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LOCAL ADMINISTRATIVE RULES

**DISTRICT COURTS &
COUNTY COURTS-AT-LAW**

OF

LUBBOCK COUNTY, TEXAS

Adopted by the Board of Judges December 6, 2024

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RULE 1 – GENERAL

Rule 1.10 – Annual Calendars, Holidays, and Settlement Weeks

A. Annual Calendars

A.1. The District Courts and the County Courts-at-Law shall each publish annually a joint calendar setting out a schedule for jury and non-jury weeks for each respective court. Copies of such calendar will be kept in the District Clerk's office and on the Lubbock County Office of Court Administration's website and will be furnished upon request by the Lubbock County Office of Court Administration.

B. Holidays

B.1. The Courts will observe those holidays set by the Commissioners Court of Lubbock County.

C. Settlement Weeks

C.1. Pursuant to *Tex. Civ. Prac. & Rem. Code Ann. § 155.001* the Courts shall observe a settlement week during law week and judicial conference week or during any other two weeks designated by the Local Administrative Judge.

Rule 1.11 - Hours of Court Proceedings

A. The hours and places for holding court shall be established by the Local Administrative Judge pursuant to *Tex. Gov't Code Ann. § 74.092(a)(7)*.

B. Court shall also be held at such times as may be determined expedient by the Judge of each court.

Rule 1.12 - Definitions

A. Board

A.1. The Lubbock County Board of Judges is comprised of the District Court and the County Court-at-Law judges of Lubbock County (hereinafter referred to as the "Board").

B. Court Administrator

B.1. Refers to the Director of Court Administration appointed by and reporting to the Board.

C. Courts

C.1. Unless otherwise provided, Courts refer to the District Courts, County Courts-at-Law, the Associate Judge for Family Law, and the full-time Magistrates.

D. Juvenile Board

D.1. The Lubbock County Juvenile Board is comprised of the District Court judges and the County Judge of Lubbock County pursuant to Human Resource Code § 152.1581(a).

E. ODR

E.1. Refers to the Lubbock County Office of Dispute Resolution which is responsible for alternative dispute resolution responsibilities for the Courts.

Rule 1.13 – Policy Statement

A. It is the purpose of the Board to provide a system of effective caseflow for all cases filed in the courts. Taking into account the rights of litigants, their attorneys, the costs associated with cases filed, the responsibility of ensuring all parties a fair and timely resolution of their disputes, and numerous other factors and case management studies, the Board will implement rules and procedures to accomplish this purpose.

- B. It is the responsibility of the Courts to establish procedures for the timely and effective disposition of cases. In fulfilling its responsibility, the Board wishes to build continuing respect from the community for the judicial system available to all people.
- C. Each Court retains the right to schedule a case as it deems appropriate and must do so when the interest of justice requires, taking into consideration the complexity and circumstances of the case.
- D. Each court, in its discretion, having considered the complexity and circumstances of each matter and case, may determine the appropriate court time necessary to dispose of all judicial matters promptly, efficiently, and fairly.
- E. Each court shall regularly and frequently set hearings and trials pursuant to the primary priorities established in Tex. Gov't Code § 23.101.
- F. These rules are not intended to conflict with any applicable promulgated rule or statute, and in the event of such conflict, the promulgated rule or statute shall prevail.

Rule 1.14 – Electronic Filing

A. General Rules

- A.1. Lubbock County shall adhere to all electronic filing rules or, any other rule or statute governing electronic filing.

B. Paper Copies

- B.1. Unless otherwise required by law or rule, paper copies of electronically filed documents are not required.
- B.2. As provided by the Tex. R. Civ. P. 21(f)(13), the County and District Clerk may designate an electronically filed document or a scanned paper document as the official court record. The clerk, however, upon request by a judge, shall provide a paper copy of all documents electronically filed or stored by the clerk.

RULE 2 - LOCAL ADMINISTRATIVE JUDGES

Rule 2.10 - Powers and Duties of Local Administrative Judge

- A. The Local Administrative Judge shall have duties as prescribed in Tex. Gov't Code Ann. § 74.092.
- B. A majority of the Judges of the District Courts shall elect a District Judge to serve as Local Administrative Judge for a term of two (2) years.
 - B.1. The Local Administrative Judge shall call for a meeting of the Board and Juvenile Board at least once monthly, unless a meeting is unnecessary. The Local Administrative Judge, in their discretion, may call for a meeting of the Board or Juvenile Board when matters necessitate such a meeting.
- C. A majority of the Judges of the County Courts-at-Law shall elect a County Court-at-Law Judge to serve as the County Court-at-Law Administrative Judge for a term of two (2) years.
- D. Pursuant to Governance Principle #3 in the Courts Strategic Plan, adopted by the Board of Judges, the Local Administrative Judges shall be elected based on competency, not on the basis of rotation or seniority.

Rule 2.20 - Court Divisions

- A. District Courts
 - A.1. The District Courts of Lubbock County are general jurisdiction courts, but each court will hear cases pursuant to the most current Case Allocation Order (TAT #2024-00446).
- B. County Courts-at-Law
 - B.1. The County Courts-at-Law of Lubbock County are general jurisdiction courts, but each court will hear cases pursuant to the most current Case Allocation Order (TAT #2024-00446).
- C. Other Matters
 - C.1. Other matters such as extradition hearings and emergency matters (24/7 magistration or warrants, emergency detention orders, etc.) shall be heard by the judge on call with jurisdiction. The location and time of extradition hearings and emergency matters shall be determined by the District Judge presiding over the matter.

