CHAPTER 1

GENERAL ORGANIZATION AND DEFINITIONS

District Courts and Cases Governed by These Local Rules

Except when superseded by Emergency Orders and Emergency Procedures these rules govern the procedures in the District Courts hearing civil cases, family cases and criminal cases.

1.1 Central Jury Docket for Criminal Cases

Cases are set for jury trial at the discretion of the District Courts. All criminal jury trials are set through a central docketing system run by a Court Administrator designated by a majority vote of the district judges. Once a jury trial request is made in a criminal case, the designated Court Administrator will provide a trial date that allows for the criminal trials to be split between the District Courts as evenly as possible. Jury trials in criminal cases will be set without regard to the court in which the case was originally filed. It is at the discretion of the District Judge presiding over each court whether to specially set a criminal trial on their own docket. Preferential settings are at the sole discretion of the Judge presiding over the District Court wherein the preferential setting is requested.

1.2 Jury Dockets for Civil Cases

Cases are set for jury trial at the discretion of the District Courts. Civil cases will be set for trial in the District Court wherein the case was originally assigned.

1.3 Case Distribution

The District Clerk will file cases by distributing them based upon the agreements between the District Courts.

1.4 Local Administrative Judge

By majority vote, the judges of the District Courts of Guadalupe County elect their Local Administrative Judge, who serves at their pleasure for a two-year term. The Local Administrative Judge has the general administrative responsibility and authority necessary for the proper functioning of the District Courts.

1.5 Court Administrator

All dockets are administered by the Court Administrator for the District Judge who will be presiding over the docket.

1.6 Court Calendars

The Court Administrator for each District Court in Guadalupe County shall develop a court calendar designating jury weeks and non-jury days or weeks for each calendar year. A copy of this schedule will be posted on the Guadalupe County webpage for each District Court.

1.7 Parties or Counsel

References to parties or counsel in these Local Rules include counsel/attorneys for the parties and the parties themselves if they are self-represented.

1.8 "Shall"

As used in these Local Rules, the word "shall" is intended to mean that the act it refers to is mandatory or required.

CHAPTER 2

CIVIL AND FAMILY CASE SETTING PROCEDURES

2.0 General Timelines: Unless timelines are otherwise controlled by a court ordered docket control order, the following deadlines are to be followed by the parties.

THIRTY DAYS BEFORE TRIAL

1. All challenges to expert witnesses shall be filed.

   Counsel shall exchange their lists of fact and expert witnesses, including rebuttal witnesses that reasonably should be anticipated, that each intends to call at trial. Persons not so identified will not be allowed to testify unless good cause is shown.
2. Counsel shall exchange their lists of exhibits that each reasonably anticipates will be offered in evidence. Exhibits not timely listed will not be admitted unless good cause is shown. Counsel should stipulate insofar as possible to the authenticity and admissibility of exhibits to be used at trial.
3. All motions for summary judgment shall be filed and heard at least 30 days before trial. Motion for summary judgment shall not be set within 30 days of a final trial setting.

FIFTEEN DAYS BEFORE TRIAL

1. Counsel shall exchange page and line references for all deposition testimony to be offered in the case in chief.

TEN DAYS BEFORE TRIAL

1. Counsel shall exchange motions in limine.

ONE WEEK BEFORE TRIAL

1. Counsel shall exchange cross-designations of page and line references of all deposition testimony to be used at trial. Counsel shall also provide a written statement of page and line references to their respective designations on which they seek a ruling on any evidentiary objections, including the basis for the objections. Failure to timely object will be deemed a waiver of any objections.

2. Each party shall file and serve on all other parties a proposed jury charge, including questions, definitions, and instructions, which shall include citations to the Texas Pattern Jury Charge and other authority that supports the submission.
3. Counsel shall provide a written statement of page and line references to cross-designations on which they seek a ruling on any evidentiary objections, including the basis for the objections. Failure to timely object will be deemed a waiver of the objection.
4. Counsel shall confer in person or by telephone, in good faith, in an attempt to resolve (a) all objections to deposition designations and exhibits, (b) all disputed motions in limine filed by an opposing party, and all disputed language in the opposing party's proposed jury charge. Any objections not resolved by conference will be heard at the pre-trial announcement setting or the morning the trial begins.

