



JUSTICE OF THE PEACE COURTS
LIBERTY COUNTY, TEXAS

LOCAL RULES OF PROCEDURE
AND
DECORUM

EFFECTIVE MARCH 1, 2023

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General

1.1 Objective

In accordance with Section 27.061 of the Texas Government Code, requires that the Justices of the Peace in each county adopt local rules of administration; and Section 15.0821 of the Texas Civil Practice and Remedies Code require the transfer of pending civil cases from one precinct to a different precinct, and Article 4.12 of the Texas Code of Criminal Procedure requires the Justices of the Peace in every county to adopt local rules of administration regarding the transfer of a pending misdemeanor case from one precinct to a different precinct, the Justices of the Peace of Liberty County do hereby adopt local rules of administration to provide for the administration, assignment, docketing, transfer, and hearing of cases.

These rules are promulgated to provide a uniform system for the fair, impartial, and prompt disposition of matters before the Justice Courts of Liberty County in accordance with the Texas statutes. Any interpretation of the following should be consistent with this objective.

1.2 Scope

These rules govern cases and hearings within the Justice Courts of Liberty County, Texas.

1.3 Jurisdiction

The Justice Courts of Liberty County hear:

- a. Justice Civil cases including debt claim cases, small claim cases, and eviction (residential and commercial) cases in which the amount in controversy is \$20,000.00 or less and repair and remedy cases in which the amount in controversy is \$10,000.00 or less;
- b. Occupation Driver's License hearings;
- c. Administrative hearings;
- d. Inquest investigations;
- e. Criminal offenses which are fine only, both traffic and Class C misdemeanors.
- f. Cases involving animal cruelty and neglect;
- g. Peace Bonds;
- h. And any other hearings or cases in which a justice court has statutory or administrative authority.

1.4 Organization

There are six Justice Courts in Liberty County. Each court presides over a specific geographical area of Liberty County, Texas. Each Jurisdiction is generally described as Precinct One, Precinct Two, Precinct Three, Precinct Four, Precinct Five, and Precinct 6. Each court is a separate entity with their own clerks and individual dockets.

1.5 Calendar

Each Justice Court will keep a docket of scheduled hearings and trials. Dockets are available to the public upon request.

Each Judge is responsible for informing other Judges of their absences for vacation, extended illness, training, or other reason and ensure that, when required, another judge performs the duties of the absent judge through a bench exchange.

1.5.1 Holidays and Temporary Closures

When any appearance/hearing/trial date falls on a court observed holiday or a date when the court is temporarily closed, then the date shall be moved to the first business date following the holiday or temporary closure.

1.6 Bench Exchange

Any judge of the Justice Court in Liberty County may act as the judge of any other Justice Court in Liberty County. This may occur for a recusal of the original judge, temporary absence of the original judge, or other reason deemed necessary by the original judge.

1.7 Recording or Broadcasting of Court Proceedings

Unless written permission is obtained from the presiding Justice of the Peace, recording or broadcasting is strictly prohibited.

Rules of Decorum

2.1 Rules of Conduct

All officers of the court, except for the Judge and jurors, and all other participants shall promptly enter the courtroom before the scheduled time for each court session. When the bailiff calls the Court to order, complete order should be observed.

During court proceedings all participants shall refer to all other participants respectfully and impersonally, proper titles and surnames shall be used rather than first names, nicknames, or other names.

During court proceedings all participants should show common decency and respect to the court and other participants by remaining quiet and not disrupting proceedings.

Additionally, there shall be:

1. No tobacco;
2. No alcohol;
3. No chewing gum;
4. No audible cell phones or pagers (except cell phone(s) belonging to the presiding Judge);
5. No bottles, cups or beverage containers except court provided water, pitchers and cups or as otherwise permitted by the Judge;
6. No food;
7. No propping of feet on tables, chairs or other courtroom furniture or fixtures;
8. No weapons of any kind.

2.2 Attorneys

Attorneys should observe the letter and spirit of all canons of ethics, including those dealing with discussion of cases with representatives of the media and those concerning improper ex parte communications with the Judge.

Attorneys should advise their clients and witnesses of Local Rules of Decorum that may be applicable.

All objections, arguments and other comments by counsel shall be directed to the Judge or jury and not to opposing counsel or parties.

While another party is addressing the Judge or jury, an attorney shall not stand for any purpose except to make an appropriate motion, request or objection to the Court.

Attorneys should not approach the bench without leave of the court and must never lean on the bench.