RULE 3 - CIVIL CASES

Rule 3.10 - Policy Statement

This rule has been combined with Rule 1.13.

Rule 3.20 - Policy Goals

- A. With respect to the Courts hearing civil matters, the goals of the Board are:
 - a) To provide an effective and fair procedure for the timely disposition of civil cases;
 - b) To provide a mechanism to gather needed case information in order to make appropriate judicial management decisions;
 - c) To establish reasonable rules and policies requiring the disposition of cases without unnecessary delays or interruptions;
 - d) To establish early judicial intervention with attorney input in order to have an orderly and speedy proceeding; and,
 - e) To provide parties and their respective attorneys a clear understanding of the specific chronological order and requirements of scheduled events in their respective case.

Rule 3.30 - Case Level and Deadlines for Disposition

A. Differentiated Case Management

A.1. In order to effectuate the above policy goals, it is the intent of the Board to differentiate between cases according to their anticipated complexity and length. In the discretion of the Courts and in accordance with established rules of procedure, cases will be generally assigned according to the levels and endeavored to comply with time standards as provided by Rule 6.1(a) of the Rules of Judicial Administration; however, the trial or disposition date shall be set within the discretion of the Court, taking into consideration the complexity and issues of each individual case, and the Court's calendar:

A.1.a. Civil Jury Cases - 18 months from appearance date

A.1.b. Civil Non-Jury Cases – 12 months from appearance date

- B. The Board realizes that there may be extenuating circumstances, and each Court retains the right to schedule cases as it sees appropriate in accomplishing the goals as set out above.
- C. Summary Judgment Motions will be heard by submission on briefs only unless oral arguments have been requested and granted by the Court.

Rule 3.40 – Case Level Definitions and Time Frames

A. Discovery Level One and Expedited Actions

A.1. Time Standard

A.1.a. Any suit that is governed by Tex. R. Civ. P. 190.2 and 169

A.1.b. Suits in which plaintiffs seek only monetary relief of \$250,000.00 or less (Changes to this rule will be made in accordance with the rules of procedure, i.e. monetary amount, if necessary.) The trial or disposition date shall be set within the discretion of the Court, taking into consideration the complexity and issues of each individual case, and the Court's calendar.

A.2. Scheduling Orders

A.2.a. Within twenty (20) days from the date of the first answer in a case, counsel must confer as to the content of a scheduling order. If counsel agree on content and deadline dates, the Plaintiff named first in the lawsuit shall submit a scheduling order to the Court within thirty (30) days

from the first answer date, subject to Court approval. If an agreed order is not submitted, the Court will enter its own order.

B. Discovery Level Two

B.1. Time Standard

B.1.a. Any suit that is governed by Tex. R. Civ. P. 190.3

B.1.b. The trial or disposition date shall be set within the discretion of the Court, taking into consideration the complexity and issues of each individual case, and the Court's calendar

B.2. Scheduling Orders

B.2.a. Within thirty (30) days from the date of the first answer in a case, counsel must confer as to the content of a scheduling order. If counsel agree on content and deadline dates, the Plaintiff named first in the lawsuit shall submit a scheduling order to the Court within forty (40) days from the first answer date, subject to Court approval. If an agreed order is not submitted, the Court will enter its own order.

C. Discovery Level Three

C.1. Time Standard

C.1.a. Any suit that is governed by Tex. R. Civ. P. 190.4

C.1.b. The trial or disposition date shall be set within the discretion of the Court, taking into consideration the complexity and issues of each individual case, and the Court's calendar

C.2. Scheduling Orders

C.2.a. Within forty-five (45) days from the date of the first answer in a case, counsel must confer as to the content of a scheduling order. If counsel agree on content and deadline dates, the Plaintiff named first in the lawsuit shall submit a scheduling order to the Court within sixty (60) days from the first answer date, subject to Court approval. If an agreed order is not submitted, the Court will enter its own order.

C.3. Other Conferencing

C.3.a. The Courts, in conjunction with the Court Administrator, may, from time to time, explore alternative conferencing methods to ensure the efficient and effective administration of justice.

Rule 3.55 – Case Filing Assignments

A. District Court Filings

A.1. Civil Cases

The District Clerk will file new civil cases pursuant to the most current Case Allocation Order (TAT #2024-00446). Civil cases related to criminal matters will be filed in the court of the related criminal case.

A.2. Tax Cases

The District Clerk will file new tax cases pursuant to the most current Case Allocation Order (TAT #2024-00446).

A.3. Juvenile Cases

A.3.a. The District Clerk will file new juvenile cases pursuant to the most current Case Allocation Order (TAT #2024-00446).

A.3.b. When a District Judge is required to hear a juvenile matter, the presiding judge where the

juvenile case is filed shall hear the matter. If the presiding judge is unable to hear the matter, the Juvenile Board Chair will preside.

A.4. Family Law Cases

The District Clerk will file new family pursuant to the most current Case Allocation Order (TAT #2024-00446).

