

BEXAR COUNTY

PART 2. Local Rules of the Statutory County Courts at Law of Bexar County

A. 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 Texas Rules of Appellate Procedure, The Court Judicial Administration Act (Government Code, Chapter 74), Rules of Judicial Administration, and other pertinent Statutes and 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, please rise," and while everyone is still standing, he shall announce: "The Honorable (appropriate Court designation) of Bexar County, Texas, is now in session. Please be seated."

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

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 shall 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.

1.5 No persons questioning or being questioned 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 or as allowed by the Court.

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

1.9 When addressing the Court attorneys 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.,

Attorneys shall remain seated at the counsel table while questioning the witness, except as may be necessary in the handling or display of exhibits or demonstrative evidence. Counsel may approach the witness after requesting, "[m]ay I approach the witness," and receiving the Courts' 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 as the Court deems necessary.
- 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 layman.
- 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.
- 1.15 All attorneys practicing before the County Courts of Bexar County, Texas shall adhere to the terms of the Texas Lawyers creed.

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 at Law Numbers 3, and 10.
- 2.2 The Criminal Division - presently consisting of County Courts at Law Numbers 1, 2, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, and 15.
- 2.3 The Bexar County Courts at Law have the following specialty courts:
 - i Misdemeanor Bexar County Drug Court
 - ii Misdemeanor Bexar County DWI Court
 - iii Misdemeanor Bexar County Veterans Treatment Court
 - iv Misdemeanor Bexar County Mental Health Court
 - v Reflejo Court
- 2.4 In order to expedite the dockets, any Bexar County Court at Law can hear civil or criminal cases. Cases involving family violence may be transferred to other Courts to balance those Courts' case loads.

B. TIMES AND PLACES FOR HOLDING COURT:

1. Court shall be held at such times as may be determined by the Judge of each court.
2. Court shall be held at the Bexar County Courthouse or the Cadena Reeves (Bexar County) Justice Center in Bexar County, Texas at the courtrooms provided by the county, or such other places as a Judge may designate in his or her discretion.

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 for final disposition in conformity with the following time standards:

1. Criminal Cases: Pursuant to Article, 32A.01, Texas Code of Criminal Procedure, Insofar as is practicable, the trial of a criminal action shall be given preference over trials of civil cases, and the trial of a criminal action

against a defendant who is detained in jail pending trial of the action shall be given preference over trials of other criminal actions, except that unless extraordinary circumstances require otherwise, the trial of a criminal action in which the alleged victim is younger than 14 years of age shall be given preference over matters before the Court, whether criminal or civil.

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.

3.3 All attorneys must file a vacation notice with Bexar County, either by providing notice to the Bexar County Court Administration Office in person or via facsimile at (210) 335-2935, and/or by filing the electronic form provided at <http://home.bexar.org/dc/attorneyvacation.html>.

B. NOTICE

For the purpose of these rules, three (3) 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 twenty-one (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 Court or provided by the Code of Judicial Conduct and the Texas Rules of Civil Procedure or the Texas Rules of Criminal Procedure.

B. CIVIL DIVISION

I. PRESIDING JUDGE - CIVIL DIVISION

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

B. The Judges of Courts handling civil cases shall each serve as Presiding Judge for a minimum term of one (1) calendar month on a schedule to be determined by the Administrative Judge. Those Judges serving as Civil Presiding Judge shall agree to 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. All Fiats or Notices of Hearings must contain the information contained in the document posted at <https://www.bexar.org/1055/County-Courts>, posted on the websites of Bexar County Courts at Law 3 and Bexar County Court at Law 10. 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 matters or by the Presiding Judge. The official signature of the Judge can be denoted through an official impression designated by the Court and can be administered by the Court designee. Any official settings are unable to be abandoned without permission given 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 both the client and 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 _____, ____ .

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, Agreement to be in writing

Rule 37, Additional Parties

Rule 63, Amendments

Rule 166-175, Pre--Trial Procedures

Rule 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 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, with the following exception:

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.

J. In all civil cases, all motions to set a case for trial shall contain a representation that the parties have previously mediated the case or the mediation shall take place prior to the date of trial. The exception to this rule would be in those cases where a motion has been filed to show that mediation is not applicable.

