

LOCAL ADMINISTRATIVE RULES
of the
154th DISTRICT COURT LAMB COUNTY, TEXAS
Effective JANUARY 15TH, 2023

<i>RULE 1 - GENERAL RULES WITH RESPECT TO DISPOSITION OF CASES.....</i>	<i>3</i>
Rule 1.01 Calendars and Holidays.....	3
Rule 1.02 Hours of Court Proceedings.....	3
Rule 1.03 Time Standards for Disposition of Cases.....	3
Rule 1.04 Continuances.	3
Rule 1.05 Preferential Settings.....	3
Rule 1.06 Submission of Orders, Judgments and Instruments.....	4
Rule 1.07 Counsel for Indigents.....	4
Rule 1.08 Interpreters.....	4
Rule 1.09 Filings.....	4
<i>RULE 2 - CIVIL CASES OTHER THAN FAMILY AND JUVENILE CASES.....</i>	<i>5</i>
Rule 2.01 Requests for Contested Non-Jury Settings.....	5
Rule 2.02 Settings for Uncontested Matters.	5
Rule 2.03 Jury Trial Settings.	5
Rule 2.04 Docket Calls and Announcements for Jury Trials.....	5
Rule 2.05 Assignment of Cases for Trial.....	5
Rule 2.06 Hearings on Pre-Trial Pleas and Motions.....	5
Rule 2.07 Discovery Documents.....	5
Rule 2.08 Summary Judgments.	6
Rule 2.09 Dismissals for Want of Prosecution.....	6
Rule 2.10 Alternate Dispute Resolution.	6
Rule 2.11 Jury Questions and Instructions.....	6
Rule 2.12 Juror Questionnaires.	6
<i>RULE 3 - FAMILY AND JUVENILE CASES.....</i>	<i>7</i>
Rule 3.01 Family Law Cases Generally.	7
Rule 3.02 Inventories and Disposition Proposals in Property Cases.....	7
Rule 3.03 Conference Required in Family Law Cases.....	7
Rule 3.04 Children's Interest Seminars.	7
Rule 3.05 Temporary Orders.....	7
Rule 3.06 Spousal Support.	8
Rule 3.07 Prove-ups.	8

<i>RULE 4 -CRIMINAL CASES</i>	9
Rule 4.01 Grand Juries	9
Rule 4.02 Appearance of Defendant and Counsel	9
Rule 4.03 Bond and Bond Forfeiture	9
Rule 4.04 Docket Calls	9
Rule 4.05 Announcements	9
Rule 4.06 Plea Bargains	9
Rule 4.07 Speedy Trial	10
Rule 4.08 Pre-Trial Matters	10
Rule 4.09 Preferential Settings	10
Rule 4.10 Juror Questionnaires	10
Rule 4.11 Arraignments and Bond Reduction Hearings	10
Rule 4.12 Paysheets	10
<i>RULE 5-ATTORNEY MATTERS</i>	11
Rule 5.01 Conflicting Settings	11
Rule 5.02 Substitutions	11
Rule 5.03 Withdrawal	11
<i>RULE 6 -ATTORNEY VACATIONS</i>	12
Rule 6.01 Attorney Vacations	12
<i>RULE 7-COURTROOM DECORUM</i>	12
Rule 7.01 Trial Witnesses and Exhibits	12
Rule 7.02 Conduct of Counsel	12
Rule 7.03 Conduct of Parties, Witnesses and Spectators	12
Rule 7.04 Audio/Video Devices, Telephones and Recording of Proceedings	12
Miscellaneous Order	13

RULE 1 - GENERAL RULES WITH RESPECT TO DISPOSITION OF CASES

Rule 1.01 Calendars and Holidays.

- a. The Court shall publish its annual calendar at co.lamb.tx.us setting out a schedule for jury and non-jury weeks.
- b. The Court will observe those holidays recognized for county employees by the Lamb County Commissioners Court.

Rule 1.02 Hours of Court Proceedings.