B. County Court-at-Law Filings

B.1. The County Clerk will file new civil cases pursuant to the most current Case Allocation Order (TAT #2024-00446).

RULE 4 - FAMILY LAW CASES

Rule 4.10 - Parental Notification

- A. An application for an order under Tex. Fam. Code Ann. § 33.003 may be filed in a District Court, a County Court-At-Law, or a court having probate jurisdiction. The District Clerk will assign the application to a court as provided by these local rules. If the County Clerk receives an application under this rule, the County Clerk must transfer it instantly to the District Clerk and must advise the person tendering the application where it is being transferred.
- B. The District Clerk will assign the application to the appropriate court utilizing the judge on-call system.
- C. The Courts will also refer to the Judicial Bypass Rules under Ch. 33 of the Family Code

Rule 4.25 - Case Level and Time Standards for Case Disposition

A. Time Standards

- A.1. Pursuant to Rule 190.1 of Texas Rules of Civil Procedure, every case will be governed by a discovery control plan (scheduling order). See Rule 4.30
- A.2. The time standards for all family law cases will follow the Rules of Judicial Administration and endeavor to comply with time standards as provided by Rule 6.1(b) of the Rules of Judicial Administration:
 - A.2.a. Contested Family Law Cases – within 6 months from appearance date or within 6 months from the expiration of the waiting period provided by the Family Code where such is required, whichever is later
 - A.2.b. Uncontested Family Law Cases – within 3 months from appearance date or within 3 months from the expiration of the waiting period provided by the Family Code where such is required, whichever is later
 - A.2.c. The trial or disposition date shall be set within the discretion of the Court, taking into consideration the complexity and issues of each individual case, and the Court's calendar

B. Discovery Level One – Expedited Actions and Divorces Involving \$250,000 or Less

This discovery level is for any suit for divorce not involving children in which a party pleads that the value of the marital estate is more than zero but not more than two hundred fifty thousand dollars (\$250,000). The trial or disposition date shall be set within the discretion of the Court, taking into consideration the complexity and issues of each individual case, and the Court's calendar

C. Discovery Level Two

This discovery level is for any suit brought under Title 1, except those suits specified in Rule 4.25.B (above), or Title 2 or Title 5 of the Texas Family Code and/or there are substantial property issues and/or complex legal issues. The trial or disposition date shall be set within the discretion of the Court, taking into consideration the complexity and issues of each individual case, and the Court's calendar

Rule 4.30 - Scheduling Order

A. Scheduling Order

Within thirty (30) days from the date of the first answer in a case, counsel must confer as to the content of a scheduling order. If counsel agree on content and deadline dates, the plaintiff/petitioner named first in the lawsuit shall submit a scheduling order to the Court within forty (40) days from the first answer date, subject to Court approval. If an agreed order is not submitted, the Court may enter its own order.

B. Other Conferencing

The Courts, in conjunction with the Court Administrator, may, from time to time, explore alternative

conferencing methods to ensure the efficient and effective administration of justice.

Rule 4.35 - Ancillary Proceedings, Temporary Orders and Emergency Matters

- A. An Associate Judge has been duly appointed pursuant to Tex. Fam. Code Ann. § 201.001(d) for the District Courts and County Courts-at-Law of Lubbock County, and the following will be heard originally by the Associate Judge:
 - a) Motions to modify child support;
 - b) Motions to modify visitation orders;
 - c) Motions for temporary restraining orders and motions for temporary orders in suits for divorce or annulment;
 - d) Motions for temporary restraining orders and motions for temporary orders in suits affecting the parent-child relationship;
 - e) A habeas corpus hearing;
 - f) Motions to enforce child support;
 - g) Hearings requested pursuant to Title 4 of the Texas Family Code;
 - h) Hearings required by Chapter 262 and 263 of the Texas Family Code;
 - i) Motions to transfer;
 - j) Motions to withdraw;
 - k) Motions to dismiss; and
 - l) Any other matter referred to the Associate Judge by the Presiding Judge.
- B. All motions on ancillary proceedings, temporary orders and emergency matters shall be presented to the Court Coordinator of the Associate Judge for scheduling hearings before the Associate Judge. Orders setting hearings are to be signed by the Associate Judge or Presiding Judge. Proper notice or service shall be the responsibility of the moving attorney or self-represented litigant.

Rule 4.40 - Referral to Associate Judges

A. Title IV-D Associate Judge

A.1. Title IV-D Associate Judges have been duly appointed for the District Courts and County Courts-at-Law of Lubbock County and the following will be heard originally by the Title IV-D Associate Judge(s):

A.1.a. All cases filed pursuant to Title IV-D of 42 U.S.C. Sections 651, et seq., by direction of § 201.101 et seq. of the Family Code;

A.1.b. Any other matter referred to the Title IV-D Associate Judge by the Presiding Judge.

A.2. Time for Disposition of Title IV-D Cases

A.2.a. Title IV-D cases must be completed in accordance with Tex. Fam. Code § 201.110.

B. Child Protection Court Associate Judge

Child Protection Court Associate Judges have been duly appointed for the District Courts and County Courts-at-Law of Lubbock County to hear child abuse and neglect cases as referred by the Presiding Judge.