K. Civil Presiding shall be held in the courtroom of County Court at Law No. 3 or County Court at Law No. 10 unless otherwise noted.

L. Motions filed by attorneys shall be electronically filed in accordance with the Bexar County Local Rules of the County Courts concerning the Electronic Filing of Court Documents in Civil Cases.

M. In cases requiring mediation in which the parties are unable to agree upon a mediator, the Court shall appoint a qualified mediator on a rotating basis from the list of approved mediators maintained by the Bexar County Court at Law Administration Office. The Judges may deviate from the rotation in their discretion when there is a mediator that has indicated qualification on the particular subject matter.

N. If preliminary, pre-trial, or related matters in a complex or time-consuming case have been heard by a particular Judge, the Judge may, either sua sponte or on the request of the parties, retain that case through final disposition, with the approval of that Judge. Any case retained by a particular Judge is not necessarily assigned a preferential setting unless it is noted on the Court's docket.

O. The County Courts at Law may, as necessary, issue Special Orders regarding the operations of the Courts in response to the COVID-19 Global Pandemic.

1. In light of the emerging use of technology, the Courts may, as necessary, use available technology to conduct any proceedings authorized by the Texas Supreme Court to conduct Court proceedings. Presiding Dockets may occur via zoom or other appropriate secure technology. Any notations in these Rules requiring personal appearances may be conducted remotely as authorized.
2. All attorneys are required to adhere to the Texas Rules of Disciplinary Conduct. Pursuant to the Order Amending Comment to the Texas Disciplinary Rules of Professional Conduct, Misc. Docket No. 19-9016, issued by the Texas Supreme Court dated February 26, 2019, all Texas lawyers are obligated to maintain proficiency and competence in the practice of law, which includes “understanding the benefits and risks associated with relevant technology.” Accordingly, all attorneys are required to maintain competence in the technologies required for remote court proceedings. Attorneys are required to use a device that has video capabilities for remote proceedings.

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 only limit access to the courtroom in a Constitutionally permissible manner.
- 3.6 Adhere to the Canons of Judicial Conduct.

C. CRIMINAL DIVISION

I. PRESIDING JUDGE - CRIMINAL DIVISION

- A. Pursuant to Section 74.093 of the Texas 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 rotating schedule as determined by the Judges on a yearly basis. 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*

[FN*] 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 based upon the lowest JN number 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 involving the same criminal transaction, the Court in which the first C/I is filed, defined by the case having the lowest JN number shall receive, by filing or transfer all such Cs/Is filed against said individual.
- 2.4 When a C/I is filed against an individual who is on misdemeanor probation, the Court which granted probations 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 Family violence cases may be transferred to another court with other pending non-family violence cases, whether or not arising out of the same transaction as the family violence case, with the permission of the receiving court
- 2.7 If a family violence case is pending and the defendant is arrested for additional non-family violence charges unrelated to the initial arrest, all cases will be transferred to the court handling the family violence case. If the family violence case is dismissed, those additional cases will be transferred back to the original court. If there are case(s) that occurred in the same transaction or same offense date as the family violence case, then those cases should be automatically transferred to the court handling the family violence case.
- 2.8 The transfers directed in these paragraphs shall be ordered and signed by the Administrative Judge or the Presiding Judge of the Criminal Division or the Judge of the Court in which the case to be transferred is originally filed.

III. ARRAIGNMENT

Defendants may 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 The Bexar County Criminal Courts at Law plan for appointment of attorneys will be comprised of a data bank of attorneys who apply to take court appointments and are determined to meet certain qualification standards. Attorneys will not be entered into the system for misdemeanor appointments unless they meet all misdemeanor qualifications. Appointments will be made in accordance with the Bexar County Courts at Law Indigent Defense Plan