2.1 Setting Cases for Contested Motions/Hearings

a. All settings for hearings or trials shall be scheduled through the Court Administrator for the Court which will be presiding over the hearing or trial. For potential hearing dates, the party requesting the hearing shall contact the Court Administrator for the District Court which has been assigned the case.
b. If a case has an "A" cause number the party requesting the hearing shall contact the Court Administrator for the 2nd 25th Judicial District Court. If a case has a "B" cause number the party requesting the hearing shall contact the Court Administrator for the 274th Judicial District Court. If a case has a "C" cause number the party requesting the hearing shall contact the Court Administrator for the 25th Judicial District Court. If a case has an "E" cause number the party requesting the hearing shall contact the Court Administrator for the 456th Judicial District Court.
c. All hearings in contested cases shall be set by written motion with a Notice or Order Setting Hearing attached. The Notice or Order Setting Hearing shall contain an estimated time allocation for the hearing. A case **will not** be set on any District Court docket unless a Notice or Order Setting Hearing has been signed by the Court Administrator for the District Court presiding over the hearing and e-filed into the case. If a Notice of Order Setting Hearing has not been signed by the appropriate Court Administrator and e-filed the Presiding Judge may *sua sponte* drop the setting

and/or refuse to conduct the hearing.

d. A party shall not request a setting unless the party has filed the motion with the certifications required in Local Rule: Chapter 2 Subsection 2 or will file the motion immediately, but in no event later than 24 hours after obtaining the setting dates from the appropriate Court Administrator.

e. Each request for a setting shall include an estimate of the **total** time required for the **entire hearing,** on all matters, for **all** participants. Please note that a half-day hearing

includes a break, and a full-day hearing includes breaks in the morning and afternoon as well as a lunch break. As a result, a half-day hearing generally provides fewer than three hours, and a full-day hearing generally provides fewer than 6 hours.

f. Any matter which the court determines cannot reasonably be heard within the announced time will be rescheduled at the discretion of the court. For jury trials, the total announced time shall include time for final pre-trial matters, voir dire, evidence, charge conference, and closing arguments.

2.2 Conferring and Certification Requirements Prior to Setting a Hearing

Prior to setting a hearing, the parties **shall** make reasonable efforts to **actually** speak to one another regarding the date, time, and format (i.e. if remote hearing is requested it shall be by agreement of all the parties **and** with specific court approval) of a hearing or trial and the substance of the motion in a genuine effort to narrow their disputes before seeking court intervention. To that end, every motion shall include a certification that "counsel has conferred with (or made reasonable efforts to confer with) all parties about the date, time, and format of the setting", and every motion (other than dispositive motions) shall also certify that:

- "Counsel has conferred with all parties who may be affected by the relief sought in this motion in a good faith effort to resolve or narrow the issues raised."; or
- "Counsel has made reasonable efforts to confer with all parties who may be affected by the relief sought in this motion but has been unable to do so."

The court retains discretion to strike any setting in which the motion (or an amended version of the motion) does not include such certificates.

2.3 Notice of Setting to be Provided by the Party Obtaining the Setting

Neither the court nor the Court Administrator sends notices of settings. The party who obtains the setting shall give notice to all parties of the time and date of a setting and the total time needed for the entire hearing for all participants. Notice shall be given in the manner and within the time provided by the Texas Rules of Civil Procedure and these Local Rules. Notice shall

be sent the same day the party obtains the setting, and any delay in sending notice may be argued by opposing counsel as a basis for continuance.

2.4 Orders Setting Cases

Judges shall not be requested to sign orders setting cases except when a show cause order is necessary, or when some rule of law requires that an order for a setting be signed by a judge. Any show cause or other order setting a case presented for signature to a judge shall be on a separate page and not combined with a pleading. Even if a judge signs such an order, the setting shall have been approved by the Court Administrator for the presiding court.

2.5 Dropping or Passing a Setting

When all parties have agreed that a setting is no longer necessary because all contested issues have been resolved the party who originally set the matter for hearing **shall** contact the Court Administrator for the District Court assigned to the case. If the Court Administrator is not contacted, the parties will be expected to appear.

2.6 Motions for Continuance

All Motions for Continuance shall be in accordance with Rules 251 et seq of the Texas Rules of Civil Procedure.