Rule 4.45 - Alternative Dispute Resolution (ADR)

A. Policy

A.1. In family law matters, it shall be the policy of the Board to encourage the peaceable resolution of

disputes and early settlement of pending litigation, including family law litigation, by referral to Alternative Dispute Resolution (ADR) pursuant to the Texas Alternative Dispute Resolution Procedures Act, Texas Civil Practice and Remedies Code, Chapter 154.

B. ADR Mandatory

B.1. No jury or nonjury trial shall be conducted in any case (except juvenile delinquency cases) until all contested issues have been referred to an ADR procedure and ADR has been unsuccessful, or the Court has determined that ADR is inappropriate for the case.

B.2. ADR shall be completed no later than thirty (30) days before trial.

C. Manner of Referral

C.1. It is anticipated that the parties will cooperate in an ADR procedure, under the terms and conditions ordered by the Court. After a date of completion for ADR is provided in the scheduling order, the Office of Dispute Resolution (ODR) shall contact the parties by letter regarding the scheduling of mediation. Should the parties agree to use a selected neutral for this case, they shall notify the ODR and Court within seven (7) days of naming a neutral of their choice. The case will proceed according to the scheduling order. The selected neutral shall report the outcome of the ADR procedure to the ODR and the Court consistent with the provisions of the Texas Civil Practice and Remedies Code, Chapter 154.

D. Objection to Referral

D.1. If the Court enters an order of referral to an ADR procedure, any party may object to such referral pursuant to Texas Civil Practice and Remedies Code, Chapter 154.

D.2. Upon the filing of an objection, the Court shall schedule a hearing. If the Court finds that there is a reasonable basis for the objection, the Court shall order that the case not be referred to an ADR procedure and order the case set for trial on the merits.

Rule 4.55 - Documents Required

A. Documents Required in Cases of Support

A.1. In all cases in which support of a spouse and/or child(ren) is in issue, whether temporary or final, each party shall be required to furnish to the Court and opposing party:

- a) A statement of monthly income and expenses;
- b) Copies of that party's federal income tax returns for the two (2) calendar years prior to the hearing;
- c) All payroll statements, pay stubs, W2 forms, and 1099 forms which evidence that party's earnings for the calendar year prior to the hearing and from January first of the current year through the date of the hearing;
- d) Copies of any financial statements filed by that party with any financial institution in the two (2) years prior to the hearing;
- e) In all suits involving child support, each party who is a parent shall furnish to the Court the information described for determination of child support set out in Section 154.063, Texas Family Code, as amended.

B. Sanctions for Failure to File

- B.1. If a party(ies) fails to prepare and/or file the documents required in A or B, above, the Court may conduct a pretrial hearing and make such orders with regard to the failure as are just, including but not limited to, sanctions pursuant to Rule 215 of the Texas Rules of Civil Procedure, as amended.

Rule 4.65 - Parent Education and Family Stabilization Course

A. Seminar Mandatory

- A.1. All parties in original suits affecting the parent-child relationship or in suits to modify existing orders of conservatorship or possession shall attend and complete an educational seminar. The content of the seminar or course shall include, but not be limited to:
- a) The emotional effects of divorce on parents;
 - b) The emotional and behavioral reactions to divorce by young children and adolescents;
 - c) Parenting issues relating to the concerns and needs of children at different developmental stages;
 - d) Stress indicators in young children and adolescents;
 - e) Conflict management;
 - f) Family stabilization through development of a co-parenting relationship;
 - g) The financial responsibilities of parenting;
 - h) Family violence, spousal abuse, and child abuse and neglect; and
 - i) The availability of community services and resources.

B. Program Satisfaction

- B.1. A course taken in compliance with Section 105.009 of the Texas Family Code, as amended, satisfies the requirements of this rule. A list of approved programs and dates and times for such programs can be obtained from the Associate Judge's office at 904 Broadway, Room 305.
- B.2. Parties who wish to satisfy the requirement with another program may submit information regarding the program to the Associate Judge for approval prior to enrollment in the program. The requirement of a parenting program may be waived by the referring court for good cause shown.

C. Program Fees

Each party shall attend the seminar or approved program at that party's sole cost and expense. The fee shall be payable to the service provider prior to the program date. The fee for the seminar shall be reduced or waived in cases of indigency as determined by the Court.

D. Deadline for Completion

The seminar shall be initiated within thirty (30) days from the answer date, and evidence of completion filed with the Court at least seven (7) days prior to the final hearing.

E. Verification of Attendance

Each party completing the seminar shall be provided with a certificate of attendance which that party shall present to the Court prior to final hearing of the case by filing a copy of the same in the case with the District Clerk.

F. Sanctions

The Court may take appropriate action with regard to a party who fails to attend or complete a course

or seminar ordered by the Court, including holding the party in contempt of court, striking pleadings, or invoking any sanction provided by Rule 215, Texas Rules of Civil Procedure, as amended.

Rule 4.70 - Dismiss for Want of Prosecution

- A. The Court, on its own motion, may dismiss a case for want of prosecution. The procedure provided in Rule 165a of the Texas Rules of Civil Procedure, as amended, shall apply.

RULE 5 - CRIMINAL CASES

Rule 5.10 - Policy Statement

This rule has been combined with Rule 1.13.