The Judge shall determine the hours of operation for the Court. Generally, the Court will be available for settings from 9:00 a.m. through 4:00 p.m., Tuesday through Thursday (depending on the availability of a reporter.)

Rule 1.03 Time Standards for Disposition of Cases.

To the extent possible, cases shall be brought to trial or final disposition within the time standards as prescribed by Rule 6 of the Rules of Judicial Administration and Rule 1 of the Regional Rules of Administration of the Ninth Administrative Judicial Region.

Rule 1.04 Continuances.

- a. With leave of Court, an agreed continuance may be granted without a written motion. Otherwise, continuances will not be granted except for good cause shown upon written motion supported by affidavit.
- b. All motions for continuance shall contain a certificate of conference that the request has been discussed with all opposing parties or counsel and that such motion is agreed or opposed.
- c. The party filing the motion shall be responsible for obtaining a hearing on the motion in timely fashion.
- d. The court may conduct a hearing on a motion for continuance by telephone or video conference.

Rule 1.05 Preferential Settings.

- a. Preferential settings shall be made in accordance with Sections 23.101 and 23.102 of the Government Code.
- b. Preferential settings may also be made if, because of unusual circumstances, more than ordinary difficulty would be encountered in having all counsel and witnesses available on the regular docket and a special setting will facilitate the orderly conduct of the Court's business.

Rule 1.06 **Submission of Orders, Judgments and Instruments.**

- a. Agreed, approved or default judgments and orders should be submitted directly to the Court Coordinator for submission to the Judge for signature. All agreed orders or judgments shall be approved as to form by all counsel and/or pro se parties. Default judgments shall be approved as to form by counsel.
- b. In contested matters, all counsel and pro se parties shall make reasonable effort to agree, in writing, to the form of the order to be submitted to the Court. If all counsel and pro se parties cannot agree on the form of the order or judgment, the Court will schedule a hearing on entry of the judgment with notice to all parties upon request.
- c. All orders shall be submitted for signature within 7 days of the hearing.

Rule 1.07 **Counsel for Indigents.**

Counsel for indigents will be as required by law and by the appointed and compensated current plan governing same.

Rule 1.08 **Interpreters.**

When an interpreter is needed for a party or witness, counsel for the party or counsel who intends to call the witness shall notify the Court Coordinator as soon as is practical, but no less than 5 business days prior to said hearing.

Rule 1.09 **Filings.**

The District Clerk of Lamb County accepts filings with digital signatures through the E-File system.

RULE 2 - CIVIL CASES OTHER THAN FAMILY AND JUVENILE CASES

Rule 2.01 Requests for Contested Non-Jury Settings.

- a. A request for setting shall be addressed in writing to the Coordinator, with notice to all counsel and pro se parties who are entitled to notice in the case, and shall include an estimate of the time required for trial.
- b. Zoom or internet video conference will be used when necessary.

Rule 2.02 Settings for Uncontested Matters.

Settings for uncontested matters, including default judgments, may be obtained through the Coordinator and need not be in writing.

Rule 2.03 Jury Trial Settings.

- a. Unless an earlier request is made in accordance with this rule, civil cases in which a jury trial is demanded will automatically be placed on the jury docket approximately 6 months after filing.
- b. Requests for settings for jury trials at an earlier date shall include a certification that all discovery is complete, or will be complete at least twenty (20) days prior to the first docket date, that the jury fee has been paid, and that a demand for jury has been filed.

Rule 2.04 Docket Calls and Announcements for Jury Trials.

- a. The Coordinator shall send notices to attorneys or pro se parties of the time, date, and place of docket call.
- b. The attorney who will try the case or an authorized attorney shall be present at the docket call unless the Judge has allowed announcements by other means.

Rule 2.05 Assignment of Cases for Trial.

Cases shall be assigned their order for trial at the docket call at the discretion of the Judge.

Rule 2.06 Hearings on Pre-Trial Pleas and Motions.