The mere filing of a Motion for Continuance does not mean that the continuance will be granted, even with the agreement of all parties. A case is **not** continued unless an Order Granting the Motion for Continuance has been signed by the presiding judge or the Court Administrator for the presiding judge has notified all parties not to appear.

2.7 Uncontested Hearings

For uncontested or agreed upon family matters, defaults, or adoptions, no written motion is required, but a setting shall be obtained following the Local Rule 2.1.

2.8 Interpreters

Interpreters will not be provided by any District Court in Guadalupe County unless required by state or federal law. The party needed the interpreter will need to bring a certified interpreter unless there is a prior agreement by the parties and the court has approved an uncertified interpreter. Prior to the hearing or trial beginning the attorneys shall instruct the interpreter on the proper way to translate during the hearing or trial.

If an interpreter is required by state or federal law, the party requiring the interpreter **shall** notify the Court Administrator for the assigned District Court at the time the hearing or jury trial is requested.

2.9 Virtual Hearings and Virtual Witness Testimony

Virtual hearings are held at the discretion of each individual court. Please note that each court may have a different procedure for virtual hearings and any party requesting a virtual hearing should contact the Court Administrator for the District Court which has been assigned to the case.

Virtual hearings will not be authorized unless all parties are in agreement that the hearing should be held remotely.

Witnesses will not be allowed to testify remotely without agreement by all the parties and approval by the Presiding Judge of the assigned District Court.

2.10 Delayed Arrival

Unless otherwise indicated, all dockets begin at 9:00 a.m. Attorneys and pro-se litigants who do not expect to be on time and present in the courtroom during docket call shall notify the Court Administrator for the District Court assigned to the case and give the reason for their delay along with an estimated time of arrival. The attorney or pro-se litigant who is anticipating not being present at 9:00 a.m. shall also notify the opposing counsel and/or opposing party.

2.11 Vacation Letters

An attorney may file vacation letters with the court, with copies to all opposing counsel, for a time period not to exceed a cumulative of four total weeks per year. Counsel will not be set

during the time period designated in a vacation letter. Vacation letters alone will not excuse appearances at hearings set prior to the filing of the vacation letter.

2.12 Motions to Compel Discovery

a. Requests for hearings on any motions related to compelling discovery in any form shall be accompanied by a certification from movant's counsel that they have attempted to obtain relief by agreement and have been unsuccessful. No hearing request will be granted on motions relating to compelling discovery without the required certification.

b. At the hearing on the motion to compel each District Court will consider, at their discretion, all available sanctions including but not limited to attorney's fees.

2.13 Mediation and Motions to Compel Mediation

a. Mediation is **mandatory** in all civil cases before the case will be set for final disposition.

b. Motions to Compel Mediation will not be set by any District Court in Guadalupe County. If the parties cannot agree upon a mediator, verified notice needs to be given to the Court Administrator for the District Court assigned to the case and the court will thereafter appoint a mediator.

c. Motions to Waive Mediation will be considered on a case by case basis by the District Court assigned to the case.

2.14 Jury Settings in Civil Litigation

Parties may not request a jury setting unless mediation has been attempted and failed or mediation was waived by court order. A jury setting will not be given until the jury fee has been paid.

2.15 Jury Charges in Civil Litigation

At the civil announcement docket, each side shall present to the court a proposed jury charge. Upon the Court's order, counsel shall prepare the jury charge in its final form making changes or modifications ordered by the court.

CHAPTER 3

PRE-TRIAL PROCEDURE AND FINAL DISPOSITION IN FAMILY LAW CASES

3.1 Standing Orders

The parties in any divorce suit or suit affecting the parent-child relationship (which include, but are not limited to, modification suits, paternity suits, and original suits) filed in Guadalupe County are subject to the Guadalupe County Standing Order for Law Cases and any amendments thereto. This and other applicable Standing Orders may be found on the Guadalupe County District Courts' website. When requesting a temporary restraining order or temporary injunction, counsel shall not repeat or otherwise address the subject matter contained in the standing order except to seek a modification of the standing order.

