Local Court Rules of the
County Courts at Law of McLennan County, Texas
[January 17, 2023]

The Judges of the County Courts at Law of McLennan County hereby ORDER that the following Local Court Rules be and are hereby adopted, effective on January 17, 2023.

I. General

The County Courts at Law are courts of limited jurisdiction, including original jurisdiction in civil cases in which the amount in controversy exceeds $500 but is no more than $250,000, criminal cases *(Class A or B misdemeanors, third degree felonies),* probate proceedings, proceedings in condemnation and mental health matters, appeals from various lower Courts, and other matters authorized by law. *(See Texas Gov. Code, 25.0003, 25.1572).*

These local court rules supersede the Local Court Rules of September 30, 2021 *[Corrected].* The local court rules are intended to be consistent with all applicable State rules. Nothing in these rules shall be construed to modify any provisions of the Texas Rules of Civil Procedure, the Texas Code of Criminal Procedure or any applicable statutory provision.

The County Court at Law and County Court at Law No. 2 will extend priority to criminal trials. The County Court at Law No. 3 will extend priority to civil trials.

The local court rules may be supplemented, modified or amended from time to time at the discretion of the Courts, by memorandum, written notice, and formal court orders. Any supplements, modifications or amendments to these local rules will be signed by the Judges of the County Courts at Law and, when applicable, by the County Judge, and filed in the official "Local Court Rules" by the McLennan County Clerk. All such supplements, modifications or amendments have full force as local rules, whether filed with the Clerk or not. The Clerk is further directed to mark "superseded" on the face of any prior orders filed in the official Local Court Rules which are superseded or rescinded in writing by the Courts.

II. Local Criminal Rules

A. Appearances

1. All defendants are required to appear in person for all scheduled court appearances, unless excused by the Court or other provisions of these rules.
2. Retained attorneys must promptly file an appearance in writing with the Court Administrator.

B. Filing

1. All criminal cases will be filed on a rotating, random system in the County Courts at Law, as set forth in the separate order of Adoption of New Case Filing Docket Assignments, or any amendments thereto.
2. If multiple cases are filed contemporaneously against the same Defendant, the first such case will be filed pursuant to this rule, and the subsequent cases will be filed in the same Court.

C. Indigent Defense

1. The Courts will adopt and update an Indigent Defense Plan ("IDP") as required by Texas law and approved by the Texas Indigent Defense Commission, and all appointment of counsel and handling of related matters will be pursuant to the IDP, when applicable.
2. The Indigent Defense Plan, as amended from time to time, will have full force and effect as an order of these Courts and will be enforceable as such.

D. Withdrawal as Counsel

1. A retained attorney may apply to withdraw as counsel only as follows:
   a. By submitting a Motion to Withdraw as Counsel conforming to Rule 10, Texas Rules of Civil Procedure;
   b. By scheduling the motion for a hearing;
   c. By giving written notice to the State and to the Defendant of the hearing date and time, including notice to the Defendant that he/she may appear and oppose the motion.
2. A retained attorney may move to withdraw as counsel at any time if the defendant executes written approval of a filed motion, the attorney is discharged in writing signed by the defendant, or the attorney is discharged by the defendant in open court. In this event, if the State approves the motion in writing, the Court may waive the requirement of a hearing.
3. Any attorney allowed to withdraw as counsel must provide the defendant with both a copy of the order granting the withdrawal and written notice of the defendant's next scheduled Court appearance.
4. Absent good cause shown, court-appointed attorneys will not be allowed to withdraw as counsel.
5. In the event a retained attorney withdraws, leaving the Defendant without counsel, the case will be rescheduled to the Court's *pro se* docket.

E. Scheduling

1. The current weekly schedule is attached as Exhibit A. All scheduling is subject to change by Court order or memo, or on a case by case basis.
2. All confirmations of settings will be provided to counsel via e-mail.

F. Arraignment

1. An arraignment docket call will be held each week.
2. Arraignment will be waived by the appointment of or written appearance of counsel for the defendant, and the case will be assigned to the status docket.
3. Unless arraignment is waived, a defendant on bond shall be present in Court as directed in the written notice of arraignment provided by the Court to the defendant and/or to the bail bond surety.
4. In the event a defendant fails to appear at the Arraignment docket, and if the bail bond surety locates the defendant and directs the defendant to report to the Court after the Arraignment docket, the surety must accompany the defendant to Court.
5. Defendants expressing the intent to employ counsel or failing to qualify for court appointed counsel will be continued on the arraignment docket at the Judge's discretion for a reasonable period of time.
   a. If a defendant fails to retain counsel within a reasonable period of time, the case will be assigned to the Court's *pro se* docket.
6. All reset confirmations for defendants without counsel will be issued in the standard printed format.
7. All criminal matters assigned to County Court at Law No. 3 shall be scheduled, if necessary, for arraignment before the County Court at Law or the County Court at Law No. 2.

