

## **PART 5. RULES GOVERNING PROCEEDINGS IN CASES BEFORE THE CRIMINAL COURTS**

### **RULE 5.1: GENERAL PROVISIONS**

#### **Rule 5.11: Definitions**

In Part 5:

- (a) “County Courts” means Tarrant County Criminal Court No. 1, Tarrant County Criminal Court No. 2, Tarrant County Criminal Court No. 3, Tarrant County Criminal Court No. 4, Tarrant County Criminal Court No. 5, Tarrant County Criminal Court No. 6, Tarrant County Criminal Court No. 7, Tarrant County Criminal Court No. 8, Tarrant County Criminal Court No. 9, and Tarrant County Criminal Court No. 10.
- (b) “District Courts” means Tarrant County Criminal District Court No. 1, Tarrant County Criminal District Court No. 2, Tarrant County Criminal District Court No. 3, Tarrant County Criminal District Court No. 4, the 213<sup>th</sup> District Court, the 297<sup>th</sup> District Court, the 371<sup>st</sup> District Court, the 372<sup>nd</sup> District Court, the 396<sup>th</sup> District Court, the 432<sup>nd</sup> District Court, and the 485<sup>th</sup> District Court.
- (c) “Criminal Courts” means the combined District Courts and County Courts as they are defined in subsections (a) and (b).
- (d) “Local Rules” means all rules in Part 5 of the Local Rules of Court of Tarrant County, Texas.

#### **Rule 5.12: Authority**

The Local Rules are adopted pursuant to Texas Government Code section 74.093, Rule 10 of the Texas Rules of Judicial Administration, Rules 5 and 11 of the Eighth Administrative Judicial Region Rules of Administration, and Rule 3a of the Texas Rules of Civil Procedure.

#### **Rule 5.13: Objective**

The Local Rules are promulgated to provide a uniform system for the fair, impartial, and prompt disposition of matters before the Criminal Courts, and to achieve

fairness for all parties with due regard to the rights of the State, the accused, and the citizens of Tarrant County.

#### **Rule 5.14: Scope**

The Local Rules shall govern all cases filed in the Criminal Courts, but each court retains its inherent authority to adopt individual rules of court. The Local Rules shall not be interpreted or applied (1) in a manner that is unfair or unduly burdensome or (2) in conflict with state or federal law or with rules adopted by the Supreme Court of Texas.

### **RULE 5.2: COURTROOM CONDUCT AND DECORUM**

#### **Rule 5.21: Conduct Required of Counsel**

Counsel are officers of the Court and shall act accordingly, including but not limited to following these nonexclusive rules of court:

- (a) Counsel shall assist the Court in maintaining proper decorum.
- (b) Counsel shall timely appear before the Court at each setting and following each recess and shall ensure their clients and witnesses are available when called.
- (c) Counsel shall wear business attire while in Court.
- (d) Counsel shall remain seated except when addressing the Court or jury or when granted leave to approach the bench, to approach the witness, to use any audio–video equipment, or to publish an exhibit to the jury.
- (e) Counsel shall address all statements, requests, and objections to the Court and not to opposing counsel.
- (f) Counsel shall neither make nor insinuate derogatory or insulting remarks about the court, opposing counsel, or any witness.
- (g) Counsel shall address the Court as “Your Honor” or “Judge” and except with permission of the Court, shall refer to all counsel, parties, and witnesses

(except children) by their surnames, using such titles as Mr., Mrs., or Dr. as appropriate.

- (h) When making an objection, counsel shall state the objection's legal basis.
- (i) Counsel shall advise their clients, witnesses, and any other person subject to their control of the rules of courtroom conduct and decorum in Local Rule 5.22.
- (j) Counsel shall assist the Court in expediting trials and hearings consistent with their duty to provide zealous representation to their client.
- (k) Any other rule of court imposed by the Court presiding over the proceeding in its discretion.

#### **Rule 5.22: Conduct Required of all Persons**

All persons present for a Court proceeding, including counsel, must respect the decorum of the Court and act accordingly, including but not limited to following these nonexclusive rules of court:

- (a) All persons shall be attentive and refrain from causing any disruption.
- (b) All persons shall be dressed in clothing reasonably befitting the dignity and solemnity of court proceedings.
- (c) All persons shall rise when the judge or jury enters or leaves the courtroom and at other times as instructed by the bailiff.
- (d) No beverages, food, chewing gum, tobacco products, or vape pens are permitted in the courtroom without the Court's permission.
- (e) Reading of newspapers, books, or magazines while court is in session is prohibited.
- (f) No person shall sit on railings, tables, or desks, nor shall any person prop their feet on tables, chairs, or other fixtures.
- (g) No person shall make gestures, facial expressions, or sounds indicating approval or disapproval of any ruling, testimony, person, or conduct.