3.2 Application for TRO to be Served with Citation

Notwithstanding Chapter 7, in a family law case, a request for a TRO to be served with citation may be presented *ex parte* if supported by an affidavit *and* if the relief would not affect the possession of or access to a child. If a TRO affects the possession of or access to a child, and the opposing party is represented by counsel, the applicant or their counsel **shall** confer prior to presenting the TRO to the appropriate Court Administrator. When presenting a TRO that affects possession of or access to a child the requesting party **shall** include a statement that either (a) attempts have been made to confer with opposing counsel and have been unsuccessful or (b) the respondent is unrepresented at this time.

All other emergency relief is governed by Chapter 6.

3.3 Pre-Trial Procedure Before a Temporary or Interim orders Hearing

Before any hearing on temporary or interim orders in any divorce suit or suit affecting the parent-child relationship (which include, but are not limited to, modification suits, paternity suits, and original suits) each party shall prepare and deliver pre-trial forms as follows:

a. Forms Required Determined by Issues at Hearing

i. In any suit requiring a determination of child support or spousal maintenance, each party shall prepare and deliver a Financial Information Sheet using the form posted on the Guadalupe County District Courts' website, fully completed and signed by the party.

ii. Additionally, unless the parties agree or stipulate to a party's income and/or net resources as defined by the Texas Family Code, each party is required to furnish copies of the party's preceding four payroll statements or paystubs and the party's preceding year's income tax return (if the tax return has been filed), and preceding year's W-2 to the judge (but not the file) at the time of the hearing and to the opposing party prior to the hearing. If the parties agree to stipulate, the stipulation must be in writing and signed by all parties.

iii. Compliance with this Rule does not change the responsibility to respond to discovery requests and to make initial disclosures.

iv. In any suit requiring a determination or modification of conservatorship, or possession and access to a child, each party shall prepare and deliver a Proposed Parenting Plan, pursuant to Texas Family Code §153.603, fully completed and signed by the party, a single agreed Proposed Parenting Plan signed by both parties, or shall summarize the relief in brief complete sentences as part of a Proposed Disposition of Other Issues.

v. Each party shall prepare and deliver a Proposed Disposition of Issues, which shall state separately, in brief complete sentences each trial decision that is sought by the party that is not covered by a Proposed Parenting Plan.

b. To Whom Form is Delivered

Each party shall deliver the required form to the opposing party and to the judge hearing the case.

c. When Form is Delivered

Each party shall deliver the required form to the opposing party before the case is called for hearing, and to the judge at the time of the hearing.

3.4 No Extensions or Waivers by Court Administrator or by Agreement

The Court Administrator is not authorized to extend the time for delivering pretrial forms. The parties may not by agreement waive or modify the provisions or requirements of these rules.

3.5 Use as Evidence

Subject to applicable rules of evidence, the pre-trial forms required by these rules may be used during the trial or hearing and may be marked as exhibits and offered into evidence.

3.6 Consequences for Failure to Comply

a. All Parties Fail to Comply

If all parties in a case fail to deliver pre-trial forms as required by these rules, the case will be required to be reset or will be moved to the bottom of the list of cases set for the same time and will be heard only after all announced cases are heard and only if time permits.

b. A Party Fails to Comply

If it appears that any party in a case failed to deliver pre-trial forms as required by these rules, the court may conduct a pre-trial conference and the court may impose one or more of the sanctions authorized by Tex. R. Civ. Proc. 215 against any party or attorney responsible for such failure.

c. Issues Waived

All issues not stated in pre-trial forms as required by these procedures will be deemed waived except upon showing of good cause for failure to comply with these rules.

3.7 Time Limits on Temporary or Interim Orders Hearings

a. Property Only

If the temporary or interim orders hearing relates only to the use of or exclusive use of property acquired by the community each side is limited to 30 minutes, including cross examination.

b. Child Custody, Possession and Access, and Child Support

If the temporary or interim orders hearing includes issues related to children, each side is limited to 60 minutes a side, including cross examination.

c. Requests for Additional Time

If a party believes that additional time will be needed at the temporary or interim orders hearing that party may file a motion requesting additional time. The motion requesting additional time shall be supported by facts that show why additional time is needed in order to fully and fairly consider all issues, shall include how much additional time is requested, and shall be e-filed and then presented to the Court Administrator for the District Court assigned to the case. Each District Judge will consider, at their discretion, granting or denying additional time.

