

LOCAL RULES OF PROCEDURE AND
RULES OF DECORUM FOR
THE JUSTICE OF THE PEACE COURT
MCCULLOCH COUNTY JUSTICE COURT

EFFECTIVE 09/14/2023

Chapter 1

GENERAL

1.1 Objective

These rules are promulgated to provide a uniform system for the fair, impartial, and prompt disposition of matters properly before the Justice Court of McCulloch County. They are to be interpreted consistent with this objective.

1.2 Scope

These rules govern cases filed in the Justice Court of McCulloch County. They are promulgated pursuant to Section 27.061 of the Texas Government Code.

1.3 Jurisdiction

The Justice Court of McCulloch County hears:

- (a) Civil cases in which the amount in controversy is \$20,000 or less.
- (b) Eviction cases, both residential and commercial, including writs of re-entry.
- (c) Administrative hearings involving appeals of suspension and revocation of driver's licenses, revocation of concealed handgun licenses, and determination of dangerous dogs.
- (d) Criminal offenses which are fine and sanction only, both traffic and Class C.
- (e) All other cases permissible under Texas Law, including Section 27.031-27.034 of the Texas Government Code.

1.4. Organization.

Although McCulloch County has four precincts, Precincts 1-4. The Justice Court of McCulloch County has a specific geographical area of venue which is generally described as follows: The Justice Court of McCulloch County has only one Justice of the Peace that covers countywide Precincts 1-4. Precinct boundary line information can be found at the County Clerk's Election office if needed. The Justice court has its own court clerk(s) who are responsible for setting cases on the docket for the court.

1.5 Calendar.

The Justice Court of McCulloch County keeps a docket of scheduled hearings and trials. A weekly docket is available to the public. The elected Judge will generally be available as indicated by these rules and calendar. Judges will occasionally participate in bench exchange so that there will be no interruption in the work of the court.

1.6 Jury Selection.

The Justice Court utilizes the electronic method of selecting names of persons assigned for jury service. Jury impaneling is conducted in cooperation with the District Court. Questions about the jury impaneling process and jury service may be addressed to the jury office.

Chapter 2

CIVIL CASES

2.1 Filing Cases.

All civil cases shall be filed in the Justice Court where one or more defendants may reside, except as otherwise provided by law. An eviction case shall be filed in the Justice Court where the leased premises are located.

2.2 Mediation.

It is the policy of the McCulloch County Justice Court to encourage the peaceful resolution of disputes and the settlement of pending litigation. The Court shall determine which of its cases to refer to mediation and shall determine to which mediation service to refer a case.

2.3 Setting Cases.

All civil cases are to be brought to trial or final disposition as promptly as practical.

At any time, the Court may order a pre-trial conference. The court may enter an order or orders following each pre-trial conference, which would address any applicable matters.

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

2.4 Demand for Jury.

Either party shall be entitled to a trial by jury. The request shall be in writing and shall conform to the applicable rule. The jury fee shall be paid upon filing of the request.

2.5 Holidays.

When any date mentioned in these rules falls on a court holiday, the applicable date shall be the first business date following the holiday. The court holidays will be published on the main county website, and on the outside of the Justice of the Peace door posting area for public viewing. All County holidays will be court holidays.

Chapter 3

Criminal Cases

3.1 Filing Cases.

Justice Court cases shall be filed in the precinct where the offense is alleged to have occurred, except for cases involving school attendance, which may be filed in the county Justice Court (County) or City Municipal court (City) depending on the location of the three different school districts.

3.2 First Appearance.

Unless otherwise directed, defendants will appear at the Justice Court in which the case is filed, according to the date and location written on their citation or summons. Subsequent appearances will be as scheduled by the Court.

3.3 Setting Cases.

Cases are set at the request of the defense attorneys or defendants in the Justice Court in which the case is docketed. Attorneys or defendants may reset cases no later than the day before the current setting in accordance with court rules. Court clerks are authorized to give the following settings: all others must be approved by the Judge.

3.4 Jury Trial.

Defense attorney and/or defendant shall appear at the scheduled jury setting. State and Defense must either announce ready or file a written motion for continuance. If the defendant waives jury at the docket call, a written waiver, signed by counsel and/or defendant must be present.

3.5. Plea of Guilty or Nolo Contendere.

Defendants may enter a plea of guilty or no contest at any time, with or without a plea agreement. The Court shall maintain a list of “standard” fines for various offenses. Defendants may also elect to enter a plea of guilty or no contest and address the Judge regarding punishment.

3.6 Appointment of Counsel.

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

3.7 Motions to Withdraw or substitute.

An attorney becomes attorney of record in a misdemeanor case by listing his or her name on the pleadings or by setting or resetting the case. He or she remains attorney of record until relieved by written order of the Court.

An attorney's motion to withdraw will be heard at any time when the defendant has had notice to appear or whenever the defendant agrees in writing. Adequate notice is by certified mail, return receipt requested.

Motions to substitute counsel will be granted without hearing so long as the scheduling of trial will not be delayed by the change in counsel.

Chapter 4

Rules of Decorum

4.1 Opening Procedure.

Immediately before the scheduled time for the first court session on each day the bailiff shall direct all persons present to their seats and shall cause the courtroom to come to order.

4.2 General Rules of Courtroom Conduct.

All officers of the court, except the Judge and jurors, and all other participants except witnesses who have been placed under the rule, 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.

- (a) No tobacco used;
- (b) No chewing gum;
- (c) No excessively short pants or bare midriffs;
- (d) No reading of newspapers;
- (e) No audible cell phones or pagers;
- (f) No bottles, cups or beverage containers except court water, pitchers and cups otherwise permitted by the Judge;
- (g) No edibles;
- (h) No propping of feet on tables or chairs;
- (i) No noise or talking that interferes with court proceedings.

The Judge, the attorneys, and other officers of the court will refer to and address other court officers and other participants in the proceedings respectfully and impersonally, as by using appropriate titles and surnames rather than first names.

All officers of the court should dress appropriately for court sessions.

4.3 Attorneys.

(a) 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.

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

(c) All objections, arguments, and other comments by counsel shall be directed to the Judge or Jury and not to the opposing counsel.

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

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

(f) Attorneys shall remain seated at the counsel tables at all times except:

(1) when the Judge enters or leaves

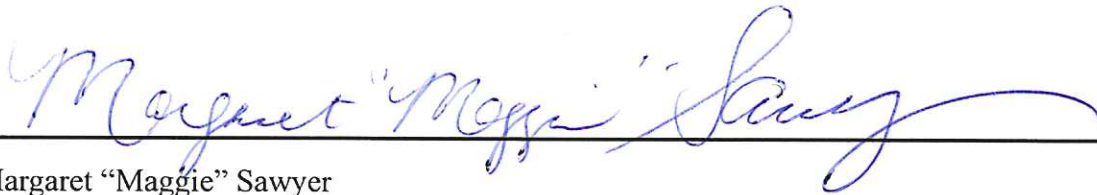
(2) when addressing the Judge or jury; and

(3) whenever it may be proper to handle documents, exhibits, or other evidence (leave of court is not required)

(g) Should attorneys anticipate any need to move furniture, appliances, or easels, and should make advance arrangements with the Court. Tables should not be moved during court sessions, unless approved by the Court.

4.4 Broadcast Media.

Requests to broadcast court proceedings shall be determined by each Judge on a case by case assessment after consultation with all the parties to the case.



Margaret "Maggie" Sawyer

Justice of the Peace, Pct. 1-4

McCulloch County Texas