G. Status Docket

1. Upon the initial appearance or appointment of counsel, each defendant will be scheduled for the status docket approximately 4 weeks from the last date of arraignment.

2. Unless assigned to the disposition docket by defense counsel, cases will remain on the status docket for no more than180 days following the filing of the Information.
    a. Defense counsel seeking a trial setting from the status docket must first have the case assigned to the disposition docket.
3. Resets requested within the 180 day period will be for no more than four (4) weeks.
4. Cases may be reset by defense counsel by telephone, email, facsimile or in person no later than 4:00 p.m. on the business day preceding the status docket date.
    a. Requests for resets made on the date of the status docket must be presented in person to the Court, and will be added to the queue of plea papers submitted during the status docket. The defendant is not required to be present.
5. All reset confirmations will be forwarded to counsel by e-mail or via facsimile.
6. Cases not disposed of within 180 days of the date the Information was filed will automatically be assigned to the disposition docket.
7. Plea Procedures
    a. Cases to be disposed of by a plea will be scheduled at any time approved by the Court or the Court Administrator, giving priority to the regularly scheduled status docket.
    b. All attorneys scheduling cases for a plea will report to the Court Administrator upon arrival, and shall promptly complete, have executed and deliver to the Court staff all plea documents as required by the Courts.
    c. Plea documents must be completed and submitted to the Court administrator no earlier than the first business day of the week and no later than 1) 10:30 a.m. on the day of the status docket, or 2) the scheduled time and date for the case.
    d. Conversations at the bar while Court is in session must be kept to a minimum. All negotiations not completed before Court convenes must be handled during recess.
    e. All plea papers must be in the form approved by the Courts. All forms provided by the Courts may not be altered or re-formatted in any way, including font style or size, spacing, etc.
    f. Plea papers will be produced and organized as directed by the Courts. All attorneys are required to use the Court-approved forms in all cases, without modification, and must regularly review the current forms, located on the County Courts at Law website, to assure the current forms are being prepared.

H. Disposition Docket
1. Any case which is no longer eligible for the status docket, or at the request of defense counsel, will be assigned to the Disposition docket.
2. The first two (2) settings on Disposition docket may be reset by defense counsel in the manner set out below, but do not require approval of the Court.
3. Disposition docket for each Court will be scheduled on alternating Wednesdays, at 10:30 A.M., subject to holidays and other factors.
4. All requests to reschedule a disposition setting must be made in writing and approved by opposing counsel by 3:00 P.M. on the preceding business day, or in person with the defendant present at the Disposition docket, only at the time the case is called.
5. No negotiations will be allowed at the bar while Court is in session. All such matters not completed before Court convenes must be handled during recess or after Court adjourns.
6. Defendants and attorneys are required to attend Disposition docket, unless either the appearance is waived by the Court or a reset request submitted timely on the preceding day has been granted .
7. Defendants in jail will not be produced in Court unless approved in advance by the Court Administrator.

8. The State and Defense will be required to make the following announcements:
   a. The case has been or has not been resolved;
   b. Discovery has been completed, or additional discovery time is required;
   c. Negotiations have been conducted, and are ongoing or have resulted in no agreement;
   d. A trial setting is necessary, or additional efforts at resolution are pending.
9. If the parties announce that a plea agreement has been reached, the case will be scheduled for the defendant's choice of the next three (3) regular status dockets
   a. A plea may be heard following disposition only upon good cause shown;
   b. Any case failing to plead at the later plea date will be assigned directly to the pre-trial docket.
10. All reset forms presented at disposition will be signed by the State's attorney, defense counsel and the defendant. Confirmation will be forwarded to counsel by e-mail or facsimile.
11. All criminal matters assigned to the County Court at Law No. 3 shall be scheduled for Disposition docket before the County Court at Law or the County Court at Law No. 2.

I. Pre-Trial Docket
1. Pre-trial hearings will be held on regularly scheduled dates, with a record made of the proceedings. Limits on the number of cases on pre-trial will be set from time to time by the Courts.
2. The defendant must attend pre-trial, unless appearance is waived by the Court.
3. The attorneys responsible for the trial of the case must be present and prepared to dispose of all pre-trial matters either by hearing or agreement. Court appointed attorneys must be present at pre-trial.
4. Prior to the Pre-trial docket, the State will
   a. contact all witnesses and determine their availability for trial over the 120 day period following pre-trial;
   b. complete assessments of the case and make its final plea offer, if any plea agreement is sought;
   c. obtain possession of all physical or documentary evidence related to the case;
   d. timely file and serve all pre-trial motions, accompanied by a written proposed order with each motion.
5. Prior to the Pre-trial docket, the Defense will
   a. contact all witnesses and determine their availability for trial over the 120 day period following pre-trial;
   b. make a decision in response to the State's most recent plea offer;
   c. complete all fee payment arrangements with the defendant;
   d. timely file and serve all pre-trial motions, accompanied by a written proposed order with each motion.
6. Continuance: Motions to continue Pre-trial
   a. must be submitted in writing, verified, and served on opposing counsel;
   b. if based upon a pending application for the Pre-Trial Intervention Program ("PTIP"), will be granted only at the initial pre-trial, for a period of 6 weeks;
   c. If a pre-trial continuance is granted, the case will be scheduled for a later Pre-trial to be determined by the Court. The deadline for filing pre-trial motions will not be extended to the subsequent Pre-trial except on leave of Court.
7. The Judge will call all cases at the beginning of pre-trial, and inquire into the following:
   a. the completion of discovery
   b. The existence of pre-trial motions, and any related agreements or stipulations;
   c. the necessity of a hearing on any pre-trial motions.