3.8 Pre-Trial Procedure Before a Final Trial on the Merits

Before the final trial on the merits in any divorce suit or suit affecting parent-child relationship (which include, but are not limited to, modification suits, paternity suits, and original suits), each party shall prepare and deliver pre-trial forms and any amended pleadings as follows:

a. Forms Required Depend on Type of Suit and Issues at Trial

i. In a divorce suit, each party shall prepare and deliver a Proposed Property Division using the form posted on the Guadalupe County District Courts'

website, fully completed and signed by the party, or a single agreed Proposed Property Division, signed by both parties. In lieu of the Proposed Property Division form, a copy of a spreadsheet showing assets shall be provided to the court in an editable electronic format at the beginning of trial.

ii. In any suit requiring determination of child support or spousal maintenance, each party shall prepare and deliver a Proposed Support Decision using the form posted on the Guadalupe County District Courts' website, fully completed and signed by the party.

iii. Additionally, in any suit requiring a determination of child support or spousal maintenance, unless parties agree or stipulate to a party's income and/or net resources as defined by the Texas Family Code, each party is required to furnish to the court (but not file), and to opposing parties, copies of the following at the time of trial:

1. The party's federal income tax returns for the previous two calendar years, or if no such return(s) have been filed, then all payroll statements, pay stubs, W-2 forms, 1099 forms, and Schedule K-1 for such years; and
2. All payroll statements, pay stubs, W-2 forms, 1099 forms, and Schedule K-1 for the calendar year of the trial from January 1 through the date of trial.
3. This Rule does not supersede any requirement to respond to discovery requests.

iv. In any suit requiring a determination or modification of conservatorship, or possession and access to a child, each party shall prepare and deliver a Proposed Parenting Plan, pursuant to Texas Family Code §156.603, fully completed and signed by the party, a single agreed Proposed Parenting Plan signed by both parties, or shall summarize in the requested relief in brief complete sentences as part of a Proposed Disposition of Other Issues.

v. In any suit requiring a determination or modification of conservatorship, or possession and access to a child, a home study must be completed unless waived by court order.

vi. Additionally, each party shall also prepare and deliver a Proposed Disposition of Other Issues, which shall state briefly in brief complete sentences each trial decision that is sought by the party that is not covered by the Proposed Property Division, Proposed Support Decision, or Proposed Parenting Plan.

b. Where to File

Each party shall file the required forms with the District Clerk and deliver a copy to the opposing party.

c. When to File

i. Each party shall file the required pre-trial forms and any amendment to pleadings before 5:00 p.m. on the Monday two weeks before the week of the trial setting.

ii. Amendments to pre-trial forms and amendments to pleadings may be filed after the deadline above only by agreement of the parties or upon leave of the court, which leave will be granted unless there is a showing that the filing will operate as a surprise to the opposite party.

d. Mediation Required

No case will be set for final trial on the merits without one of the following:

a. An Order Waiving Mediation; or

b. A letter from a mediator stating that mediation was attempted but unsuccessful.

3.9 Motions to Confer with a Child

Absent good cause shown, all Motions to Confer with a Child shall be set on the same day as the hearing such motion is related to (temporary orders or final merits trial).

The specific judge who will be hearing the temporary orders or final merits trial will rule on the Motion to Confer with the Child.

Litigants shall not bring a child to the Guadalupe County Justice Center, thereby removing the child from his or her daily routine, before the court decides whether and when to confer.

If a Motion to Confer is filed and set with a final trial on the merits, the parties shall include the time the court will confer with the child in their time announcement.

3.10 Finalizing a Divorce

If there are no contested issues in a final divorce, the parties may submit an Affidavit of Prove-Up or Interrogatories in Lieu of Appearance for the case to be considered by submission at the discretion of the assigned District Court.

If the divorce involves children, the parties shall file a certificate of completion showing that a 4 hour parenting class has been completed prior to requesting the court render the divorce.

3.11 No Limitation on Texas Rules of Civil Procedure

These rules shall not be construed as a substitute for, or as any limitation on, any pre-trial or discovery provision(s) pursuant to the Texas Rules of Civil Procedure.

CHAPTER 4

DRAFTS OF JUDGMENTS, DECRESS, AND ORDERS TO BE SIGNED BY JUDGE

4.1 Filing of Proposed Orders

Proposed or draft orders shall be e-filed with the District Clerk.