Rule 5.15 – Goals and Definitions

A. Policy Goals

A.1. The goals of the Board with respect to the Courts hearing criminal matters are:

A.1.a. To provide an effective and fair procedure for the timely disposition of criminal cases;

A.1.b. To provide a mechanism to gather needed case information in order to make appropriate judicial management decisions; and

A.1.c. To establish reasonable rules and policies to require that cases be disposed of without unnecessary delay or interruption.

A.2. The Courts recognize that an early and amicable disposition will minimize costs to the taxpayers and defendants. The Courts will encourage early disposition of cases without the necessity of a trial whenever possible.

B. Differentiated Case Management

B.1. In order to effectuate these goals, it is the intent of the Board to differentiate between cases according to their anticipated complexity and length. In the discretion of the Courts, and pursuant to Rule 1(a) of the Regional Rules of Administration for the Ninth Administrative Judicial Region cases will be set for trial within 180 days from the date of indictment or information except for good cause shown. The trial or disposition date shall be set within the discretion of the Court, taking into consideration the complexity and issues of each individual case, and the Court's calendar.

C. Definitions

A. *State Jail or 3rd Degree*

State Jail or third (3rd) degree felony cases are defined by punishment ranges pursuant to Texas Penal Code §12.34 and §12.35(a), (b).

B. *Second Degree*

Second (2nd) degree felony cases are defined by punishment ranges pursuant to Texas Penal Code §12.33.

C. *First Degree*

First (1st) degree felony and capital felony cases are defined by punishment ranges pursuant to Texas Penal Code §12.32 and §12.31.

D. *Misdemeanors*

Class A and Class B Misdemeanor cases are defined by punishment ranges pursuant to Texas Penal Code §12.21 and §12.22.

Rule 5.20 - Criminal Case Management: From Case Filing to Disposition

A. Initial Appearance

An Initial Appearance will be conducted pursuant to Article 15.17, Code of Criminal Procedure. The arresting officer, or the person having custody of the arrestee, shall ensure that every arrestee be brought before a magistrate without unnecessary delay, but not later than twenty-four (24) hours

after the person is arrested for a misdemeanor offense or forty-eight (48) hours after the person is arrested for a felony offense.

B. Court Appointed Attorney

- B.1. Counsel shall be appointed as soon as possible to indigent defendants but no later than the end of the first business day after the date on which the court or the court's designee receives the defendant's request for court appointed counsel. Business day means Monday through Friday, excluding official state or local holidays. Counsel must be appointed to indigent defendants whether or not a case has been filed in the trial court.
- B.2. Upon determination of indigence by the court or the court's designee, the appointment authority for all adult criminal cases (except capital murder cases) is the Lubbock Private Defender Office, a managed assigned counsel program. All eligible capital murder cases shall be referred to the Regional Public Defender Office for Capital Cases.

C. Case Filing

- C.1. The Courts will encourage the Criminal District Attorney to make a filing decision or present a case to a Grand Jury as soon as practical. Pursuant to Amended Joint Order Regarding Detention of Individuals Pending Filing of Charges (TAT #2005-000,344), a defendant who is detained in jail pending trial of an accusation against him will be considered for release either on personal bond or by reducing the amount of bail required if the Criminal District Attorney is not ready for trial of the criminal action for which he is being detained within:
- C.1.a. Forty-five (45) days from the date of detention if the individual is accused of a felony listed in Code of Criminal Procedure Art. 42A.054.
- C.1.b. Thirty (30) days from the date of detention if the individual is accused of any felony other than those included above.
- C.1.c. Fifteen (15) days from the date of detention if the individual is accused of a Class A misdemeanor.
- C.2. In any event, these local rules do not supersede or modify the application of Art. 17.151 of the Code of Criminal Procedure.

D. Arraignments

- D.1. Felony Arraignments will be held within ten (14) days of indictment.
- D.2. Misdemeanor Arraignments will be held within thirty (30) days of complaint.

E. Notice of Appearance

An attorney hired by or appointed to represent a defendant will file a Notice of Appearance with the appropriate clerk's office and notify the Criminal District Attorney's Office and the appropriate court coordinator by forwarding them a copy of said Notice.

F. Court Scheduling

- F.1. The first meaningful event¹ in felony cases will be held within thirty (30) to sixty (60) days of the arraignment. In misdemeanor cases, the first meaningful event will be set as soon as

¹ "Meaningful event" includes any status conference, plea negotiation conference, scheduling conference, or any other setting the court establishes for the purpose of efficiently moving a case towards disposition.

possible, but no later than the thirtieth (30th) day after the arraignment.

- F.2. The Criminal District Attorney shall make a plea bargain offer, or announce that no offer will be made, at least ten (10) days prior to the first meaningful event.
- F.3. The purpose of meaningful events are to determine whether the defendant accepts or rejects the plea bargain offer; if rejected, whether the defendant will plead guilty to the court or to a jury; if the plea is not guilty, whether a jury trial will be required, and if so, how long the trial is estimated to last.
- F.4. If a trial is required, a trial date will be assigned by the Court, along with a pre-trial hearing date, which will be at least ten (10) days prior to the trial date.