- 4.2 If it is determined that the defendant falls within the indigency guidelines established by the County Court at Law Judges, Pre Trial Services will query the computer for the selection of an appointed attorney. The computer, using a rotational process, will select an appropriate attorney from the data base. In making the selection the computer will use several different pre set filters. Those filters will include date of last appointment, attorney availability, misdemeanor or felony offense, language requirements and pending cases with appointed counsel.
- 4.3 Upon selection by the computer, the attorney will receive instantaneous notification by both email and fax. That notification will include the name, address/location, phone number of the defendant as well as the SID, Case Number, charge, Court and arraignment date if applicable. Attorney information will automatically be transferred to the "C" page of the appropriate case file on the CJIS. The defendant will receive a print out with the name, address and phone number of the appointed attorney. The defendant will also receive a card to be mailed indicating the attorney did not contact them within the time constraints required by statute.
- 4.4 Each working day, the County Courts at Law Administration Office will print out a list of defendants and appointed attorneys. Additionally, the Administration Office will print out individually formatted appointment orders for each case. Those orders will be stamped with the signature of the Local Administrative Judge and delivered to the Criminal Central Filing for inclusion in the individual case file.
- 4.5 This process is applicable to those defendants who request an appointed attorney at magistration. Defendants who did not request an attorney at magistration but request one at arraignment can be sent to the Pretrial Services Satellite Office for interview and attorney appointment. As an alternative, the Judge can make the attorney appointment in court under 'interest of justice' criteria. If the appointment is made by the Judge in the interest of justice, the rationale for the appointment must be placed on the record.
- 4.6 Defendants who request appointment of counsel during their court appearance will be interviewed to see if they meet the indigency guidelines established by the County Courts at Law Judges. Counsel may be appointed from a pre-set selection of the list of qualified attorneys on a monthly rotating basis for each court. The list of qualified attorneys and each Court in which the attorney is authorized to receive an in-court appointment will be posted in a conspicuous place in the County Courts Administration office.
- 4.7 Defendants arrested on out-of-county warrants shall be appointed counsel as required by Article 15 of the Texas Code of Criminal Procedure and the Bexar County Courts at Law Indigent Defense Plan.

B. WITHDRAWAL OR SUBSTITUTION OF COUNSEL

A lawyer who has entered an appearance and becomes counsel of record by being retained, 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 by the Texas Code of Criminal Procedure 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 23.04, Texas Code of Criminal Procedure.

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.

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 5.7 Matters concerning bond forfeitures shall be governed by Chapter 22 of the Texas Code of Criminal Procedure.

5.8 Each Judge has the sole authority to declare a bond forfeiture or bond increase and issue a capias after forfeiture or warrant after bond increase in their respective Courts.

5.9 When a Defendant fails to appear in Court, the Judge shall declare a bond forfeiture or bond increase by indicating the same on the Court's file (or the Court Clerk or the 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 of (B/F) declared" or "bond increase or (B/I) declared" shall be entered into the computer on the day it is ordered.

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, bond increases, setting aside bond forfeitures or bond increases and the issuance or 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 or request, unless presented during a hearing or trial, shall be made in writing, shall state the grounds therefore, 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, Texas Code of Criminal Procedure.

6.4 Other motions, pleadings and exceptions will be filed as provided in Chapter 28, Texas Code of Criminal Procedure.

Pursuant to the Order Mandating Statewide Electronic Filing in Criminal Cases, Misc. Docket No. 16-003, issued by the Court of Criminal Appeals of Texas on the 30th of June, 2016, Electronic filing is mandatory in criminal cases effective July 1, 2017. All attorneys must electronically file through an electronic filing portal approved by the Office of Court Administration. Attorneys must not file documents through any alternative electronic document filing transmission system, except in the event of an emergency. Any document filed by an attorney that is not filed in accordance with the order may not be accepted, except in the event of an emergency. Pro se defendants may also electronically file documents, but it is not required.

VII. GUILTY PLEAS, NOLO CONTENDERE AND PLEA BARGAINS

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

The Court Coordinator may reset a case in the following circumstances:

- 1 The Court receives notice, in compliance with Local Rules, notifying the Court that the attorney will be unavailable, this notification should include the defendant's name, cause number and an explanation of the reason for unavailability.
 - 2 The Court receives notice that the attorney is unavailable due to a trial in another Court, this notification shall state the Court in which the attorney is in trial, the style of the case which they are trying and the date the trial is to begin.
 - 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, resets or postponements are considered an extension of the Judges' judicial authority and no computer entry shall be made which supersedes, preempts or countermands the Judge's action.
- 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 showing.