4.2 Approval as to Form

So far as practicable, every draft of a judgment, decree, or order to be signed by a judge or associate judge shall be signed by all parties evidencing approval as to form before it is presented to the judge.

4.3 Presentation of Orders After Hearing

Draft orders, approved as to form, shall be e-filed with the District Clerk for presentation to the judge who decided the matter within ten days after the hearing or final trial.

4.4 Orders to be on Separate Page

A draft of an order shall not be typed on the same page with a pleading, motion, certificate of service, or any part thereof, and each such draft shall have a heading showing the cause number, the style of the case, and the court in which it is pending.

The signature line for the judge to sign proposed orders shall not be on a separate page, but shall be on a page with other text.

4.5 Date of Signing Only

The word "entered" shall not be used to show the date on which a judgment, decree, or order is signed.

4.6 Timeline for Submission by Parties

All orders shall be e-filed for submission to the Court within fourteen (14) days from the date of rendition, unless otherwise directed by the Court.

4.7 Timeline for Judicial Signature

All judgments and orders shall be signed by the court within fourteen (14) days from the date they are submitted unless any party requests a hearing on a motion to enter.

4.8 Motions to Enter

All parties are encouraged to confer and attempt to resolve any disputes relating to the wording of judgments and orders. Parties responsible for drafting the judgment or order should make reasonable attempts to confer on the form of the order. Should the drafting party not receive a response within seven (7) business days, the drafting party can, at their discretion, set the case for a motion to enter. Counsel is encouraged to remember that the courts can and will consider all available sanctions including attorney's fees should a motion to enter be required.

CHAPTER 5

RULES OF DECORUM

5.1 Conduct of Persons

The reference to "courtrooms" in this chapter refers to both in-person and virtual courtrooms.

All persons entering the courtroom shall be dressed in clothing befitting the dignity and solemnity of the court proceedings. All lawyers shall dress in business attire and all other persons shall dress business casual, at a minimum. Business casual includes neat jeans and tennis shoes. No person should wear shorts, tank tops, flip flops, or t-shirt with advertising, pictures, writing, or cartoons.

In the courtrooms, there shall be:

- No talking or other noise that interferes with court proceedings.
- No talking on any electronic devices. Any use of electronic devises during court proceedings shall not be disruptive or disrespectful of court proceedings and all such devices shall be silenced.
- No chewing gum.
- No tobacco use.
- No eating.
- No reading newspapers or magazines.
- No soda bottles, cups, or beverage containers. You may only bring a water bottle with a lid.
- No feet on tables or chairs.
- No other behavior that is disruptive or disrespectful of court proceedings.
- No photographs or recordings unless given specific permission by the judge presiding over court that day.

When the court is called to order, complete order shall be observed.

When the judge or jury enters or exits the courtroom, all persons shall stand.

5.2 Conduct of Parties and Counsel

a. Attorneys shall advise their clients and witnesses of these rules; self-represented parties shall familiarize themselves and their witnesses with these rules.

b. All parties shall promptly enter the courtroom before the scheduled time for each court session.

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

d. While a party is addressing the judge or jury, no one else may stand for any purpose except to claim the right to interrupt the person who is speaking.

e. No one should approach the bench without leave of court unless otherwise instructed, and no one should ever lean on the bench.

f. Unless otherwise instructed by the court, parties shall remain seated at the counsel tables at all times except:

- **i.** When the judge enters or exits the courtroom;
- **ii.** When addressing the judge or jury and
- **iii.** Whenever it may be proper to handle documents, exhibits, or other evidence, or to approach a witness, at which time leave of court is not required, unless otherwise instructed. Counsel shall anticipate any need to move furniture, appliances, or easels, and shall make advance arrangements with the court. Tables shall not be moved during court sessions.

CHAPTER 6

RULES GOVERNING THE RECORDING, BROADCASTING, OR PHOTOGRAPHING OF COURT PROCEEDINGS

The following Rules govern the recording, broadcasting, or photographing of persons, objects, and proceedings in the District Courts of Guadalupe County.

6.1 Definitions

a. **"Courtroom"** means both in-person and virtual courtrooms.
b. **"Court"** means the particular judge before whom the proceeding will be held
c. **"Recording, Broadcasting, or Photographing"** means any visual or audio recording, broadcasting, or photographing by any equipment, any means, and any individual or entity.