G. Trial Settings

Each court will determine the trial settings according to their schedule, but all cases will receive a specific date and time, in writing or electronically, for any setting from the court, at each scheduling conference.

H. Other Conferencing

The Courts, in conjunction with the Court Administrator, may, from time to time, explore alternative conferencing methods to ensure the efficient and effective administration of justice.

I. Court Designations

Pursuant to Code of Criminal Procedure 17.027 Court Designation Order (TAT #2022-000,441), any magistrate (full and part-time), county court-at-law judge, and district court judge cross-assigned or appointed are designated to set bail pursuant to 17.027 in the Magistrate Court, 99th District Court, 137th District Court, 140th District Court, and 364th District Court.

Rule 5.25 - Management of the Trial

A. Pre-Trial Matters

All pre-trial matters should be concluded at the pre-trial conference prior to the trial date. If any new matters arise after the pre-trial conference, they should be brought to the Trial Court's attention as soon as they are discovered. The Court, in its discretion, may elect to determine the merits of the motion at the time when the subject matter of the motion is first brought before the court during trial rather than at a pre-trial hearing. *Bell v. State*, 442 S.W.2d 716, 719 (Tex. Crim. App. 1969).

B. Witnesses

The attorneys shall arrange for all witnesses to be immediately available as needed so that there will be no interruption or delay. Any scheduling problems shall be brought to the attention of the Court immediately. The attorneys shall instruct all witnesses not to discuss any aspect of the case in or around the courtroom, or in the vicinity of any prospective juror, and not to communicate in any fashion with any prospective juror or sworn juror.

C. Trial Etiquette

The attorneys shall remain seated at counsel table at all times while questioning witnesses unless permission has been granted by the trial judge to approach the witness for showing them an exhibit, etc., or as otherwise directed by the trial judge. Counsel are expected to stand while addressing the Court.

D. Paperwork Following Trial

Within one business day following a trial, the Criminal District Attorney's office will prepare any required paperwork (i.e., judgment of guilt, judgment of not guilty, etc.) and present all such paperwork to the Court for signature.

Rule 5.30 - Filings/Return of Indictments and Complaint/Informations

- A. The District Clerk shall file newly indicted cases pursuant to the most current Case Allocation Order (TAT #2024-00446)
- B. The County Clerk shall file all new misdemeanor criminal cases pursuant to the most current Case Allocation Order (TAT #2024-00446).

Rule 5.35 - Withdrawal or Substitution of Counsel

- A. Subject to Rule 5.35(B), no attorney will be allowed to withdraw from a case without a hearing to (1) determine the reason, and (2) advise the defendant of his rights if the motion is granted.
- B. Substitution of counsel may be granted without a hearing if a motion is filed with the signature of the substituting attorney, a representation that the defendant agrees to the substitution and a certificate of conference representing that the attorney of record has been notified as to the proposed substitution of counsel.

Rule 5.40 - Bond and Bond Forfeiture

- A. In all cases, the bond set by a magistrate shall remain in effect after indictment or complaint unless the judge in whose court the case is pending modifies the bond.
- B. Bond forfeiture will be promptly initiated upon a defendant's failure to appear for any hearing for which he/she is required to appear.
- C. Attorney bonds will not be approved.

Rule 5.50 - Indigent Defense

- A. Pursuant Article 26.047, Texas Code of Criminal Procedure, Lubbock County has established a managed assigned counsel program for criminal cases in the Courts.
- B. Lubbock County shall comply with all policies and standards set forth by the Texas Indigent Defense Commission pursuant to Chapter 79, Government Code.
- C. For determination of indigence for the appointment of counsel, the Courts shall use the standard of 125% of federal poverty guidelines.

RULE 6 - JURY MANAGEMENT

Rule 6.10 - Management of Juries

- A. Lubbock County has adopted an Electronic Jury Selection Plan pursuant to Chapter 62, Government Code.
- B. The Joint Annual Calendar of the District Courts will show the District Judge presiding in the central jury pool. Judges may substitute for each other as the need may arise. The Joint Annual Calendar shall be made available to the public on the County website.
- C. In the event the number of jurors appearing after being summoned does not meet the number needed for all jury trials during the summoned period, the jury trials will be prioritized pursuant to Texas Code of Criminal Procedure Article 32A.01 as follows:
 - a) Criminal jury trial in which the alleged victim is younger than fourteen (14) years of age;
 - b) Criminal jury trial in which the defendant has been restored to competency under Article 46B.084, Texas Code of Criminal Procedure;
 - c) Felony jury trial with an incarcerated defendant;
 - d) Misdemeanor jury trial with an incarcerated defendant;
 - e) Felony jury trial;
 - f) Misdemeanor jury trial;
 - g) Family law jury trial; then
 - h) Civil law jury trial.

RULE 7 - JUDICIAL VACATION

Rule 7.10 - Judicial Vacation & Leave

- A. The Judge of each court shall receive thirty (30) days of vacation each year and may take such personal vacation at any time during the year. Said vacation time does not accrue.
- B. The Judge of each court may take sick leave as is essential for their health and well-being.
- C. Attendance at Judicial Conferences is considered an official duty and not personal vacation time.
- D. Military leave is not included in personal vacation time.