X. TRIAL MATTERS

- 10.1 Pursuant to Article 33.03, Texas Code of Criminal Procedure, the defendant must be present in all misdemeanor cases in which the punishment or any part thereof is imprisonment in jail. The defendant is not required, however, to be present for the hearing on a motion for new trial.
- 10.2 Texas Rules of Evidence will govern matter pertaining to witnesses and evidence.
- 10.3 Jury selection and voir dire will be in accord with Chapter 33, 34 and 35 of the Texas Code of Criminal Procedure.
- 10.4 Applications for probation and deferred adjudication will be submitted in accordance with Article 42A, Texas Code of Criminal Procedure.
- 10.5 Pre-sentence reports, when requested by the Court, will be processed as provided in Article 42A, Texas Code of Criminal Procedure.
- 10.6 Judgments will be prepared as required by Article 42.01, Texas Code of Criminal Procedure.
- 10.7 Motions to revoke probation and to proceed to adjudication will be conducted in accordance with the requirements of Article 42A, Texas Code of Criminal Procedure.
- 10.8 Applications and proceedings pertaining to Writs of Habeas Corpus will be conducted in accordance with Chapter 11, Texas Code of Criminal Procedure.
- 10.9 Only the Judge of the Court has 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 in the given Presiding Criminal Court.

XII. APPEALS FROM JUSTICE OF THE PEACE COURTS 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 in the Presiding Criminal Court.
- 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 ruling.
- 12.4 Should a trial be requested, the case will be set by the Court as soon as is practical.

XIII. AUXILIARY COURT #1 (PRISONERS)

Auxiliary Court #1 is established for the sole purpose of disposition of jail cases as quickly and efficiently as possible in accordance with the rights and privileges accorded by the Constitution and Laws of the State of Texas and the United States.

- 14.1 The schedule for Auxiliary Court will be scheduled by the General Administrative Counsel for the County Courts at Law of Bexar County with the approval of the Administrative Judge
- 14.2 The prisoner assignments and dockets for the Auxiliary Court shall be prepared by the Court Coordinator in each individual court or by the Judicial Services Department as assigned. The list of prisoners assigned to Auxiliary Court #1 shall be provided to Auxiliary Court #1 Court Coordinator pursuant to the schedule provided by the General Administrative Counsel for the County Courts at Law of Bexar County.
- 14.3 Rules concerning the daily operation of Auxiliary Court #1 shall be prepared, as necessary, by the Administrative Judge.

X. MISCELLANEOUS MATTERS

- 15.1 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 Municipal Court settings.
- 15.2 The County Courts at Law may, as necessary, issue Special Orders regarding the operations of the Courts in response to the COVID-19 Global Pandemic.
- 15.3 In light of the emerging use of technology, the Courts may, as necessary, use available technology to conduct any proceedings authorized by the Texas Supreme Court to conduct Court proceedings. Any notations in these Rules requiring personal appearances may be conducted remotely as authorized.
- 15.4 All attorneys are required to adhere to the Texas Rules of Disciplinary Conduct. Pursuant to the Order Amending Comment to the Texas Disciplinary Rules of Professional Conduct, Misc. Docket No. 19-9016, issued by the Texas Supreme Court dated February 26, 2019, all Texas lawyers are obligated to maintain proficiency and competence in the practice of law, which includes "understanding the benefits and risks associated with relevant technology." Accordingly, all attorneys are required to maintain competence in the technologies required for remote court proceedings. Attorneys are required to use a device that has video capabilities for remote proceedings. Failure to comply shall result in removal from the misdemeanor appointment wheel.

D. ADMINISTRATIVE RULES

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 Commissioners Court and adopted by them. That plan is hereby adopted and incorporated into these rules. Juries will be specifically managed as provided in Texas Government Codes, Sections 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 Judge of Statutory County Courts at Law may take personal vacation at any time during the year. Such vacation should be coordinated with the Administrative Judge, and the General Administrative Counsel for the County Courts at Law of Bexar County so that there are a 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, and the General Administrative Counsel for the County Courts at Law of Bexar County. Attendance at additional educational programs and seminars should likewise be coordinated with the Administrative Judge, and the General Administrative Counsel for the County Courts at Law of Bexar County.
- 2.5 Military leave would not be included in normal vacation time. However, it is requested that such leave be coordinated with the Administrative Judge, and the General Administrative Counsel for the County Courts at Law of Bexar County so that there are a sufficient number of County Court Judges in the County at all times to handle its Judicial business.
- 2.6 Extended absences for other reasons should likewise be coordinated with the Administrative Judge, and the General Administrative Counsel for the County Courts at Law of Bexar County, 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 Administration 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, and others 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 Administrations System consisting of a Court Administrator (General Administrative Counsel for the County Courts at Law of Bexar County) in accordance with section 75.401 of the Texas 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 Texas Government Code sections 74.0911 and 74.093.