6.2 Recording, Broadcasting, or Photographing Inside a Courtroom Is Not Permitted by Anyone, Absent Court Approval

The recording, broadcasting, or photographing of any person, object, or proceeding inside the courtroom is not permitted unless previously authorized by the court. Any individual or entity who violates this Rule may be subject to punishment by contempt and/or being removed from the Guadalupe County Justice Center.

6.3 Media Coverage Prohibited

Recording, broadcasting, or photographing of proceedings held in chambers, proceedings closed to the public, and jury selection is prohibited. Audio or close-up video or photographic coverage of conferences between an attorney and client, witness, or aide, between attorneys, or between counsel and the court at the bench is prohibited. Recording, broadcasting, or photographing during non-jury settings and jury trials shall have advance express permission from the court.

6.4 Coverage of Jurors Prohibited

Visual recording, broadcasting, or photographing of potential jurors and jurors in the Guadalupe County Justice Center is prohibited. In cases of visual recording, broadcasting, or photographing the jury shall be in the background of some other subject and individual jurors shall not be identifiable.

6.5 Equipment and Personnel

The court may, among other things:

a. Require that a person seeking to record, broadcast, or photograph a proceeding demonstrate or display the equipment that will be used;
b. Prohibit equipment that produces distracting sound or light;
c. Prohibit signal lights or devices showing when equipment is operating, or require their concealment;

d. Prohibit moving lights, flash attachments, or sudden light changes;
e. Require the use of the courtroom's existing audio, video, and lighting systems, if any;
f. Specify the placement of personnel and equipment;
g. Determine the amount of equipment to be allowed in the courtroom;
h. Require pooling of equipment if more than one person wishes to record, broadcast, or photograph a proceeding;
i. Require that operators not move equipment or enter or leave the courtroom while the court is in session, or otherwise cause a distraction. All equipment shall be in place in advance of the proceeding or session; and
j. Require that identifying marks, call letters, words and symbols shall be concealed on all equipment. Personnel shall not display any identifying insignia on their clothing.

6.6 No Delay of Proceedings

No proceeding or session shall be delayed or continued for the sole purpose of allowing recording, broadcasting, or photographing whether because of installation of equipment, obtaining consent, conduct of the proceeding relating to the recording, broadcasting, or photographing, or other questions. To assist those preparing in advance for recording, broadcasting, or photographing proceedings, and when requested to do so:

a. The court will attempt to make the courtroom available when not in use for the purpose of installing equipment;

6.7 Official Record

Any product of recording, broadcasting, or photographing of a proceeding pursuant to these Rules will not be considered as part of the official court record.

CHAPTER 7

MOTIONS TO WITHDRAW AND MOTIONS TO SUBSTITUTE

A motion to withdraw from representation shall be presented at a hearing after notice to the client and all other parties **unless** the moving attorney:

a. Files written consent to the withdrawal signed by all other parties;
b. Files a written consent to the withdrawal signed by the client; and
c. Files a certificate stating the last known mailing address of the client.

Counsel shall continue to appear until an order granting the motion to withdraw has been signed by the court assigned to the case.

A motion to substitute shall be signed by all parties and counsel shall continue to appear until an order granting the motion to substitute is signed by the court assigned to the case.

CHAPTER 8

DISMISSAL FOR WANT OF PROSECUTION BY THE COURT

8.1 Case Selection

The following cases are eligible for dismissal for want of prosecution *sua sponte* by the court:

a. Cases on file for more than 180 days in which no answer has been filed;
b. Cases on file for more than 180 days that are not set for trial and have had no filings or settings within 180 days; and
c. Any other cases designated by the court.

8.2 Copies to Court Administrator

A copy of notices, motions, and pleadings required to be filed by this standing order also shall be delivered to the Court Administrator for the District Court assigned to the case.

8.3 Notice and Summary Dismissal if No Motion to Retain

The Court Administrator will give notice that certain cases will be dismissed for want of prosecution. Such matters will be dismissed summarily without further proceedings on the dismissal date indicated in the notice of dismissal or thereafter unless at least one party files a motion to retain that complies with the requirements of this Standing Order.