- a. Requests for hearings on pre-trial motions including, but not limited to, temporary injunctions, discovery motions, protective orders, summary judgments and contempt, shall be submitted to the Coordinator for setting.
- b. After setting is obtained, it is the responsibility of the moving party to obtain proper notice to or citation on all opposing parties entitled thereto.

Rule 2.07 Discovery Documents.

Discovery documents shall not be filed with the Clerk unless filing is required by other rule or court order.

Rule 2.08 **Summary Judgments.**

- a. Summary judgments are heard by submission without oral argument.
- b. Subject to the approval of the Court, for good cause shown, the parties may request oral argument.
- c. Court Call or Zoom is available for hearings, if any.

Rule 2.09 **Dismissals for Want of Prosecution.**

The Judge may issue a notice of intent to dismiss for want of prosecution in any case which has not been set for trial or finally disposed of within the time standards set out in Rule 1.03 or within such other time period as the Court deems appropriate according to the nature of the case.

Rule 2.10 **Alternate Dispute Resolution.**

The Judge may refer cases for Alternate Dispute Resolution.

Rule 2.11 **Jury Questions and Instructions.**

In all civil jury cases, anticipated jury questions, definitions and instructions shall be submitted to the Court in electronic medium no less than ten (10) working days prior to commencement of *voir dire* examination.

Rule 2.12 **Juror Questionnaires.**

- a. Copies of juror questionnaires which have been returned will be delivered by the Clerk to attorneys or pro se parties upon request prior to *voir dire* unless otherwise ordered by the Court.
- b. Attorneys and prose parties shall not copy juror questionnaires.
- c. Attorneys and pro se parties shall return all juror questionnaires to the Clerk at the end of *voir dire*.
- d. The Clerk shall maintain the confidentiality of juror questionnaires as required by law.

RULE 3 - FAMILY AND JUVENILE CASES

Rule 3.01 Family Law Cases Generally.

Procedures for Family Law cases shall be as provided in Rule 2 and as supplemented by this rule.

Rule 3.02 Inventories and Disposition Proposals in Property Cases.

In disputed property division cases, each attorney shall submit to the Court and opposing counsel not later than 5 days prior to the commencement of trial an inventory of property, with values, and debts and a proposed property division including property claimed or recognized as separate property.

Rule 3.03 Conference Required in Family Law Cases.

Each attorney shall, prior to the day of trial, confer with opposing counsel, if any, regarding settlement, stipulations, estimated time of trial, the extent, description, character and value of property in question, amount of support, medical insurance for any children and the cost thereof, conservatorship, periods of possession and/or access, rights, duties and powers of conservators and other relevant issues.

Rule 3.04 Children's Interest Seminars.

- a. In any suit involving the parent-child relationship, except uncontested adoptions and terminations, all parties shall successfully complete a children's interest seminar and file their certificate of completion with the Clerk. Each party will be responsible for payment of the appropriate fees.
- b. The seminar shall be completed prior to the final hearing.
- c. Failure to successfully complete the seminar may result in sanctions under Rule 215, Texas Rules of Civil Procedure, contempt of court, or delay of the final hearing.
- d. For good cause shown, the Judge may waive the requirement of completion of the seminar.
- e. If such seminar has been completed, no additional attendance is required in the event of motions to modify or enforce.

Rule 3.05 Temporary Orders.

- a. Temporary Orders will be in person unless good cause is shown.
- b. All exhibits will be exchanged with the parties and the Court prior to any hearings.
- c. The Court has limited the number of witnesses to the parties only and the Court reserves the right to limit the length of the testimony per side depending upon the court's docket.
- d. All experts, law enforcement and school officials may testify by affidavit, a

report or by letter during temporary orders.