8. Discovery:
   a. The official Court form entitled "Discovery Form" must be completed and signed by the Defense and the State and submitted to the Court at the beginning of the Pre-trial docket;
   b. The Defendant must specify any item(s) not yet disclosed or reviewed as contemplated by 39.14, TCCrP, at that time.
9. Pre-Trial Motions:
   a. Texas Code of Criminal Procedure §28.01 will be strictly enforced.
   b. All pre-trial motions not filed and served upon opposing counsel by seven (7) days prior to the initial Pre-trial docket setting are waived, and may not be raised or filed thereafter.
   c. All timely filed, contested pre-trial motions will be considered at the Pre-trial docket, unless the Court sets a special hearing date.
   d. Attorneys will present a proposed order granting pre-trial motions, or portions thereof.
   e. Attorneys will have issued and served any subpoenas required for pre-trial hearing of evidentiary motions.
10. Plea Agreements:
   a. The State will announce its complete, latest plea agreement offer on the record, and the defendant will be required, personally, to announce acceptance or rejection of the offer at that time.
   b. If the offer is rejected, any subsequent plea agreements will be considered "advisory" only, and any subsequent plea of "guilty" or "nolo contendere" will be with no limitations on the Court, subject to the applicable range of punishment.
   c. Cases in which the Defendant accepts the State's offer at pre-trial will be heard immediately following pre-trial, or at the Court's discretion. If such a case is not heard immediately following pre-trial, the Court will schedule both a plea date and a trial date for the defendant.
11. Trial Setting:
   a. Defendants in the custody of the McLennan County Sheriff will receive priority.
   b. The Court will set a trial date for every case the Court determines is ready for trial, on a date the Court determines no earlier than the Monday following two (2) weeks after the pre-trial, or on any week thereafter.
   c. Each case will be given a trial priority number, which will be strictly followed, subject only to cases with defendants in jail or emergency settings.
   d. Cases added to a trial date from a later pre-trial will be added to the end of the list, unless the Defendant is in custody.
12. The State and the Defense will issue subpoenas and confirm availability of all witnesses within five (5) business days following pre-trial.

J. Trial
1. Announcement Deadline:
   a. Unless notified otherwise by the Court, attorneys must contact the Court administrator before 12:00 P.M. on the Thursday immediately preceding the trial date ("announcement deadline") to inform the Court of 1) the intent to request a continuance, 2) the need for an interpreter, 3) the need for special process *[e.g. writ of attachment]* or 4) other requests.
   b. The defendant and attorneys are not required to appear personally on the announcement deadline date.
   c. If counsel is not ready for trial, a written, verified Motion for Continuance must be submitted, served on opposing counsel, and scheduled for immediate consideration by the Court.
   d. The State must notify the Court and opposing counsel immediately upon submitting a dismissal.

e. The absence of any announcement by the Defense or the State will be deemed an announcement of "ready."
f. All attorneys are required to contact the Court administrator's office on the last business day before the trial date to be advised of any change in priority.

2. Jury Trial Docket Call:
   a. Jury trials will begin at 9:00 A.M. on Monday of each jury week. Multiple cases may be tried on any week, at the discretion of the Court, in which cases, special instructions will be provided.
   b. The defendant and the attorneys in the first two cases in order of priority must appear in person on the date and at the time trial is scheduled. All remaining cases will be on "standby," and must ready to appear for trial upon receiving a call from the Court.
   c. Standby cases may move up in priority depending on the status of preceding cases. Defense attorneys are responsible for confirming their priority status at the end of the week immediately prior to the trial setting.
   d. If any case is dismissed, or settled, or otherwise reset by the Court, the next case on the list will be called. This process will continue until a case is deemed ready for trial or until all cases on the list have been called.
3. Continuance of Trial:
   a. Any request for a trial continuance by the State or the Defense must be submitted in writing, verified, and served on opposing counsel.
   b. No continuance will be granted absent the showing of harm due to unforeseeable or unexpected circumstances.
   c. Any case which is either continued by the Court or not reached will receive an immediate new trial date – no case will be returned to the pre-trial docket without good cause.
4. Documents and Evidence