Rule 7.15 - Notification of Local Administrative Judge

Notice of vacation or periods of absence longer than five (5) days shall be provided to the Local Administrative Judge and the Court Administrator at least two (2) weeks prior to the date of such vacation period or other necessary extended absence, when possible. This rule shall not apply to judicial conferences or educational events.

Rule 7.20 - Requests for Visiting Judge

- A. Requests for a visiting judge for a District Court shall be requested by the court to the Regional Presiding Judge.
- B. Requests for a visiting judge for a County Court-at-Law shall be requested by the court to the Regional Presiding Judge with notification to the Court Administrator.
- C. When necessary, courts will work amongst each other to coordinate the use of courtrooms and court reporters for visiting judges. When necessary, the Local Administrative Judge or Court Administrator may assist in the allocation and coordination of resources. The Court Administrator must be notified when a visiting judge, court reporter, etc. may result in local expenditures.

RULE 8 - PERSONNEL

Rule 8.10 - Court Administration

- A. The Local Administrative Judge shall supervise the performance of the court administration program and shall be responsible for all administrative matters peculiar to the courts (as distinguished from judicial matters), subject to statute and the Rules of Judicial Conduct.
- B. The Local Administrative Judge shall periodically review the case flow procedures and operations of the court administration program and shall recommend necessary changes to the Board.
- C. The Board shall designate the duties of the Court Administrator. The Court Administrator shall be appointed by a majority of the Board and serves at the pleasure of the Board.

Rule 8.15 - Qualifications of Personnel

- A. The Board shall determine the qualifications of the Court Administrator, the court coordinators, the official court reporters, the Chief Probation Office for the Community Supervision and Corrections Department, the Associate Judge, and Director of Dispute Resolution.
 - a. The qualifications and education requirements of personnel reporting to the Court Administrator, the Chief Probation Office for the Community Supervision and Corrections Department, the Associate Judge, and Director of Dispute Resolution shall be determined by those appointees in consultation with the Local Administrative Judge.
- B. The District Judges shall determine the qualifications of the County Auditor and Lubbock County Magistrates (full and part-time).
 - a. The qualifications and education requirements of personnel reporting to the County Auditor shall be determined by the County Auditor in consultation with the Local Administrative Judge.
 - b. The District Judges shall designate one magistrate to supervise part-time magistrates appointed by the District Judges.
- C. The Juvenile Board shall determine the qualifications and education requirements of the Chief Juvenile Probation Officer for the Juvenile Justice Center.
 - a. The qualifications and education requirements of personnel reporting to the Chief Juvenile Probation Officer shall be determined by the Chief Juvenile Probation Office in consultation with the Juvenile Chair.
- D. Qualifications, education, and other requirements shall coincide with any statute, rule, or certification necessary for personnel described under this Rule.
- E. The County Auditor, Court Administrator, Chief Juvenile Probation Officer, Magistrates, Associate Judge, and Director of the Domestic Relations Office and Alternative Dispute Resolution are appointed pursuant to the Board of Judges, District Judges, and Juvenile Board Joint Appointment Policy.

RULE 9 - ATTORNEYS IN COURT

Rule 9.10 - Conduct and Decorum of Counsel

- A. All lawyers shall dress professionally in keeping with proper courtroom decorum.
- B. While Court is in session, all remarks of counsel shall be addressed to the Court and not to opposing counsel or the Judge as an individual.
- C. In addressing the judges, lawyers shall, at all times, rise and remain standing to address the Judge from their position at the counsel table, unless permission has been granted to approach the bench.
- D. Counsel shall remain seated at the counsel table while interrogating witnesses, except as may be necessary in handling or displaying exhibits or demonstrating evidence, or as otherwise directed or granted by the Court.
- E. Lawyers shall advise their clients and witnesses of proper courtroom decorum and seek their full cooperation therewith.

Rule 9.15 Requests for Continuance

- A. In a civil case, unless counsel for all parties consent, in writing, to the request for a continuance and the same is approved by the Court, a motion must be filed pursuant to Rule 251, et seq. of the Texas Rules of Civil Procedure, as amended. At the request of the party, the court shall conduct a hearing on the motion.
 - A.1. Any motion that does not meet these requirements will be denied without prejudice to the right to refile.
 - A.2. If a completed certificate of conference accompanies a motion for continuance, the Court may grant the motion for continuance without a hearing.
 - A.2.a. The certificate of conference must contain the following elements to be considered complete:
 - A.2.a.1. A statement that each party is in agreement with the motion for continuance being granted; and,
 - A.2.a.2. Contain the name of each party or attorney with whom the requesting party conferenced.
- B. In a criminal case, continuances are governed by Chapter 29 of the Texas Code of Criminal Procedure, as amended.
 - B.1. If a completed certificate of conference accompanies a motion for continuance, the Court may grant the motion for continuance without a hearing.
 - B.1.a. The certificate of conference must contain the following elements to be considered complete:
 - B.1.a.1. A statement that each party is in agreement with the motion for continuance being granted; and,
 - B.1.a.2. Contain the name of each party or attorney with whom the requesting party conferenced.

Rule 9.20 - Conflict in Trial Settings

A. Duty of Counsel to Notify Court

When an attorney has two or more cases on trial dockets for trial at the same time, it is the duty of the attorney to immediately bring the matter to the attention of the Courts upon learning of the conflicting

settings.

