

LOCAL RULES OF PROCEDURE

AND

RULES OF DECORUM

FOR THE JUSTICE OF THE PEACE COURT
(JUSTICE COURT)

CONCHO COUNTY, TEXAS

EFFECTIVE September 15, 2023

Section 1: General

1.1 Objective

In accordance with Sec. 27.061 of the Texas Government Code, these rules are promulgated to provide a uniform system for the fair, impartial and prompt disposition of matters filed before the Justice Court of Concho County in accordance with Texas Statutes. Any interpretation of these rules should be consistent with this objective.

1.2 Scope

These rules govern the cases filed in the Justice Court of Concho County, Texas.

1.3 Jurisdiction

The Justice Court of Concho County hears all cases in which the court has statutory or constitutional jurisdiction or powers.

Civil cases in which the amount is \$20,000.00 or less, Eviction cases both residential and commercial, Repair and remedy cases, Administrative hearings, Inquests, Criminal cases where the punishment is fine only, other hearings or cases over which a Justice Court has statutory or administrative authority.

1.4 Organization

There is one Justice Court in Concho County. It is located at the Concho County Courthouse in Paint Rock, Texas. The court clerks are responsible for maintaining the docket.

1.5 Calendar

The Justice Court keeps a docket of scheduled hearings and trials. A schedule of the docket shall be made available to the public.

1.6 Bench Exchange

The Justice may exchange benches with a Justice from another county for conflicts involving illness, training, recusal or any other reason deemed necessary by the Judge.

1.7 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 and County Courts.

1.8 Court Appointed Attorneys

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

1.9 Recording or Broadcasting of Court Proceedings

Recording or Broadcasting of court proceedings is not allowed without prior approval from the Judge on a case-by-case assessment after consultation with all the parties to the case.

Section 2: Rules of Decorum

2.1 General Rules of Conduct

In the courtroom proceedings all participants should show common respect and dignity in remaining quiet and not disrupting the proceedings in order to maintain a proper court atmosphere. All participants are expected to be in the courtroom before the scheduled time for the court session.

2.2 Dress Code

Proper attire shall be required. All participants should dress appropriately. The following items of clothing are not allowed:

No bare midribs or tank tops or suggestive clothing

No excessively short pants

No hats

Shorts must not be worn

Shoes must be worn

No sunglasses

No tobacco use

2.3 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.

All objections, arguments, and other comments by counsel should be directed to the judge or jury and not the opposing counsel.

Section 3: Civil Cases

3.1 Filing Cases

All civil cases filed in Concho County Justice Court 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 a case to ensure that the case is filed in the proper court.

All civil cases shall be filed in the court; Where one or more of the defendants reside, except as otherwise provided by law; Where the majority of incidents giving rise to the claim occurred; Where the contract/agreement giving rise to the claim was to be performed; or Where the property is located in a suit to recover property.

An eviction case shall be filed in the Justice Court where the leased premises are located.

3.2 Setting Cases

All Justice Court 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 will be responsible for setting of hearings and sending out notices.

3.3 Mediation

It is the policy of the Concho 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.

3.4 Demand for Jury

A party requesting a civil jury trial shall file a written request and shall conform to the applicable rule to the court no later than 14 days before the date a case is set for trial. Either party shall be entitled to a trial by jury. The jury fee shall be paid at the time the request is submitted to the court.

3.5 Holidays

When any date mentioned in these rules falls on the weekend or a court holiday, the applicable date shall be the first business day following the weekend or holiday. All Concho County holidays will be court holidays.

Section 4: Criminal Cases

4.1 Filing Cases

Justice Court cases shall be filed in the precinct where the offense is alleged to have occurred including school attendance cases.

4.2 First Appearance

Unless otherwise directed, defendants shall appear in 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 scheduled by the court.

4.3 Setting Cases

Cases are set at the request of the defense attorneys or defendants in the Justice court in which the case is docketed. At any time, the court may order a pre-trial conference. Attorneys or defendants may request a reset of appearance no later than 24 hours before the current setting in accordance with court rules.

4.4 Plea of Guilty or Nolo Contendre

Defendants or their attorney of record may enter a plea of guilty or no contest at any time, with or without a plea agreement. Guilty and Nolo Contendre may be made in person, at the bench, by mail or other correspondence deemed designated acceptable by the Judge. In accordance with the Code of Criminal Procedure when a defendant makes a payment in full that payment constitutes a plea of Nolo Contendre by the defendant, even without a written plea.

4.5 Jury Trial

Defense attorney and /or defendant shall appear at the scheduled jury trial 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 presented.

4.6 Court Appointed Attorneys

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

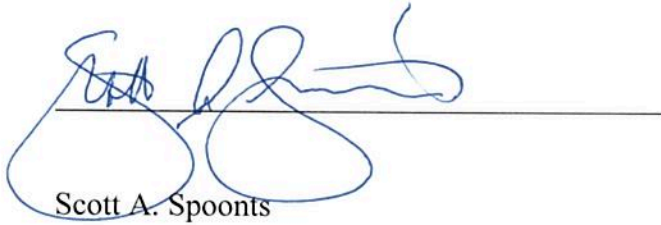
4.7 Withdrawal or Substitution of Counsel

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 attorney of record until relieved by a written order from the court. If an attorney is to be substituted as an attorney to the party, the court must receive written notification of the substitution prior to continuing with the case. 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 will be granted without hearing so long as the scheduling of trial will not be delayed by the change of counsel.

These Local Rules of Procedure and Rules of Decorum are hereby adopted by the
Justice Court Judge of Concho County

15th day of September, 2023



Scott A. Spoonts

Justice of the Peace, Countywide

Concho County Texas