- (h) No electronic devices shall be used in court—except by counsel or his or her staff during hearings in which that counsel is participating—without the Court’s prior approval.
- (i) No audible sounds from cell phones or other electronic devices shall be permitted.
- (j) Any recording of a court proceeding, including but not limited to live-transcription recording, is prohibited without the Court’s prior approval.
- (k) No advertising or political-campaign material is permitted in the courtroom.
- (l) No person shall display or wear any item that could influence the jury in the performance of its duties.
- (m) No person shall have any contact with a prisoner without the bailiff’s or sheriff’s approval.
- (n) No children under 12 years old shall be permitted in the courtroom during any court proceeding without the prior approval of the Court or unless called as a witness.
- (o) Any other rule of court imposed by the Court presiding over the proceeding in its discretion.

### **Rule 5.23: Enforcement**

The sheriff or bailiff shall enforce the rules of court regarding conduct and decorum. Failure to abide by any such rule of court may be enforced by any judicial remedy.

## **RULE 5.3: DOCUMENTS**

### **Rule 5.31: Motions**

In addition to any other pleading requirement imposed in the Texas Code of Criminal Procedure or in other law:

- (a) All motions requesting affirmative relief shall be presented to the Court within three (3) business days of filing.
- (b) All motions shall be accompanied by a proposed order.
- (c) If a motion is unopposed or is agreed, the word “unopposed” or “agreed” shall appear in the title of the motion and shall include a certificate of conference confirming that fact.
- (d) A response to a motion may be filed no later than 14 days after the filing of the original motion. The Court may rule on the original motion before a response is filed.
- (e) If an evidentiary hearing is required or requested, the movant or the respondent shall clearly state that fact in the motion or response.

#### **Rule 5.32: Amendments and Supplements**

- (a) An amended document, other than an indictment or information, shall include the word “amended” or a variation thereof in the document’s title. A supplemental document shall include the word “supplemental” or a variation thereof in the document’s title.
- (b) An amended document supersedes the original document. A supplemental document does not supersede the original document.

### **RULE 5.4: ATTORNEYS**

#### **Rule 5.41: Appearance of Counsel**

Upon a party’s first appearance through counsel, the attorney whose signature appears on the initial pleading shall be the attorney in charge, unless another attorney is specifically designated. The attorney’s appearance shall be a general appearance, and the attorney shall remain as the attorney in charge until final disposition of the case or until permission is otherwise granted by the Court.

#### **Rule 5.42: Withdrawal or Substitution of Counsel**

- (a) Except as provided in Local Rule 5.42(b), if an appointed or retained attorney has reason to withdraw before final disposition of the case, the attorney shall file a written motion to withdraw with the Court in compliance with Local Rule 5.3.
- (b) If an attorney is retained to replace existing appointed counsel, the newly retained attorney shall file a notice of appearance, at which time the clerk shall automatically replace the appointed attorney with the newly-retained attorney as defense counsel. The appointed attorney is not required to file a motion to withdraw.

#### **Rule 5.43: Attorney Appointments**

- (a) The District Courts' and the County Courts' respective indigent defense plans shall govern the appointment of counsel to represent indigent defendants. Appointed counsel shall adhere to the rules of the applicable plan.
- (b) Attorneys appointed to represent indigent defendants must disclose to the Court all compensation received from any source on behalf of the defendant. The Court will consider the disclosure when determining the appropriate payment to the attorney.
- (c) Attorneys' fees will be paid in accordance with a schedule of fees adopted pursuant to Texas Code of Criminal Procedure article 26.05(b).

#### **Rule 5.44: Attorney Vacations and Continuing Legal Education**

- (a) This Local Rule and Local Rule 1.11 shall govern attorney vacations and continuing-legal-education (CLE) commitments.
- (b) If an attorney has a scheduled vacation or CLE commitment, the attorney shall file a notice of the vacation or CLE commitment in all impacted cases no later than 30 days before the first day of the planned vacation or CLE. A notice of vacation or CLE commitment does not preclude the Court from setting a case for a hearing or trial during the noticed period.
- (c) If a Court setting, including a trial, conflicts with an attorney's noticed vacation or CLE commitment, the attorney shall file a sworn motion for continuance under Texas Code of Criminal Procedure Chapter 29 no later than 7 days after receiving notice of the setting. The Court may grant or deny the continuance in its discretion.

### **Rule 5.45: Interpreter Requests**

- (a) Requests for an interpreter for trial shall be made to the Court no later than 28 days before the commencement of jury selection.
- (b) Requests for an interpreter for any other non-trial setting shall be made to the Court no later than 14 days prior to the setting.
- (c) The Court may enforce this rule through any appropriate means.