   The following pre-trial procedures will be followed in all criminal cases scheduled for jury or bench trial, unless provided otherwise in a scheduling order:
   a. All parties will pre-mark exhibits to the extent reasonably possible, and prepare an exhibit list containing
      1. the number/letter of the exhibit;
      2. a description of the exhibit; and,
      3. a space for the initial of the Court reporter's notation of the admission of, or refusal to admit the exhibit.
   b. The exhibit list will be submitted to the court reporter at the beginning of trial.
   c. All parties will submit, in printed form and in digital form (Microsoft Word format) a complete proposed charge to the jury.
      1. Specific requested instructions should be included in the body of the proposed charge AND individually with provision for the Court to note its approval or rejection of the requested instruction.
   d. All parties will prepare and submit a witness list, including addresses and telephone numbers, to the court reporter at the time the party calls its first witness.

K. Motions to Revoke Probation or to Adjudicate Guilt
1. All pending Motions to Adjudicate Guilt or Motions to Revoke Community Supervision will be scheduled for an initial hearing upon the arrest of the Defendant, giving priority to the regularly scheduled docket for such proceedings.
2. Final hearing will occur in all such cases within 200 days from the date of arrest, unless good cause is shown for further extensions.

3. In all cases older than 200 days, unless the parties notify the Court that an agreement has been finalized, will automatically be scheduled for the contested docket, and the State is required to be present for the contested docket with witnesses and/or other evidence.
4. Advance requests for a reset must be made in person no later than 4:00 p.m. on the day preceding the probation hearing date, and must be approved by the Judge. Requests for resets made on the scheduled date of the probation hearing may not be presented until the Court begins the docket, and will be added to the queue of plea papers submitted during the docket. The defendant must be present.
5. Hearing Procedures
    a. Cases to be disposed of by agreement will be scheduled at any time approved by the Court or the Court Administrator, giving priority to the regularly scheduled probation hearing docket.
    b. All attorneys presenting a plea agreement will report at the beginning of the docket to the Court Administrator, and will deliver to the Court staff all completed plea documents as required by the Courts.
    c. Conversations at the bar while Court is in session must be kept to a minimum. All negotiations not completed before Court convenes must be handled during recess.
    d. All plea papers must be in the form approved by the Courts. All forms provided by the Courts may not be altered or re-formatted in any way, including font style or size, spacing, etc.
    e. Plea papers will be organized as directed by the Courts.
    f. Uncontested cases will be heard first, followed by contested cases.

L. Jail Docket
1. Defendants being held in the McLennan County Jail who are represented by counsel will automatically be assigned to the video jail plea docket as regularly scheduled by the Courts, unless scheduled for pre-trial.
2. Any defendant in jail whose case, (other than probation revocation proceedings), has passed 180 days following the filing of the Information will be assigned to the disposition docket. Defendants being held in jail over 90 days on a motion to revoke community supervision or a motion to adjudicate guilt will be assigned to the next contested probation hearing docket.
3. Jail pleas will follow these procedures, or procedures adopted by the Courts from time to time.
    a. All jail plea papers must be submitted no later than 4:00 P.M. on the business day before the day the jail docket is scheduled – No Exceptions!
        (1) Attorneys must remain in the Court Administrator's office when submitting plea papers until the papers have been checked for completeness and accuracy.
    b. Defense attorneys will be scheduled on the jail plea docket by the Court staff in the order that all complete sets of plea papers for all defendants represented by the defense attorney are accepted by the office of the Court Administrator.
    c. Defense attorneys arriving at the jail after the jail docket has begun, or failing to appear timely, (remote or video hearings), will be moved to the end of the list.
4. "Stand-in" counsel for court-appointed counsel are discouraged, and will not be allowed except for vacation or unavoidable conflict with other court settings. Repeated unavailability of the court appointed attorney of record for jail pleas will be grounds for removal from the jail plea appointment list.
5. Attorneys should inform the Court Administrator if an incarcerated defendant will not be pleading or negotiating an agreement in the near future, so the case can be scheduled accordingly.

M. Jail Status Review

Jail Status Review will be held weekly for defendants who are incarcerated and have been for an extended period of time with no settings other than Jail Docket.