B. Priority of Cases in Event of Conflict

- A. Pursuant to Code of Criminal Procedure Article 32A.01(a), insofar as practicable, the trial of a criminal action shall be given preference over trials of civil cases, and the trial of a criminal action against a defendant who is detained in jail pending trial of the action shall be given preference over trials of other criminal actions.
- B. Pursuant to Code of Criminal Procedure Article 32A.01(b), unless extraordinary circumstances require otherwise, the trial of a criminal action in which the alleged victim is younger than 14 years of age shall be given preference over other matters before the court, whether civil or criminal.
- C. Pursuant to Code of Criminal Procedure Article 32A.01(c), except as provided above, the trial of a criminal action against a defendant who has been determined to be restored to competency under Article 46B.084 shall be given preference over other matters before the court, whether civil or criminal.
- D. Insofar as practicable, the affected Courts shall attempt to agree which case shall have priority, and, in absence of agreement, the case with the oldest offense date will have priority.

Rule 9.25 - Attorney Withdrawal

- A. In civil cases, withdrawal of counsel shall be governed by Rule 10 of the Texas Rules of Civil Procedure, as amended, and the following rules:

A.1. Notice to Client

If another attorney is not to be substituted as attorney for the party, or if the party does not consent to the motion to withdraw, the withdrawing attorney shall notify the client in writing and set the motion to withdraw for a hearing with notice of the date and time of the hearing provided to the client and counsel for any parties, or provide notice of a deadline to object in the motion. If an objection is timely filed, the court shall conduct a hearing on the motion.

A.2. Orders

All orders granting withdrawal of counsel shall require withdrawing counsel to notify his or her client of all pending settings and deadlines known to withdrawing counsel.

A.3. No Delay of Trial

Unless allowed in the discretion of the Court, no motion to withdraw shall be granted when it is presented within thirty (30) days of the trial date or at such a time as to require a delay of trial.

RULE 10 - MISCELLANEOUS LOCAL RULES

Rule 10.15 - Miscellaneous Local Rules

- A. Any local rule or order heretofore jointly entered by the Courts shall remain in full force and effect unless in conflict with these adopted rules.
- B. Any local rule(s), forms or standing orders shall be uploaded and posted to the State's designated website pursuant to Texas Rule of Civil Procedure 3(a), Texas Rule of Appellate Procedure 1.2, and Texas Rules of Judicial Administration – Rule 10.

Rule 10.20 - Judicial Budget Matters

- A. The Court Administrator shall annually present a proposed judicial budget to the Board. Upon approval of the proposed judicial budget by the Board, the Court Administrator shall submit the proposed budget to the Lubbock County Commissioners Court for approval and adoption.
- B. All judicial budgets established for the administration of the Courts shall be supervised and managed by the Court Administrator.

Rule 10.25 - Relationship with Other Governmental Bodies, the Public and the News Media

- A. At least once each year, the Board shall review their relationship with other governmental bodies, the public, and the news media.
- B. In consultation with the Local Administrative Judge, the Court Administrator shall serve as the Public Information Officer for the Courts. At their discretion, each Judge may communicate with the media, be interviewed, or hold a press conference on behalf of their individual court.
- C. Unless permitted by their Judge or the Court Administrator, court coordinators and court reporters shall not serve as Public Information Officers for their individual court or the Courts.

Rule 10.30 - Forms

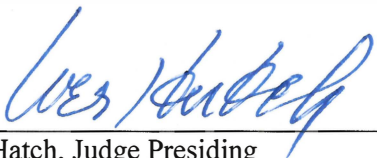
- A. Any forms required by these rules are available from the District Clerk's Office, the County Clerk's Office, the Lubbock County Office of Court Administration, and the Associate Judge's Office.
- B. It shall be the intent of the Board and Court Administrator to make all paper forms available electronically on the Lubbock County Office of Court Administration's website or in other available electronic formats.

RULE 11 – RULES ADOPTION AND AMENDMENT

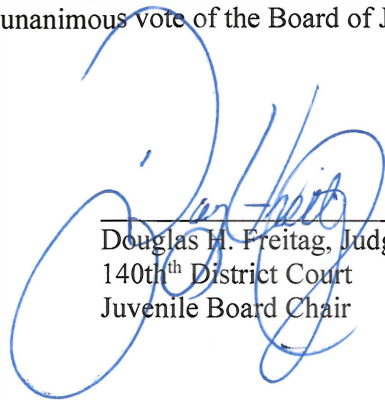
Rule 11.10 - Procedure for Adoption and Amendment of Local Rules

Amendment of these local rules may be determined by the Board by majority vote at any Board of Judges' meeting upon three (3) days prior notice of presentation of amendments.

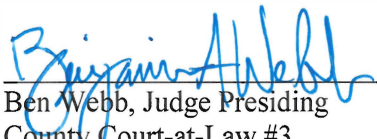
Approved this 6th day of December 2024 by a unanimous vote of the Board of Judges.



Les Hatch, Judge Presiding
237th District Court
Local Administrative Judge



Douglas H. Freitag, Judge Presiding
140th District Court
Juvenile Board Chair



Ben Webb, Judge Presiding
County Court-at-Law #3
County Court-at-Law Administrative Judge