C. AMENDMENTS

- 5.5 Parts A and D 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 B and C of these Rules may be amended at a meeting called by the Administrative Judge for the 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 B and C of these rules.

D. NOTICE AND PUBLICATION OF RULES

Upon adoption of the Rules by either a majority of the Judges or 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 Texas 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.

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 need 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 Region 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 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 the Texas Code of Criminal Procedure, specifically, but not limited to, the Texas Fair Defense Act.
- 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.

The foregoing amendments to the “**Local Rules of the Statutory County Courts at Law of Bexar County**” are hereby adopted by the undersigned judges in Bexar County on this the 4th day of December, 2020 and submitted to the Supreme Court of Texas for approval.

These rules shall become effective upon their approval by the Supreme Court of Texas.

John Longoria

John Longoria (DEC 7, 2020 19:02 CST)

Judge John A. Longoria
Administrative Judge
County Court at Law No. 5
Bexar County, Texas

Helen Stowe

Helen Stowe (Dec 7, 2020 14:09 CST)

Judge Helen Petry Stowe
County Court at Law No. 1
Bexar County, Texas

David Rodriguez

David Rodriguez (Dec 14, 2020 13:52 CST)

Judge David Rodriguez
County Court at Law No. 3
Bexar County, Texas

Wayne Christian

Wayne Christian (Dec 7, 2020 13:33 CST)

Judge Wayne A. Christian
County Court at Law No. 6
Bexar County, Texas

Mary Roman

Mary Roman (Dec 7, 2020 13:18 CST)

Judge Mary Román
County Court at Law No. 8
Bexar County, Texas

J. Frank Davis

J. Frank Davis (Dec 14, 2020 14:58 CST)

Judge J. Frank Davis
County Court at Law No. 10
Bexar County, Texas

Yolanda Huff

Yolanda Huff (Dec 10, 2020 16:22 CST)

Judge Yolanda T. Huff
County Court at Law No. 12
Bexar County, Texas

Carlo Key

Carlo Key (Dec 7, 2020 20:44 CST)

Judge Carlo Key
County Court at Law No. 14
Bexar County, Texas

Grace M. Uzomba

Grace M. Uzomba (Dec 30, 2020 12:14 CST)

Judge Grace M. Uzomba
County Court at Law No. 2
Bexar County, Texas

Alfredo Jimenez

Alfredo Jimenez (Dec 7, 2020 15:35 CST)

Judge Alfredo M. Jimenez
County Court at Law No. 4
Bexar County, Texas

Michael De Leon

Michael De Leon (Dec 7, 2020 13:22 CST)

Judge Michael De Leon
County Court at Law No. 7
Bexar County, Texas

Gloria Saldana

Gloria Saldana (Dec 7, 2020 16:39 CST)

Judge Gloria Saldaña
County Court at Law No. 9
Bexar County, Texas

Tommy Stolhandske

Tommy Stolhandske (Dec 7, 2020 15:06 CST)

Judge Tommy Stolhandske
County Court at Law No. 11
Bexar County, Texas

Rosie Speedlin-Gonzalez

Rosie Speedlin-Gonzalez (Dec 7, 2020 13:32 CST)

Judge Rosie Speedlin- Gonzalez
County Court at Law No. 13
Bexar County, Texas

Melissa Vara

Melissa Vara (Dec 7, 2020 14:18 CST)

Judge Melissa Vara
County Court at Law No. 15
Bexar County, Texas

**APPROVAL OF LOCAL RULES OF THE STATUTORY COUNTY COURTS AT LAW OF
BEXAR COUNTY:**

A handwritten signature in blue ink, appearing to read "Sid L. Harle", is written over a solid black horizontal line.

SID L. HARLE, Presiding Judge Fourth Region of Texas