1. The review will be primarily limited to defendants with court-appointed counsel, although the Judge may include defendants with retained counsel as it may appear appropriate.
2. Any indigent defendant who has been appointed counsel, is scheduled on the jail docket, and has been in jail for a period of ninety (90) days or more as of Tuesday of any week will automatically be placed on the Jail Status review for the following week.
3. Defense counsel is required to contact the Judge at or prior to the time of the Jail Status review and to report the status of the case and any reason for further delay.
4. No contact from the defense attorney to the Judge and/or the Court Administrator by the Jail Status review deadline will result in the scheduling of the case(s) to the Pre-Trial docket at the earliest possible convenience to the Court. In this event, the case will not be removed later from the Pre-Trial docket and will be set for trial.
5. The following constitute valid reasons to remove a defendant from the Jail Status review:
    a. Defense counsel has submitted plea papers for the defendant to plead at the next jail plea docket;
    b. Defense counsel has a valid trial conflict with the next Jail Plea docket, in which case the defendant will be rescheduled to the following Jail Plea docket;
    c. Defendant has executed a written waiver of both statutory and constitutional rights to a speedy trial, in a form satisfactory to the Judge, in which case the defendant will be rescheduled for a Jail Status review approximately eight (8) to twelve (12) weeks away;
    d. Any other reason deemed by the Judge to be compelling.

N. *Pro Se* Proceedings

1. A record shall be made of all *pro se* proceedings, until and unless the Defendant formally waives such a record.
2. A special *pro se* docket shall be established at which the Court will determine if the defendant will be allowed to waive counsel.
3. If the defendant waives counsel, the case will be
    a. heard on that date, if a plea agreement is announced by the parties;
    b. Scheduled for pre-trial on a later *pro se* docket;
    c. scheduled for a plea on a later *pro se* docket, if agreed by the parties.

O. Bond Forfeitures

1. Judgment *nisi* will be rendered by the Court promptly and a capias will issue in each case in which the personal appearance of the Defendant was required and the Defendant failed to appear in person, unless such failure to appear has been excused by the Court.
    a. Upon a defendant's failure to appear and the forfeiture of the defendant's bond, a new bond amount will be set by the Court.
2. Once judgment *nisi* is rendered, all matters pertaining to the bond forfeiture must be presented at the date and time set for the hearing to show cause and trial, in the manner prescribed by the Texas Rules of Civil Procedure.

P. Drug Testing

1. All defendants who have been released on bond are subject to drug testing at any time. Testing ordered as a condition of bond will be performed at no cost to the defendant.
2. All defendants are subject to drug testing subsequent to a plea of guilty, a plea of nolo contendere, or a finding of guilt by the Court or a jury following trial, but prior to sentencing.
3. Defendants who are requesting (a) deferred adjudication community supervision, (b) community supervision following conviction, or (c) alternative means of serving jail sentences, such as SPURS, work or education release, or house arrest and electronic monitoring must be prepared to submit to drug testing prior to obtaining a ruling from the Court on the request.
4. Other than testing as a condition of bond, a defendant who has not been found indigent by the Court for purposes of receiving court appointed counsel will be responsible for the cost of such testing, payable prior to the test. A defendant who has been found indigent by the Court and has been appointed counsel will not be responsible for the cost of such testing.

Q. Non-US Citizens

1. All defense counsel are required to comply with the provisions of Padilla v Kentucky in advising non-US citizen defendants of the effect a plea of guilty or nolo contendere may have on their status in the US.
2. Court-appointed counsel are specifically required to provide to or obtain for their non-US citizen defendants immigration law information which meets the requirements of *Padilla*.
3. myPadilla.com is a free website providing defense counsel with a written statement of any defendant's consequences in pleading guilty or nolo contendere to a criminal charge, and must be utilized for all indigent defendants with court-appointed counsel, unless the defense counsel satisfies the Court that the attorney has the requisite knowledge and has reached a definitive conclusion in regard to the defendant's possible immigration issues.

III. Local Civil Rules

A. Filing

1. All civil cases will be filed on a rotating basis, as set forth in the separate order of Adoption of New Case Filing Docket Assignments, or any amendments thereto.
2. All initial pleadings must conform with the Texas Rules of Civil Procedure, and must include any cover sheet or other tracking documents required by the McLennan County Clerk.

B. Scheduling Orders

1. Within 30 days following the answer and/or appearance of all parties, the parties must conference and submit an agreed proposed scheduling order or trial date to the Court Administrator.
2. If the parties cannot agree to a scheduling order, the Plaintiff shall promptly file a motion for the Court to enter a scheduling order, with a certificate of conference.
3. In the event a scheduling order is unnecessary or not required under the Texas Rules of Civil Procedure or any applicable statute, this section shall not apply.

C. Dismissal Docket

1. In addition to the provisions of Rule 165a, T.R.C.P., a case may be subject to dismissal for want of prosecution if one or more of the following conditions exists:
   a. a case has been on file for more than 180 days, citation has been served and the time to answer has expired with no answer or appearance, or no answer is required by law;
   b. a case has been on file for more than eighteen months and is not set for trial;
   c. a party or an attorney has failed to take any action as directed by the Court.