- e. Each side shall submit a financial information report to the court and the opposing side in each case seeking temporary spousal support and/or child support.
- f. All temporary orders involving children shall include injunctive relief prohibiting disparaging remarks, using alcohol/drugs 24 hours prior to and during any possession of the child(ren), and overnight stays by an unrelated adult during the possession of the child(ren).
- g. Motions to Modify Temporary Orders shall not be heard unless an affidavit is attached to the motion including facts supporting a serious and immediate concern that cannot be addressed at a final hearing.
- h. The Court will consider affidavits from your expert, if any.
- i. The Court does not favor interviewing children who are the subject of the proceeding. This may be conducted by Zoom to avoid missing school.
- j. As a matter of course, the standard injunction regarding property, personal matters and children will be entered against both parties by the Court. No testimony regarding this will be required.
- k. The attorney for each party shall announce to the Court, at the beginning of the hearing, the disputed issues. The testimony and evidence shall be limited to those specific issues only.
- l. The Children's Interest Seminar must be completed by each side prior to obtaining a setting for a final hearing.

Rule 3.06 **Spousal Support.**

In all cases where spousal support is requested, each party shall submit a financial information report to the Court and the opposing sides showing minimum reasonable needs.

Rule 3.07 **Prove-ups.**

Prove-ups may be conducted by Zoom or by attaching an affidavit in the envelope with the Decree.

RULE 4 -CRIMINAL CASES

Rule 4.01 **Grand Juries.**

Terms for grand juries for the 154th District Court shall be January and July.

Rule 4.02 **Appearance of Defendant and Counsel.**

Immediately upon employment, the defense attorney shall file written notice thereof with the District Clerk and provide a copy of same to the attorney for the State and to the Court Coordinator.

Rule 4.03 **Bond and Bond Forfeiture.**

- a. Bond shall be set immediately after indictment.
- b. Bond forfeiture will be promptly initiated upon any failure of the defendant to appear after proper notice has been given.

Rule 4.04 **Docket Calls.**

- a. The Court Coordinator shall send and post notices to attorneys, bondsmen, and all pro se or unrepresented defendants of the time, date, and place of docket call.
- b. The attorney who will try the case or an authorized attorney shall be present at docket call unless the Judge has allowed announcements by other means.
- c. Defendants without attorneys shall be required to be present at docket call or bond will be forfeited.

Rule 4.05 **Announcements.**

- a. An announcement of "ready" by the attorney for the State means that no plea agreement could be reached, that all witnesses are available and that counsel for the State is ready for trial.
- b. An announcement of "ready" by defense counsel means that the defendant and all witnesses are available and that counsel is ready for trial.
- c. Cases for which defense counsel announces a guilty plea will be set for plea at a date and time to be determined by the Court.

Rule 4.06 **Plea Bargains.**

Unless good cause is shown, plea bargains will not be approved for cases which have previously been moved to the Court's Jury Trial Docket.

Rule 4.07 **Speedy Trial.**

All cases will be set for trial as expeditiously as possible.

Rule 4.08 **Pre-Trial Matters.**

- a. Pretrial hearings will not be automatically scheduled; however, settings must be made within the timelines detailed in any scheduling order.
- b. Counsel shall advise the Court of any motions to be heard prior to trial and shall obtain a setting from the Coordinator.

Rule 4.09 **Preferential Settings.**

Preferential settings shall be made as required by statute.

Rule 4.10 **Juror Questionnaires.**

- a. Copies of juror questionnaires which have been returned will be delivered by the Clerk to attorneys or pro se parties upon request prior to *voir dire* unless otherwise ordered by the Court.
- b. Attorneys and pro se parties shall not copy juror questionnaires.
- c. Attorneys and pro se parties shall return all juror questionnaires to the Clerk at the end of *voir dire*.
- d. The Clerk shall maintain the confidentiality of juror questionnaires as required by law.

Rule 4.11 **Arraignments and Bond Reduction Hearings.**

Arraignments and Bond Reduction hearings shall be conducted in person, unless the State and Defense agree otherwise.

Rule 4.12 **Paysheets.**

Paysheets for court-appointed counsel in criminal cases are due within 30 days of any hearing or trial or plea. Untimely paysheets may not be paid.

RULE 5-ATTORNEY MATTERS

Rule 5.01 Conflicting Settings.