Attorneys shall always remain seated at the counsel tables except:

1. When the Judge enters and leaves the courtroom;
2. When addressing the Judge or jury; and
3. Whenever it may be proper to handle documents, exhibits, or other evidence (leave of court is not required).

2.3 Dress Code

Proper attire shall be worn at all court proceedings. All officers of the Court are expected to dress appropriately and professionally. Court participants should dress appropriately (as defined by the court), this includes, but no limited to:

1. No shorts, bare midriffs, tank tops, no lounge/sleep ware, or hats; no distressing;
2. No visible undergarments;
3. Shoes must be worn, flip flops;
4. No sunglasses.

2.4 Electronic Devices

Handheld electronic devices should not be used during court proceedings, other than those required for use during a hearing. Including but not limited to laptop computers, tablets, cellular phones, and smart watches.

Videography, photography, and audio recording are prohibited without permission from the presiding Judge during all court proceedings. This includes handheld devices such as tablets, cellular phones, and smart devices. Persons found violating this policy may be held in contempt of court.

Civil Cases

3.1 Filing

All civil cases filed in Liberty County Justice Courts shall be filed in accordance with Part V of the Texas Rules of Civil Procedure (TRCP), *Rules of Practice in Justice Courts*. It is the responsibility of the party filing the case to ensure the case is filed in the proper court.

3.2 Setting Cases

All justice court cases are to be brought to trial or final disposition as promptly as practicable.

Each Justice Court shall be responsible for the setting of hearings and trials in each court and for the notices thereof.

3.3 Jury Demand

A party requesting a civil jury trial shall file a written request to the court no later than 14 days before the date a case is set for trial. If the demand is not timely, then the right for a jury trial is waived, unless the late filing is excused by the presiding judge for good cause. Jury fees are to be paid at the time of the request being submitted to the court. Once a jury is requested by either party, the request can only be withdrawn with written approval of both parties. Jury fees are non-refundable.

3.4 Provision and Cost of Copies

In accordance with Part V of the Texas Rules of Civil Procedure (TCRP), parties in Justice Court suits are responsible for providing an adequate number of copies of petitions and accompanying documents filed with the court for all parties being served.

A court may assess fees to the party who fails to comply with TCRP, in order to provide necessary copies of documents to parties, up to \$1.00 for a titled document first page and \$0.25 for each additional page of the document.

3.5 Provision of Self-Addressed, Postage-Paid Envelopes

A party desiring to have file-stamped copies of any document returned to them by mail, shall include with the original document to be filed a self-addressed, postage-paid envelope for the court's return.

3.6 Motions for Continuance / Postponement of Trial

When practicable, prior to filing a motion for continuance, the party seeking a continuance in a justice civil case should attempt to confer with the opposing party or parties in an effort to secure an agreement to the delay. Requests for continuance must be submitted to the court in writing at least three business days preceding the date of the trial or hearing, unless it may be shown that the grounds for the request arose thereafter. The notice and pleading requirement of law must be followed. Motions for continuance may be granted or denied with or without a hearing by the court.

3.7 Conflicting Engagements of Attorneys

An attorney who is, or is scheduled, to be in trial in another court, will, in writing and as soon as the conflict becomes apparent, inform the Justice Court of the case number and the court in which the conflicting case is being tried. When informed that an attorney is in trial, the Court will verify the assignment. The case will be reset upon confirmation. If the attorney is not actually in trial as represented by the attorney or agent, the case may be tried without further notice. An attorney who requests a reset under this rule is responsible for ensuring the motion was granted by the presiding judge.

3.8 Withdrawal or Substitution of Counsel

An attorney of record may withdraw from representation of a party only upon written motion for good cause shown. If another attorney is to be substituted as attorney for the party, the motion must provide the contact information for the substituting attorney. If no other attorney is to be substituted, the motion must be delivered to the party and contact information for the party must be provided in the motion.

3.9 Assignment and Transfer of Cases

Notwithstanding other provisions of law regarding venue, a civil case in justice court, shall be heard by the court in which the case was filed, unless presented with a proper motion by a party in accordance with Part V of the Texas Rules of Civil Procedure, at which time the motion will be set for a hearing, if required by the court. If the motion is granted, the Justice of the Peace will:

1. Transfer the case to another Justice Court in Liberty County, or another Precinct or County having proper venue and jurisdiction; or
2. If the presiding judge is disqualified from hearing the case, transfer the case to another Justice of the Peace in Liberty County by bench exchange.

