docket sheet (if any) from the Clerk's office for any contact with the court will be the responsibility of the attorneys."

The purpose of the amendment is to comply with the directives of Chapter 578, Acts of the Seventy-Fifth Legislature of the State of Texas, specifically H.B. 2183, "An act relating to the creation of the County Court at Law Number 4 of Travis County."

Third

The second paragraph of Rule 2.5 of the Local Rules of Procedure and Rules of Decorum for the County Courts at Law, Travis County now reads:

"Each docket call will begin Monday at 8:30 a.m. and end Wednesday at 4:30 p.m. At any time in-between from 8:30 a.m. to 4:30 p.m., attorneys for either side with offices in Travis County shall appear before the Judicial Aide to give their announcement of readiness and updated time estimate. Attorneys with no office in Travis County may telephone that information to the Aide. A setting before a particular judge or a preferential setting does not excuse the parties from this rule and failure to follow it may result in loss of the setting. Cases set but in which no attorney appeared for docket call will be heard only after all other cases."

It is hereby amended to read:

"Each docket call will begin Monday at 8:30 a.m. and end Wednesday at 4:30 p.m. At any time between 8:30 a.m. to 4:30 p.m., attorneys for either side shall telephone or appear before the Judicial Aide to give their announcement of readiness and updated time estimate. Announcements may also be sent by facsimile during the applicable time period. A setting before a particular judge or a preferential setting does not excuse the parties from this rule and failure to follow it may result in loss of the setting. Cases set but in which no attorney appeared for docket call will be heard only after all other cases."

The purpose of the amendment is to update the rules to conform with current practice.

Fourth

Rule 3.1 of the Local Rules of Procedure and Rules of Decorum for the County Courts at Law, Travis County now reads:

"3.1 Filing Cases.

All criminal cases shall be filed in rotation in County Courts at Law 3, 5, 6 and 7, except as provided below.

Defendants who have had prior cases in Courts 3, 5, 6 or 7 shall have all subsequent cases assigned to the same court.

Multiple prosecutions arising from the same facts or against the same defendant will be filed in the same court. If cases must be transferred to accomplish this, all case will go to the court of the case with the lowest cause number, unless the judges order otherwise.

Jail call cases will be filed in the court assigned jail call on the day of filing."

It is hereby amended to read:

"3.1 Filing Cases.

All criminal cases shall be filed in rotation in County Courts at Law 3, 5, 6 and 7, except as provided herein. All criminal cases in which family violence is alleged shall be filed in County Court at Law 4, except as provided in this section.

A defendant who has a pending case, including a defendant who is currently on probation in Courts 3, 5, 6 or 7 shall have all subsequent cases assigned to the same court, even if those subsequent cases involve an allegation of family violence.

Multiple prosecutions arising from the same facts or against the same defendant

will be filed in the same court. If cases must be transferred to accomplish this, all case will go to the court of the case with the lowest cause number, unless the judges order otherwise.

Jail call cases other than those in which family violence is alleged will be filed in the court assigned jail call on the day of filing."

The purpose of the amendment is to comply with the directives of Chapter 578, Acts of the Seventy-Fifth Legislature of the State of Texas, specifically H.B. 2183, "An act relating to the creation of the County Court at Law Number 4 of Travis County."

Fifth

Rule 3.5 of the Local Rules of Procedure and Rules of Decorum for the County Courts at Law, Travis County now reads:

"3.5 Austin Municipal Court Appeals.

Appeals shall be assigned by the Clerk to Court 2. The judge to whom the case is assigned shall decide the appeal by written opinion. If, in the opinion of the assigned judge, a question of law is raised that should be finally settled for the sake of future appeals, the assigned judge shall seek the concurrence of two other judges in deciding the appeal."

It is hereby amended to read:

"3.5 Austin Municipal Court Appeals.

Appeals shall be assigned by the Clerk to Court 1. The judge to whom the case is assigned shall decide the appeal by written opinion. If, in the opinion of the assigned judge, a question of law is raised that should be finally settled for the sake of future appeals, the assigned judge shall seek the concurrence of two other judges in deciding the appeal."

The purpose of the amendment is to update the rules to conform with current practice.

Sixth

Rule 3.11 of the Local Rules of Procedure and Rules of Decorum for the County Courts at Law, Travis County is hereby adopted:

"3.11 Personal Bonds.

All applications for release on personal bond in cases in which family violence is alleged shall be submitted to the judge of County Court at Law 4."

The purpose of the amendment is to comply with the directives of Chapter 578, Acts of the Seventy-Fifth Legislature of the State of Texas, specifically H.B. 2183, "An act relating to the creation of the County Court at Law Number 4 of Travis County."

Posted October 17, 1997



THIRD ADMINISTRATIVE JUDICIAL REGION

ADMINISTRATIVE ASSISTANT
DIANNE GRIEPENTROG

B.B. SCHRAUB, PRESIDING JUDGE
101 EAST COURT STREET, ROOM 302
SEGUIN, TEXAS 78155-5742

830-379-8556
FAX 830-372-0400

February 11, 1998

The Honorable Thomas R. Phillips
Chief Justice, The Supreme Court of Texas
P.O. Box 12248
Austin, Texas 78711

**RE: PROPOSED AMENDMENTS TO LOCAL RULES
TRAVIS COUNTY COURTS AT LAW**

Dear Chief Justice Phillips:

Enclosed you will find proposed Amendments to Local Rules of the Travis County Courts at Law.

I have approved these amendments as shown on the enclosed order.

I respectfully request this matter be submitted to the Supreme Court for their consideration and approval.

Very truly yours,

A handwritten signature in black ink, appearing to read "B.B. Schraub".

B.B. Schraub

BBS/dg

xc: The Honorable J. David Phillips

CERTIFICATE OF APPROVAL

The attached Amendments to Local Rules for the Travis County Courts at Law are hereby approved and transmitted to the Supreme Court of Texas for final action this 11th day of February, 1998.

A handwritten signature in cursive script, appearing to read "B.B. Schraub", is written above a horizontal line.

B.B. Schraub, Presiding Judge
Third Administrative Judicial Region



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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RAUL A. GONZALEZ
NATHAN L. HECHT
CRAIG T. ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT
DEBORAH G. HANKINSON

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

April 28, 1998

Hon. B. B. Schraub
Third Admin. Judicial Rgn.
101 East Court Street, Rm 302
Seguin, Texas 78155-5742

Dear Judge Schraub,

Please find enclosed, a copy of the order of the Supreme Court that approved local rules for the County Courts at Law of Travis County.

Sincerely,

SIGNED

John T. Adams
Clerk

Encl.

cc: Hon. J. David Phillips
County Court at Law No. 1

District Clerk

County Clerk

Supreme Court Adv Committee

Mr. Jerry Benedict
Office of Court Admin

- State Law Library