

**LOCAL RULES OF THE COUNTY COURT AND PROBATE COURT
FOR CHAMBERS COUNTY, TEXAS**

1. **TEXAS RULES OF CIVIL PROCEDURE:** The Texas Rules of Civil Procedure, as amended, are adopted and shall be adhered to in all civil proceedings. Wherever there may be a conflict in local rules and the Texas Rules, the Texas Rules of Civil Procedure shall govern.
2. **FILING:** Cases where the amount in controversy does not exceed \$20,000 may be filed with the County Clerk. Chambers County adheres to the mandatory e-filing rules and procedures as promulgated by the Texas Supreme Court.
3. **CASE NUMBER AND COURT ASSIGNMENT:** Filing of criminal cases in the County Court is divided so that each third case is filed in the County Court.
4. **TRIAL SESSIONS:** County Court shall schedule certain weeks for criminal trials. This schedule will be posted at the office of the County Clerk, Civil Division, the county website, and shall be available at the office of the Court Coordinator of the Court. Cases may be transferred from County Court to County-Court-at-Law at the discretion and consent of the respective Judges.
5. **DOCKET CALL:** Civil jury dockets, criminal jury dockets, and non-jury trials are scheduled at the discretion of the Court.
6. **AGREED PASS OR AGREED CONTINUANCE:** Cases may be passed or continued from the date set only upon agreement of the opposing counsel AND the County Judge. A case is not removed from the docket until the pass or continuance is approved by the County Judge.
7. **FILING PROBATE AND GUARDIANSHIP CASES:** Individuals applying for letters of testamentary, letters of administration, determination of heirship, muniment of title, small estates affidavits and guardianships of a person or estate **must be represented** by a licensed attorney. Under Texas law, only a licensed attorney may represent the interests of third-party individuals or entities, including guardianship wards and probate estates. See *Steele vs. McDonald*, 202 S.W.3d 926 (Tex. App. –Waco, 2006), and the authorities cited in that opinion.
8. **SETTING PROBATE AND GUARDIANSHIP CASES:** Requests for a hearing on probate and guardianship matters shall be made by telephone or in writing to the Court. The requesting attorney shall give proper notice as required by the Texas Rules of Civil Procedure to all opposing attorneys and ad litem, if applicable, of each setting.

9. VACATIONS OF COUNSEL:

11.1 DESIGNATION OF VACATION: Subject to the provisions of subparts 2 and 3 of this section, an attorney may designate not more than four (4) weeks of vacation during a calendar year as vacation, during which that attorney will not be assigned to trial or required to engage in any pretrial proceedings. This section operates only where lead counsel, as defined by the T.R.C.P. 8, is affected, unless the trial court expands coverage to other counsel.

11.2 SUMMER VACATIONS: Written designation for vacation weeks during June, July and/or August must be filed with the County Clerk by May 15 of each respective year. Summer vacation weeks so designated will protect the attorney from trials during those summer weeks, even if an order setting the case for trial was signed before the vacation designation was filed.

11.3 NON-SUMMER VACATIONS: Written designation for vacations in months other than June, July and/or August must be filed with the County Clerk no later than 90 days prior to the weeks being designated. Non-summer vacation weeks may not run consecutively for more than two (2) weeks at a time. Non-summer vacation weeks so designated will not protect an attorney from a trial by an order signed before the designation is filed.

10. JUDICIAL LEAVE: Judges may take personal vacation at any time during the year. Judicial vacations and educational events will be scheduled in advance by the Judge, subject to changed conditions. Judges may take sick leave as is essential for their health and well-being. Attendance at judicial conferences is considered an official duty and as court time.

11. JUVENILE COURT MATTERS: Cases wherein juveniles are charged with delinquent conduct and cases where children are alleged to be in need of supervision will be set for hearing by the Court or by the Juvenile Probation Department as directed by the Court. Notice provisions applicable to other civil proceedings are not necessarily applicable to these proceedings which shall be handled in accordance with the Texas Rules of Civil Procedure and the Texas Family Code.

12. EMERGENCIES AND SPECIAL MATTERS: Except in emergencies when the Clerk's Office is not open for business, no application for immediate or temporary relief shall be presented to a Judge until it has been filed and assigned to a Court as provided in these Rules. Whenever immediate action of a Judge is required in an emergency when the Clerk's Office is not open for business, the case shall, nevertheless, at the earliest practicable time be docketed and assigned to a Court as provided by these rules, and all writs and process shall be returnable to that Court.

13. **APPLICATION OF LOCAL RULES:** The foregoing rules are hereby adopted by the County Court and Probate Court and the County Court Sitting as the Juvenile Court for Chambers County.

14. **COURTROOM CONDUCT:** The taking of photographs, film, video or broadcasting of judicial proceedings in or from the courtroom, or so close thereof as to disturb the order and decorum thereof, either while court is in session or at recess, is prohibited, unless written permission is granted by the court.

ADOPTED and SIGNED this ____ day of _____, 20____.

DocuSigned by:

Jimmy Sylvia
1492536299FA478

01/30/2023 | 15:03:36 CST JIMMY SYLVIA, Judge
County Court
Probate Court
County Court Sitting as the Juvenile Court