D. Motions

1. Form. Motions shall be in writing and shall be accompanied by a proposed order granting the relief sought. The proposed order shall be a separate instrument, unless the entire motion, order, signature lines and certificate of service are all on one page.
2. Response. Responses shall be in writing, and shall be filed at least three (3) working days before the date of submission, except on leave of court. Failure to file a response may be considered a representation of no opposition.
3. Conference.
   a. Whenever practicable, counsel shall include with all filed motions a "Certificate of Conference" signed by counsel for movant and containing confirmation that 3.b. below has been satisfied. Except on leave granted by the Court, the Clerk shall not accept for filing and the Court Administrator shall not schedule for hearing any motion not containing a certificate of conference.
   b. Prior to filing a motion, counsel shall personally contact all other attorneys in the case to schedule and conduct a conference in an attempt to resolve the disputed matters. Counsel shall make at least three attempts to contact all other attorneys during regular business hours over a period of no less than two business days.
4. Proposed Orders. Counsel seeking affirmative relief shall be prepared to tender a proposed order to the Court at the commencement of any hearing on any contested matter. The opposing party must approve the proposed order as to form, object to the form in open court, or file objections in writing with the Court within one business day. Nothing herein prevents the Court from drafting a separate order at any time after the hearing.
5. Notice of Hearings. Upon setting a motion or other matter for hearing, a party must serve written notice on all other parties in written or other verifiable form, within one business day of receipt of such setting. All motions other than threshold motions must be scheduled for hearing as soon as practicable following both the filing and any response period authorized by the rules or applicable statute, and not reserved for Pre-Trial.
6. Agreed Motions
   a. Agreed motions submitted in writing with a proposed order and reflecting the agreement of all parties by personal or legally authorized signatures either (a) on the form of order, or (b) in the certificate of conference will be considered without a hearing.
   b. Notwithstanding 6.a. above, the following must be scheduled for a hearing
      (1) agreed motions for continuance in cases older than one year
      (2) final hearings involving financial settlements to or on behalf of minors.

E. Pre-Trial

The following pre-trial procedures will be followed in all civil matters scheduled for jury or bench trial, unless provided otherwise in a scheduling order:

1. All parties will pre-mark exhibits to the extent reasonably possible, and prepare an exhibit list containing
   a. the number/letter of the exhibit;
   b. a description of the exhibit; and,
   c. a space for the initial of the Court reporter's notation of the admission of or refusal to admit the exhibit.
2. The exhibit list will be submitted to the court reporter no later than the Pre-trial hearing.
3. All parties will submit, in printed form and in digital form (Microsoft Word format) a complete proposed charge to the jury.
   a. Specific requested instructions should be included in the body of the proposed charge and in a separate request containing a provision for the Court to note its approval or rejection of the requested instruction.

4. A witness list, including addresses and telephone numbers, will be submitted to the court reporter no later than the time the case is called for trial.
5. Pre-Trial Hearing:
   a. Pre-Trial hearings for all jury trials will be scheduled on the Friday preceding the scheduled trial date.
   b. Motions in Limine and other threshold motions will be heard at the Pre-Trial hearing.
   c. All parties are required to make announcements at the Pre-Trial hearing concerning their readiness for trial.
   d. If no party announces "ready," the case will be passed automatically and removed from the trial docket until it is scheduled again for trial; however, the Court may, in its discretion, exercise its authority to dismiss the case for want of prosecution.
   e. Cases which are ready or deemed ready for trial will be assigned a starting day and time for the following week, or on a later date, at the Court's discretion.

F. Scheduling for Trial
1. The Judge may order a trial setting at any time.
2. In the discretion of the court, preference in setting cases for trial shall be given to matters in which the parties have participated in alternate dispute resolution procedures.
3. Any party may schedule the trial of a cause, subject to any scheduling order, by submitting a written request to the Court Administrator, with a copy to all other parties, setting out the following:
   a. The cause number and style of the case;
   b. The purpose of and the requested date for the hearing or trial;
   c. The identity of the party and counsel submitting the request; and
   d. A certificate of conference demonstrating a reasonable attempt to reach an agreement on such setting.
4. All civil jury trials will be scheduled on Monday, but may be tried on any day during that week, at the Court's discretion.
5. Civil trials in the County Court at Law and the County Court at Law No. 2 are subject to the priority of criminal trial settings, except during weeks set aside by the Courts from time to time for civil priority settings. Criminal trials in the County Court at Law No. 3 are subject to the priority of civil trial settings.
6. All civil or probate matters, other than those pending before the County Judge, will be scheduled for hearing by the Court Administrator upon request of counsel or the Court, giving priority to the regularly scheduled docket for such proceedings. Trials on the merits will be scheduled by the Courts.

G. *Pro Bono* Matters The McLennan County Courts at Law encourage attorneys to represent qualified clients on a *pro bono* basis. An attorney representing a *pro bono* client on a matter set for hearing on a docket containing multiple other cases, may inform the Court of his or her *pro bono* representation, in which event the Court will make every reasonable effort to give that matter priority on the docket, subject to the other scheduling needs of the Court.

