

LOCAL RULES

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BASTROP COUNTY COURT AT LAW

APR 09 2025

Sarah Loucks
District Clerk, Bastrop County

The following local rules govern the setting and trial of Civil and Criminal cases within the County Court at Law of Bastrop County, Texas.

RULE 1: SCHEDULING OF CASES

- 1.1 The Court Coordinator/Administrator will make settings for all hearings in civil cases.
- 1.2 All civil cases shall be set by communicating with the Court Coordinator/Administrator either by phone or email, preferably email with all parties copied. When the Court gives a hearing date, counsel or pro se litigant must give notice to all parties of the setting.
- 1.3 **No setting for longer than two (2) hours in any case may be obtained without prior permission of the Judge. The Court will require the parties to submit to formal mediation prior to granting a setting of more than two (2) hours.**
- 1.4 **AT MEDIATION AND PRIOR TO ANY CONTESTED HEARING, ALL PARTIES ARE REQUIRED TO PRODUCE DOCUMENTS OR RECORDS WHICH MIGHT BE OFFERED INTO EVIDENCE AT TRIAL WITH A REQUEST THAT ALL PARTIES STIPULATE TO THE ADMISSIBILITY OF EACH DOCUMENT OR RECORD, RESERVING ONLY LEGITIMATE OBJECTIONS FOR TRIAL.**
- 1.5 The setting party must estimate the length of time requested for the hearing. It is the responsibility of the non-setting party to contest any time estimate made by the setting party. If no contest is made, the amount of time requested by the setting party shall prevail.
- 1.6 **DO NOT CALL or WRITE the Judge directly requesting a setting.**
- 1.7 **CRIMINAL CASES will be scheduled by the Court Coordinator/Administrator or the County Clerk's office on dates and times made in coordination with the Judge's office. Upon arraignment or waiver of arraignment, the Court shall set the case for trial. The Court will also set a status hearing before the trial date to determine whether the case is ready for trial.**
- 1.8 **CIVIL JURY TRIAL - SETTINGS shall be obtained by phone or email**

request, noting the **APPROXIMATE TIME** such case will require. Mediation is required before any civil Jury Trial dates are given.

- 1.9 No settings will be made by speaking with the Judge.
- 1.10 **JURY CASES** will be set in order of their filing date, i.e., oldest case first, etc. The Court may deviate from this order at its discretion for good reason.
- 1.11 **PRE-TRIAL DATES** are for both Civil and Criminal cases and only applicable when Pre-Trial Motions have been filed.
- 1.12 Counsel requesting a Jury Trial setting impliedly affirms that the pleadings are in order, ad litem appointments have been made, all parties are before the Court, all necessary motions have been made, discovery has been completed and the case is ready for trial.
- 1.13 The Court in its discretion may order cases in priority based on established legal priority or practical considerations.
- 1.14 **CONTINUANCE** - No agreed continuance by attorneys after a case is set is permitted without approval of the Court.
- 1.15 **APPEARANCE AT PRE-TRIAL SETTINGS BY ATTORNEY IS MANDATORY.**
- 1.16 **PROPOSED JURY CHARGES** are to be exchanged by Attorneys and presented to the Court no later than the day jury trial begins, unless the Court specifically rules otherwise.
- 1.17 **EXHIBITS** must be marked prior to the trial day and shall not be marked during the trial by approaching a witness. A list of all exhibits must be presented to the Court Reporter on the day of the trial.
- 1.18 Attorneys are required to attend court for all settings of which he or she has notice. It is the responsibility of each attorney who has a scheduling conflict, immediately upon discovering the conflict, to resolve the conflict by re-scheduling with Court approval, by attending the setting, or by associating counsel who will attend the setting.
- 1.19 If counsel fails to attend a setting without prior Court permission, the Court may appoint an attorney to attend the setting and assess the appointed attorney's fees against the attorney. Said fee, when ordered, shall be paid by a date certain as specified in the Court's order. If that fee is not paid by the date ordered, it may be enforced by contempt or any other legal remedy.
- 1.20 The Court may, but is not required to, grant a scheduling order, which must

be followed by the litigants and counsel.

RULE 2: COURT APPOINTED ATTORNEYS

- 2.1 The Court Coordinator/Administrator shall maintain a list of attorneys approved by the Court. The court shall make appointments from the list in the order in which the attorney's names appear on the list, unless the court determines that good cause exists to appoint another attorney. An attorney who is not appointed in the order in which the attorney's name appears on the list shall remain next in order on the list.
- 2.2 Attorneys who wish to be added to any appointment list may reach out to the Court Coordinator/ Administrator and request an application. They must then submit their completed application, along with a resume. The Court requires all attorneys who are added to the list to have practiced in front of the Court.

2.3 COMPENSATION

CRIMINAL CASES

Plea	\$250.00
Trial	Attorney must submit itemized statement outlining all time spent on case and all expenses. The Court will review the statement and authorize payment accordingly based on the rate of \$125 per hour.

JUVENILE CASES

Detention Hearing	\$100.00
Agreement	\$250.00
Trial	Attorney must submit itemized statement outlining all time spent on case and all expenses. The Court will review the statement and authorize payment accordingly based on the rate of \$125 per hour.

CHILD PROTECTIVE SERVICES CASES

Status/Review Hearings \$150.00

All other contested hearings Attorney must submit
itemized statement outlining
all time spent on case and all
expenses. The Court will
review the statement and
authorize payment
accordingly based on the rate
of \$125 per hour.

2.4 HOW TO SUBMIT BILLS FOR REPRESENTING INDIGENT DEFENDANTS

When a case is resolved, the payment voucher should be filled out and may either be given to the Court Coordinator/Administrator at that time in the Courtroom or emailed to the Court Coordinator/Administrator later. The payment voucher can be found on the County Court at Law webpage.