If counsel receives a notice of dismissal of a previously dismissed or concluded case, they may contact the District Clerk's office with documentation of the prior dismissal and the matter will be removed from the dismissal docket.

8.4 Docket Settings

No docket settings may be obtained in cases set for dismissal until the dismissal docket process is complete, except with leave of court.

8.5 Motions to Retain and Objections to Motions to Retain

Motions to retain shall set forth the factual and legal basis for retaining the case and shall be filed at least 14 days prior to the dismissal date specified in the notice of dismissal.

Any objection to a motion to retain shall be filed at least 7 days prior to the dismissal date specified in the notice of dismissal.

If a timely motion to retain is filed and no timely objection is filed, the court may grant the motion or may set it for a hearing.

If a timely motion to retain and a timely objection are both filed, the court will consider the motion to retain on submission, or instruct the parties to set the motion to retain for a hearing.

8.6 Objection to Mediation

Parties filing motions to retain shall file any objection to mediation simultaneously with a motion to retain.

Parties receiving notice of a motion to retain shall file any objection to mediation at least 7 days prior to the dismissal date specified in the notice of dismissal.

Objections to referral to mediation will be taken on submission without hearing.

8.7 No Discovery

No further discovery may be conducted in cases retained by the court and ordered to complete mediation unless permitted by court order. Further discovery will not extend the deadlines prescribed in this standing order unless ordered by the court.

8.8 Trial Settings

Cases set for trial after entry of an order to retain may not be removed from the trial docket by agreement.

CHAPTER 9

CRIMINAL CASES

9.1 Setting Criminal Cases for Trial

Cases shall be set for trial at the discretion of the District Courts and will be distributed evenly between the District Courts of Guadalupe County.

9.2 Docket Settings in Criminal Cases

Criminal cases will progress through the courts dockets as follows:

a. One arraignment setting;

b. Two pre-trial settings;

c. Announcement and trial setting.

Arraignment settings may be waived; however, counsel **shall** appear at their client's arraignment setting unless an Order Waiving Arraignment has been signed by the court prior to the setting.

The court may, at their discretion, grant additional pre-trials. However, any case requesting more than two pre-trial settings shall receive express permission from the court.

9.3 Preparation of Judgments

Judgments of probation shall be prepared by the Community Supervision and Corrections Department.

Judgements where defendants are committed to TDCJ-ID, or TDCJ State Jail Division, or Guadalupe County Jail shall be prepared by the County Attorney, unless otherwise directed by the Court. Judgements where defendants are committed to TDCJ-ID, or TDCJ State Jail Division, or Guadalupe County Jail shall be presented to the court within three business days of sentencing.

9.4 Preparation of Jury Charge

The attorneys for the state and the defense shall deliver to the Court a proposed charge on the Monday the trial commences. The charge shall be provided prior to the commencement of jury selection.

Upon order of the Court, the State shall prepare the jury charge in its final form making changes or modifications at the direction of the Court.

9.5 Fee Vouchers from Court Appointed Counsel

All court appointed attorneys shall, at the conclusion of the representation of a defendant, provide the court with an itemized statement reflecting the hours spent in court and the number of hours spent out of court in representation the defendant. The statement may only be submitted as an attachment to the fee voucher.

9.6 Appearance Priority in Criminal Cases

Recognizing that attorneys are often scheduled to appear in more than court at the same time, such attorneys are to report first as follows:

i. In the court where they have cases set for trial;

ii. In the court where they have the most jail cases set;

iii. In the court where they have the most cases;

Attorneys shall notify the Court Administrator if they will not be in docket call at 9:00 a.m. and state where they are appearing first and what time they anticipate appearing.

9.7 Motions to Withdraw and Motions to Substitute

Motions to Withdraw shall be e-filed and set with the District Court assigned to the case. Counsel shall continue to appear until an order granting the motion to withdraw is signed.

Motions to Substitute shall be e-filed and the order shall be presented to the court at the next docket setting for signature if the order has not been previously signed by the presiding judge.

This ORDER is effective as of September 1, 2023

JUDGE WILLIAM D. OLD III
25th Judicial District

JUDGE JESSICA R. CRAWFORD
2nd 25th Judicial District

JUDGE GARY L. STEEL
274th Judicial District

JUDGE HEATHER H. WRIGHT
456th Judicial District