### **RULE 5.5: DOCKET MANAGEMENT**

- (a) Court dockets shall be set and governed as directed by the presiding judge of each individual court under Texas Code of Criminal Procedure article 33.08.
- (b) The judges of the Criminal Courts will work together to schedule their dockets with the goal of promoting court efficiency. This goal includes the timely disposition of pending cases and allowing attorneys to effectively handle their cases.
- (c) Attorneys are expected to be familiar with the guidelines of any case-management system adopted by the District Courts, the County Courts, or both.
- (d) Parties shall use all reasonable means to resolve pretrial disputes without judicial intervention and to have meaningful plea negotiations.
- (e) The following rules apply to conflicting court settings:
  - (1) A conflicting setting exists when an attorney is simultaneously set for a trial or a hearing in more than one court.
  - (2) When a conflicting setting occurs, the attorney with the conflict shall immediately file a notice informing all affected courts.
  - (3) Conflicts in settings may be resolved by agreement of the affected courts. If an agreement is not reached, the conflict shall be resolved by Texas Code of

Criminal Procedure article 32A.01, Texas Government Code section 23.101, and Rule 10 of the Eighth Administrative Judicial Region Rules of Administration.

## **RULE 5.6: COURT ADMINISTRATION AND MANAGEMENT**

### **Rule 5.61: Court Administration and Management**

- (a) Under Texas Government Code section 74.093(c), the judges of the Criminal Courts shall elect three judges to form a Presiding Criminal Judges Panel (PCJP).
- (b) The PCJP shall be composed of the following:
  - (1) A Criminal Courts Presiding Judge selected by the judges of the Criminal Courts,
  - (2) A County Courts Presiding Judge selected by the judges of the County Courts, and
  - (3) A District Courts Presiding Judge selected by the judges of the District Courts.

### **Rule 5.62: Criminal Courts Presiding Judge**

- (a) The Criminal Courts Presiding Judge shall be elected by a majority of the judges of the Criminal Courts in November of each year.
- (b) The Criminal Courts Presiding Judge shall serve a one-year term beginning on the first day of January following his or her election under subsection (a).
- (c) The Criminal Courts Presiding Judge serving in even-numbered years shall be a District Court judge and the Criminal Courts Presiding Judge serving in odd-numbered years shall be a County Court judge.
- (d) If a vacancy occurs in the position of the Criminal Courts Presiding Judge, a majority of the judges of the Criminal Courts shall elect a replacement within



30 days of the vacancy to fill the position for the remainder of the one-year term.

- (e) The Criminal Courts Presiding Judge or his or her designee shall preside over all meetings of the PCJP and of the Criminal Courts.

#### **Rule 5.63: District Courts Presiding Judge and County Courts Presiding Judge**

- (a) The District Courts Presiding Judge shall be elected by a majority of the judges of the District Courts in November of even-numbered years.
- (b) The County Courts Presiding Judge shall be elected by a majority of the judges of the County Courts in November of odd-numbered years.
- (c) Both the District Courts Presiding Judge and the County Courts Presiding Judge shall serve a two-year term beginning on the first day of January following their election under either subsection (a) or (b).
- (d) The District Courts Presiding Judge or his or her designee shall preside over all meetings of the District Courts. The County Courts Presiding Judge or his or her designee shall preside over all meetings of the County Courts.
- (e) If a vacancy occurs in the position of the District Courts Presiding Judge or the County Courts Presiding Judge, a majority of the judges of the courts from which the vacancy occurs shall elect a replacement within 30 days of the vacancy to fill the position for the remainder of the two-year term.
- (f) No judge may serve as the District Courts Presiding Judge or as the County Courts Presiding Judge for more than two consecutive full terms. If appointed to serve the remainder of an unfinished term, a judge may be appointed to two additional consecutive full terms.

#### **Rule 5.64 Authority and Duties of the Presiding Criminal Judges Panel**

- (a) Under Texas Government Code section 74.093(c)(4), the PCJP shall be responsible for the administration and management of the Tarrant County Criminal Court system and its auxiliary services.

(b) The PCJP acts under the general authority and direction of the Criminal Courts.

**Rule 5.65: Rule Modification**

Rule 5.6 may be temporarily modified by a vote of two-thirds of all judges of the Criminal Courts. Any such vote shall only apply to the immediate proposal at issue and the original, unmodified rule shall continue in full force and effect after the temporary modification expires.

**RULE 5.8: REPEAL AND EFFECTIVE DATE**

The Local Rules repeal all prior versions of Part 5 and are effective immediately upon being published on the Texas Office of Court Administration's website under Rule 3a(c) of the Texas Rules of Civil Procedure and Rule 10(a) of the Texas Rules of Judicial Administration.

Adopted by majority vote of the judges of the Criminal Courts of Tarrant County, Texas, on March 11, 2025.