RULE 3: FILING OF DOCUMENTS AND PROPOSED ORDERS

Attorneys must use the electronic filing system. Pro se litigants may use the electronic filing system or file documents directly with the clerk's office. Electronic filings must comply with Tex. R. Civ. P. 21 and any other applicable electronic filing rules or standards. All orders must be executed by all counsel and/or parties before submitting to the Judge for approval. If the order is not executed by all counsel and/or parties, proof must be attached that a letter and copy of the order has been sent to the opposing counsel and/or party indicating the number of days the opposing counsel and/or party have to file objections.

If opposing counsel and/or party file objections, a proposed order must accompany such objections.

RULE 4: ORDER OF PROCEEDINGS ON COURT DAYS

CIVIL

9:00 A.M. Docket call

CRIMINAL

9:00 A.M. Docket call

RULE 5: ASSIGNMENT OF CASES

Civil cases will be assigned to the County Court at Law by the Clerk when filed.
(See the *Order Relating to the Filing of Family Law Cases in Bastrop County, Texas* regarding the assignment of Family Law cases.)

RULE 6: SPECIAL REQUIREMENTS FOR DOMESTIC RELATIONS CASES.

- 6.1 To expedite trials, it shall be the duty of each attorney to confer, **PRIOR** to trial, with each other attorney regarding settlement, stipulations, estimated time of trial, waiver of jury, the extent, description, character and value of the property in question, amount of support, conservatorship, periods of possession and/or access, rights, duties and powers of the conservators, and contested issues. Prior to the trial, **ALL PARTIES ARE REQUIRED TO PRODUCE TO OPPOSING COUNSEL DOCUMENTS WHICH MIGHT BE OFFERED AS EVIDENCE AT TRIAL WITH A REQUEST THAT ALL PARTIES STIPULATE TO THE ADMISSIBILITY, RESERVING ONLY LEGITIMATE OBJECTIONS FOR TRIAL.**
- 6.2 At least thirty (30) days prior to any contested hearing, the Husband and Wife each shall file with the Court, or upon written mutual agreement, exchange between themselves sworn inventories. Each inventory shall list the value of each item of property and shall list each liability, the number of periodic payments in arrears, if any, the property securing its payments, and the name of the creditor. Any property or liability claimed to be separate shall be so characterized. All benefits arising from a party's employment (such as pensions, profit sharing plans, savings for thrift plans, whether vested or not) shall be identified, and the last incorporated into the inventory as an exhibit thereto. The Court may waive this requirement upon motion by a party.
- 6.3 The inventory or a summary attached thereto shall list the property values and liabilities in a columnar form with each column totaled. Each inventory shall show the net worth of the community estate and the net worth on any claimed separate estate. All inventories shall be supplemented from the date of the original inventory through the day of the trial. When a suit is tried, three (3) copies of all inventories and supplemental inventories shall be made available for use in trial.
- 6.4 The amount of child support payable by the obligor parent shall be set in accordance with the current Child Support Guidelines adopted by the Supreme Court of Texas, unless legal justification for deviation from said

guidelines is established.

RULE 7: PARENTING EDUCATION REQUIREMENT:

- 7.1 The Petitioner and Respondent in all actions involving the custody of minor children shall successfully complete a co-parenting program prior to obtaining a setting on a final hearing.
- 7.2 Certificates of attendance for both the Petitioner and Respondent shall be filed with the District Clerk prior to the final hearing.
- 7.3 Failure to attend the program as scheduled or to file the certificate of attendance by the final hearing is punishable by contempt.
- 7.4 The case will not be concluded until both parents have completed the seminar or obtained a waiver, except in cases where a parent defaults (fails to respond to service of court papers).
- 7.5 This requirement may be waived after motion by a party and upon showing good cause for waiver.

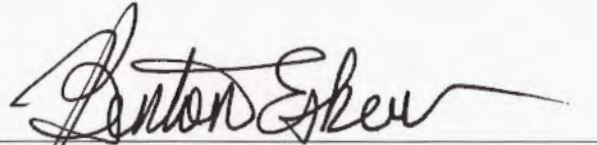
RULE 8: DISMISSAL DOCKET (CIVIL CASES)

- 8.1 At least once a year, cases may be dismissed for want of prosecution in accordance with the timetables of the Texas Rules of Judicial Administration Section 6.1
- 8.2 If more than one case appears on the dismissal docket for a certain date, a list of cases to be dismissed shall be posted in a conspicuous place in the Clerk's office.
- 8.3 Unless good cause is shown as required in the notice, such cases will be dismissed on or after the date stated therein. Notification of the dismissal order shall be provided as stated in Rule 165a of the Texas Rules of Civil Procedure.
- 8.4 A written Motion to Reinstate shall be filed by any party desiring to maintain the case on the docket setting forth good cause, together with a proposed Pre-trial Order complying with Rule 165a (3) of the Texas Rules of Civil Procedure.
- 8.5 All parties in any case retained on the docket must submit to formal mediation and provide such proof to the Court before a final hearing date may be obtained.

RULE 9: SPECIAL REQUIREMENTS FOR PROBATE CASES

- 9.1 All Small Estate Affidavits must be posted by the County Clerk's office for 10 days before being considered by the Judge.
- 9.2 Uncontested Probate Matters may be set on a submission docket with the Court and set with the Probate Court Coordinator/Administrator. Instructions for the submission docket can be found on the County Court at Law webpage.

EFFECTIVE THIS 9th DAY OF April, 2025.

A handwritten signature in black ink, appearing to read "Benton Eskew", written over a horizontal line.

BENTON ESKEW
BASTROP COUNTY COURT AT LAW