IV. Probate and Mental Health

A. All probate and mental health matters will be heard by the County Judge.
   1. In emergency circumstances, the Judges of the County Courts at Law may hear *ex parte* matters requiring immediate attention.
   2. The County Court at Law Judges may also hear uncontested probate matters when the County Judge is unavailable or has a conflict.

B. All probate matters heard by the County Judge will be scheduled by that office and heard in accordance with the procedural requirements followed by the County Judge, and will not be subject to these rules.

C. The County Judge may transfer probate and mental health cases to the County Courts at Law as he deems necessary, and for the specific purposes expressed in the order of transfer. Such transfer shall remain in effect until the matter is transferred back to the County Judge by Court order.

V. Advance Approval of Court Interpreters

A. The County Courts at Law may approve in advance an interpreter or interpreters to translate from English into other languages during Court proceedings, by Court order signed and filed in the Local Rules of the County Courts at Law of McLennan County.

B. Advance approval of an interpreter as set out in this provision will authorize the interpreter to provide services in any County Court at Law without the necessity of taking the oath of the interpreter in each specific case, and will create a presumption that the interpreter is qualified under Rule 183 of the Texas Rules of Civil Procedure, Section 38.30 of the Texas Code of Criminal Procedure, and under Rule 604 of the Texas Rules of Evidence. If objection is not timely made to an interpreter with advance approval pursuant to this rule, such objection will be deemed waived.

C. Advance approval of any interpreter in this manner is conditioned upon his/her execution of a written oath as interpreter, which shall be filed with the official Local Court Rules.

D. An order approving an interpreter pursuant to this rule shall remain in effect until further order of the Courts or the written resignation of the interpreter.

E. This rule does not preclude the use of the services of any other qualified interpreter upon the request of any party or upon the Court's motion.

VI. Rules of Decorum *[applicable in all cases]*

A. Children under the age of 17 years are not allowed in the courtroom while Court is in session, unless authorized by the Court in advance.

B. Telephones, smart devices, computers, electronic pads and other instruments capable of 1) receiving or sending communications, 2) photography, 3) video recording, or 4) audio recording are strictly prohibited, except as used by officers of the Court in the performance of their Court duties.

C. Dress
   1. No witnesses, observers, spectators or parties will be allowed in the courtroom unless dressed appropriately.
   2. Inappropriate clothing or dress includes the following:
      a. Shorts, of any length, showing any portion of the leg;
      b. Sandals, flip-flops, or bare feet;
      c. Hats, caps, do-rags, scull caps or other head-coverings *(except those required by religious precepts)*;

d. Sunglasses or other unnecessary eyewear;
e. Torn or dirty clothing;
f. Sleeveless shirts;
g. Clothing displaying offensive, vulgar, disrespectful or otherwise unacceptable graphics or words;
h. Exposed undergarments;
i. Women's halter-tops, low cut blouses, or other revealing clothing;
j. Men's slacks or pants worn with the waist-band significantly below the waist.

3. All attorneys will maintain a professional appearance, and will appear in Court in appropriate business professional attire, e.g. a suit and tie or a coat and tie for men.
4. The Courts have discretion to modify or clarify these rules at any time.
5. Violators of these rules will be required to leave the courtroom. Parties in violation will be required to leave the courtroom and to dress properly and return on the same day as directed by the Court. Non-participants in violation of these rules will be denied access to the courtroom. In criminal cases, a defendant in violation who fails to return as directed, dressed appropriately, will be subject to a "failure to appear" finding.

D. Testimony
1. Witnesses and participants in courtroom proceedings will refrain from non-verbal communications, including gestures, head-shakes, and sounds such as "uh-huh."
2. Attorneys and witnesses will be respectful and allow others to finish speaking before beginning to speak.
3. Witnesses will stop speaking whenever an attorney or the Judge interrupts.
4. The "rule" will be strictly enforced. *(See Texas Rules of Evidence, Rule 614; Texas Rules of Civil Procedure, Rule 267; Texas Code of Criminal Procedure, 36.03 - 36.06).*

E. Contact with Jury
1. No attorney, party or witness may have contact with or carry on conversations with or near any member of a jury or jury panel (venire) of any nature.
2. All witnesses waiting outside the courtroom will sit or stand in an area well removed from any juror or potential juror, and will not review reports or other evidence regarding the case in the presence of or near any juror or prospective juror.

F. Responsibility of Attorneys
1. Attorneys are responsible for assuring that their clients and witnesses are aware of these rules and are in compliance.

VII. Applicability

The foregoing rules are applicable to all matters pending before the Courts, whether jury or non-jury cases, subject to the local criminal rules for criminal cases.

VII. Prior Orders and Local Court Rules

A. The following documents on file in the McLennan County Rules of Court have been superseded and are no longer effective:
   1. Local Court Rules, [March 31, 2022].

APPROVED and ADOPTED on January 12, 2023.