An order transferring the case shall identify the court to which the case is being transferred and a copy of the order shall be delivered to each party or their attorney of record.

If the motion is denied, the case will be heard in the court in which the plaintiff initially filed the suit.

3.10 Dismissal for Want of Prosecution

3.10.1 Case Selection

The following cases are eligible for want of prosecution *sua sponte* by the Court in which the case is filed:

1. Cases on file for more than 120 days in which no answer has been filed;
2. Cases that have been on file for more than 12 months that are not set for trial and have no filings or settings within the prior 180 days;
3. Any other case designated by the court that lacks sufficient activity.

3.10.2 Procedures for Retaining Cases and Objecting to Motions to Retain

- A. Motions to retain shall be filed with the Court at least 10 business days prior to the date specified in the notice of dismissal for want of prosecution.
- B. Any party who files a motion to retain shall state in writing the factual and legal basis why the case should not be dismissed for want of prosecution.
- C. Parties objecting to a motion to retain shall state in writing the basis for any objection to the motion to retain within 3 days of service of a motion to retain.
- D. The Court may rule on the motion with or without a hearing. Parties wanting to provide oral argument shall request a hearing in their motion or objection.
- E. The Court shall notify all parties of the Court's ruling on the motion.

If the court decides to retain the case the Court will set the case for trial at the convenience of the Court. The Court will notify the parties of the setting. At the setting, the case will be tried or dismissed.

3.11 Drafts of Orders and Judgments

As far as practicable, every draft of an order or judgment to be signed by a judge should be approved as to form by attorneys for all parties prior to being presented to the judge. A draft of an order or judgement shall have its own page and not be typed on the same page as a pleading, motion, certificate of service, or any part thereof. Each draft shall have a proper heading including the cause number, the style of the case, and the court in which the case is pending. The court may decide to use the presented orders or judgments or prepare their own.

Criminal Cases

4.1 Filing of Criminal Cases

Justice Court cases shall be filed in accordance with Article 4.12 of the Texas Code of Criminal Procedure.

4.2 Transfer of Pending Criminal Cases

Unless otherwise provided by a more specific Local Rule, the transfer of a criminal case from one Liberty County Justice Court to another Liberty County Justice Court in which the offense was committed or in which the defendant resides, may be made by the Justice of the Peace Court in which the case is pending.

4.3 Order of Transfer

An Order transferring the case shall identify the Court to which the case is being transferred and a copy of the Order shall be delivered to each party or their attorney of record.

4.4 Appearance Date

Unless otherwise directed by the court, defendants shall appear at the Justice Court in which the case is filed, according to the date and time specified on their citation or summons. Subsequent appearances will be scheduled by the court in which the case is pending.

4.5 Plea of Guilty or Nolo Contendere (No Contest)

Defendants, or their attorney of record, may enter a plea of guilty or nolo contendere at any time, with or without a plea agreement. Guilty or nolo contendere pleas may be made in person, at the bench, by mail, or other correspondence designated as acceptable by the presiding judge. In accordance with Article 27.14(c) of the Code of Criminal Procedure, when a defendant makes a payment in full that payment constitutes a plea of nolo contendere by the defendant, even without a written plea.

4.6 Plea of Not Guilty

Defendants, or their attorney of record, may enter a plea of not guilty at any time. Upon entering a plea of not guilty the defendant may be set to appear at either a pretrial docket or a trial docket. An appearance bond (personal bond only) may be required by the presiding judge at the time such plea is entered.

A defendant who refuses to enter a plea shall be deemed to have entered a plea of not guilty and be set on a pretrial docket or trial docket.

4.7 Setting of Cases

Each Justice Court in Liberty County maintains its own criminal docket, which is available to the public upon request.

Defendants or attorneys may request a reset of an appearance no later than 24 hours before the setting, unless the circumstances justify the request for reset occur thereafter as determined by judge presiding over the case.

Each Justice Court may stipulate its own rules as to the number of resets allowed on specific types of cases.

4.7.1 Pre-Trial

Upon a plea of not guilty being entered by a defendant or attorney of record a case will be set for a pre-trial. Pretrial conferences are set on the Court's docket once per month, or if the court finds necessity, twice per month.

4.7.2 Jury Trial

Upon a plea of not guilty being entered by a defendant or attorney of record, a request for a trial by jury may be made. Defendants or attorneys of record shall appear at the scheduled jury setting. If the defendant waives jury at the docket call, a written waiver, signed by attorney of record and/or defendant must be presented.