- a. An attorney seeking to have a case continued on the grounds that the attorney is to go to trial in another court, shall furnish the Court and opposing counsel with a motion for continuance, which shall disclose the name of the court in which such other case is pending, the style of the case, the time for which such case is set, and the date on which the conflicting setting was made.
- b. A copy of the setting notice of the conflicting case shall be attached to the motion. In the event the conflicting case is passed, continued or disposed of prior to or during the week in which the case is set for trial under these Rules, the attorney shall immediately notify the Judge and opposing counsel of such fact.
- c. Rule 10(b) of the Regional Rules of Administration of the Ninth Administrative Judicial Region shall establish the priority of cases in the event of conflict between courts.

Rule 5.02 Substitutions.

Any attorney substituting for another attorney of record shall file with the Clerk a written notice of substitution signed by the client together with a proposed order permitting the substitution. At the time of filing, such attorney shall furnish a copy of the notice to the Judge, the attorney for whom substitution is being made, and all other attorneys of record or pro se parties.

Rule 5.03 Withdrawal.

- a. If there is no substitution of counsel as provided in Rule 6.02, no attorney of record shall attempt to withdraw without presenting a motion and obtaining from the Court an order granting leave to withdraw.
- b. Such motion shall be accompanied by the client's written consent to such withdrawal or a certification that a copy of such motion has been mailed to the client at his/her last known address, with notice advising the client that the motion will be presented to the Court at a date not less than ten (10) days after mailing, and that any objection to such withdrawal should be made to the Court in writing before such date.
- c. Such notice shall be included within the motion or a copy of the letter attached to the motion.
- d. A copy of the motion shall also be delivered or mailed to opposing counsel.
- e. Such leave may be denied if withdrawal will delay trial.
- f. If leave is granted, the attorney shall notify the party and all other attorneys or pro se parties of such action by mail and file proof of notice with the Clerk.

RULE 6 -ATTORNEY VACATIONS

Rule 6.01 Attorney Vacations.

Attorneys may notify the Court of scheduled vacations in accordance with Rule 11 of the Regional Rules of Administration of the Ninth Administrative Judicial Region.

RULE 7-COURTROOM DECORUM

Rule 7.01 Trial Witnesses and Exhibits.

- a. Counsel shall examine witnesses while seated at counsel table. If counsel needs to approach the witness, counsel may do so without asking leave of court unless instructed otherwise.
- b. No physical or documentary evidence shall be published to the jury without leave requested and granted by the Judge.
- c. Exhibits shall be exchanged with the parties and the court prior to any trial or hearing.
- d. Cross-Examination shall be conducted immediately after direct examination and may not be "reserved" unless leave of Court is sought and granted prior to the beginning of direct examination. Only in extraordinary circumstances will leave be given.

Rule 7.02 Conduct of Counsel.

Counsel shall conduct themselves in accordance with the standards of professionalism set out in THE TEXAS LAWYER'S CREED and shall preserve order and decorum in court proceedings and be courteous to litigants, jurors, witnesses and other lawyers. *See* Canon 3 B. (3) and (4), Texas Code of Judicial Conduct.

Rule 7.03 Conduct of Parties, Witnesses and Spectators.

All counsel, parties, witnesses and spectators shall wear appropriate attire and conduct themselves in a dignified and courteous manner. During the course of a trial or hearing, no person shall approach the Judge, Clerk or other participants in the hearing (including counsel) about matters not related to the hearing, without the permission of the Court.

Rule 7.04 Audio/Video Devices, Telephones and Recording of Proceedings.

All court proceedings shall be reported by the Court Reporter of the 154th District Court or utilizing the Court's in court camera system. Without prior consent from the Judge, no person shall make audio, video or any other type of recordings of court proceedings. All cell phones shall be silenced during court proceedings. Violation of this Order subjects the violator to charges for Contempt of Court.

Miscellaneous Order

The foregoing Local Administrative rules are adopted to be effective January 15, 2023.

Hon. Scott A. Say
154th District Judge