Vikram Deivanayagam, Judge
County Court at Law

T. Bradley Cates, Judge
County Court at Law No. 2

Ryan A. Luna, Judge
County Court at Law. No. 3

Exhibit A

Monday		9:00 am	-	Jury Trial docket call
		10:00 am	-	Criminal and Civil Jury Trials
Tuesday		9:00 am	-	Criminal and Civil Jury Trials
		1:30 pm	-	Criminal and Civil overflow
		3:00 pm	-	Jail Status Review
Wednesday				
	CCL -	9:00 am	-	Arraignment
		10:30 am	-	Disposition Docket
		1:30 or 2:30 pm	-	Criminal Pre-trial [2 weeks out of every 3 weeks, alternating between 1:30 pm and 2:30 pm]
		1:30 pm	-	Jail Docket [every 3rd Wednesday]
		3:00 pm	-	Pro-Se Docket [every 3rd Wednesday
	CCL2 -	9:00 am	-	Arraignment
		10:30 am	-	Disposition Docket
		1:30 or 2:30 pm	-	Criminal Pre-trial [2 weeks out of every 3 weeks, alternating between 1:30 pm and 2:30 pm]
		1:30 pm	-	Jail Docket [every 3rd Wednesday]
		3:00 pm	-	Pro-Se Docket [every 3rd Wednesday
	CCL3 -	9:00 am	-	Civil and Probate hearings
	-	1:30 or 2:30 pm	-	Criminal Pre-trial [2 weeks out of every 3 weeks, alternating between 1:30 pm and 2:30 pm]
		1:30 pm	-	Jail Docket [every 3rd Wednesday]
		3:00 pm	-	Pro-Se Docket [every 3rd Wednesday
Thursday	-	9:00 am	-	Status and plea docket
		12:00 pm	-	Criminal Jury Trial announcement deadline
		1:30 pm	-	Community Supervision Revocations (uncontested)
		2:30 pm	-	Community Supervision Revocations (contested)
		3:00 pm	-	Special Criminal Pre-trial hearings
Friday	-	9:00 am	-	Civil & Probate Pre-trial and other hearings
		11:00 am	-	DWI / Drug Court (CCL)
		1:30 pm	-	Civil and Probate hearings

Amendment to Local Court Rules of the
County Courts at Law of McLennan County, Texas
[January 19, 2023]

The Judges of the County Courts at Law of McLennan County hereby ORDER that the following Amendment to the Local Court Rules be and is hereby adopted, effective on January 23, 2023. The Local Court Rules effective on January 17, 2023, shall remain in full force and effect, except as amended herein.

Exhibit A to the Local Court Rules, contained on page 15 thereof, is hereby replaced with and superceded by Exhibit A attached hereto.

APPROVED and ADOPTED on January 19, 2023.

Vikram Deivanayagam, Judge
County Court at Law

T. Bradley Cates, Judge
County Court at Law No. 2

Ryan A. Luna, Judge
County Court at Law. No. 3

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Wednesday				
	CCL -	9:00 am	-	Criminal Arraignment
		11:00 am	-	Criminal Disposition Docket
		1:30 or 2:30 pm	-	Criminal Pre-trial [2 weeks out of every 3 weeks, alternating between 1:30 pm and 2:30 pm]
		1:30 pm	-	Criminal Jail Docket [every 3rd Wednesday]
		3:00 pm	-	Criminal Pro-Se Docket [every 3rd Wednesday
	CCL2 -	9:00 am	-	Criminal Arraignment
		10:30 am	-	Criminal Disposition Docket
		1:30 or 2:30 pm	-	Criminal Pre-trial [2 weeks out of every 3 weeks, alternating between 1:30 pm and 2:30 pm]
		1:30 pm	-	Criminal Jail Docket [every 3rd Wednesday]
		3:00 pm	-	Criminal Pro-Se Docket [every 3rd Wednesday
	CCL3 -	9:00 am	-	Criminal Arraignment [once per month as scheduled]
			-	Civil and Probate hearings
		10:00 am	-	Criminal Disposition Docket [once per month as scheduled]
	-	1:30 pm	-	Criminal Pre-trial [once per month as scheduled]
		1:30 pm	-	Civil and Probate hearings
			-	Criminal Jail Docket [every 3rd Wednesday]
		3:00 pm	-	Criminal Pro-Se Docket [once per month as scheduled]
Thursday	-	9:00 am	-	Status and plea docket
			-	Civil and Probate hearings [CCL 3]
		12:00 pm	-	Criminal Jury Trial announcement deadline
		1:30 pm	-	Community Supervision Revocations [uncontested]
			-	Civil and Probate hearings [CCL 3]
		2:30 pm	-	Community Supervision Revocations [contested]
		3:00 pm	-	Special Criminal Pre-trial hearings
Friday	-	9:00 am	-	Civil & Probate Pre-trial and other hearings
		11:00 am	-	DWI / Drug Court [CCL]
		1:30 pm	-	Civil and Probate hearings