4.8 Appointing of Counsel

Indigent defendants are not entitled to a court appointed attorney, as a matter of law, when charged with a fine-only offense.

4.9 Withdrawal or Substitution of Counsel

An attorney becomes an attorney of record in a misdemeanor case by listing his or her name on pleadings, by correspondence with the court indicating such, or by setting or resetting the case. He or she remains the attorney of record until relieved by written order of the court.

If an attorney is to be substituted as an attorney for the party, the court must receive written notification of the substitution prior to continuing with the case. The notification shall include the original attorney's information, the substitute attorney's information, and the defendant's information for whom the substitution is occurring.

4.10 Jury Selection

The Justice Courts of Liberty County utilize the same jury selection as Liberty County Courts at Law 1 and 2, the 75th District Court, and the 253rd District Court. When this process does not yield an appropriate number of jurors to build a pool, the presiding judge may order the Constable in the precinct to hand deliver jury summons to Liberty County residents chosen at random in public places in Liberty County.

4.11 Conflicting Engagements of Attorneys

An attorney who is or is scheduled to be in trial in another court, will, in writing and as soon as the conflict becomes apparent, inform the Justice Court of the case number and the court in which the conflicting case is being tried. When informed that an attorney is in trial, the Court will verify the assignment. The case will be reset upon confirmation. If the attorney is not actually in trial as represented by the attorney or agent, the case may be tried without further notice. An attorney who requests a reset under this rule is responsible for ensuring that the motion was granted by the presiding judge.

4.12 Magistrate Duties

As a magistrate, the Justice of the Peace can act to order arrests; issue search and arrest warrants; find probable cause; warn person accused of crimes; set bail amounts and implement conditional terms of bail; commit persons to jail; issue emergency protective orders; and carry out other important duties within the criminal justice system.

Administrative Jurisdiction

5.1 Driver's License Suspension and Revocation Hearings

These cases are filed by the Texas Department of Public Safety. The Department of Public Safety, after consulting the Court, will provide the original hearing date and time to the driver's license holder. Requests for a reset of your hearing must be made in writing and submitted to the court within 24 hours of the scheduled hearing, unless a given situation arises that prevents the timeliness of the requests. The Judge's ruling on a reset request will be provided in writing; if a request is granted a new court date and time will be provided by the court.

5.2 Rights of Owners and Operators of Stored Vehicles (Tow Hearings)

These cases are filed by vehicle owners or operators under Section 2308.452 of the Texas Occupations Code to determine whether probable cause existed for the removal and placement of a

vehicle in a vehicle storage facility following the vehicle's removal without the consent of the owner or operator. A proper request filed under this section with the applicable filing fees will trigger a hearing. The case is docketed by the court clerk and a hearing notice is mailed to the filing party and all other respondents listed in the petition (i.e. towing company, vehicle storage facility, person/entity/law enforcement agency who authorized the towing, etc.).

5.3 Other Administrative Jurisdiction

1. Emergency mental health detention hearings
2. Disposition of stolen/seized property hearings
3. Disposition of cruelly treated animal(s) hearings
4. Suspensions or denials of handgun license hearings

Death Investigations/Inquests

The Justices of the Peace in Liberty County perform all death investigation/inquests of unattended deaths. The Justice of the Peace will authorize transport of bodies to the Jefferson County Morgue (if necessary, to assist in determining cause of death); pronounce date and time of death (based on facts or evidence found at the scene of death); determine cause of death; and certify medical-related facts on the death certificate in the absence of a doctor's certification.

These LOCAL RULES OF PROCEDURE AND DECORUM are hereby adopted by the Justice Court Justices of the Peace of Liberty County, Texas.

Adopted March 1, 2023



Judge Stephen Hebert
Justice of the Peace, Pct. 1
Liberty County, Texas



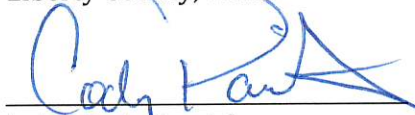
Judge Larry Wilburn
Justice of the Peace, Pct. 4
Liberty County, Texas



Judge Jimmy Belt
Justice of the Peace, Pct. 2
Liberty County, Texas



Judge Wade Brown
Justice of the Peace, Pct. 5
Liberty County, Texas



Judge Cody Parrish
Justice of the Peace, Pct. 3
Liberty County, Texas



Judge Ralph Fuller
Justice of the Peace, Pct. 6
Liberty County, Texas