

RULES OF COURT 36TH, 156TH AND 343RD DISTRICT COURTS

Composed of

ARANSAS COUNTY, BEE COUNTY, LIVE OAK COUNTY,
McMULLEN COUNTY & SAN PATRICIO COUNTY

The following local rules governing the practice in the District Courts of the 36th, 156th, and 343rd Judicial Districts of Texas (hereinafter referred to as “the Courts”) have been adopted.

1. JUDICIAL ADMINISTRATION

Rule 1.10 Exchange of Benches, Emergency and Special Matters.

Any Judge of the District Court serving this Judicial District may act for any other District Judge on matters filed in this Judicial District.

Subject to modification and without waving their respective jurisdiction, each District Court Judge shall assume equal responsibility in emergencies and special matters.

Rule 1.11 Judicial Vacation.

Whenever a judge anticipates absence of more than five (5) court days for any reason then that judge shall inform the Presiding Judge of the Fourth Administrative Region so that another judge may be assigned to that court.

Rule 1.12 Powers and Duties of Local Administrative Judge.

The Local Administrative District Judge shall see that each Court has the assistance of any other Judges who may be available for assignment and that the conduct of business is efficiently and fairly distributed to each judge having jurisdiction.

The Local Administrative District Judge shall call meetings of the District Judges of the District at least quarterly, preferably the first Friday of the month and additionally as needed.

The Local Administrative District Judge shall preside over such meetings, and in his or her absence the meeting Judge shall be conducted by another Judge present.

The Judges of the District Courts may meet with the Judges of the County Courts and County Courts at Law or any other person responsible for the efficient administration of justice and make rules and orders as necessary.

2. CASE FILING AND TRIAL SETTING(S)

Rule 2.10 Time Standards for Case Disposition.

The Courts adopt the time standards for disposition of cases as established by the Constitution, Statutes, or by Rules of the Supreme Court, Rules of Judicial Administration, by rules promulgated by the Court of Criminal Appeals and Office of Court Administration.

Rule 2.11 Court Filings

Juvenile matters will be filed in the County Courts at Law in Aransas, Bee, Live Oak, McMullen and San Patricio Counties. Except for Bee County, cases filed on behalf of the Child Protective Division of the Texas Department of Family and Protective Services will be filed in the County Courts at Law in Aransas, Live Oak, McMullen Counties and San Patricio Counties. Cases filed on behalf of the Child Protective Division of the Texas Department of Family and Protective Services in Bee County will be filed in the District Courts.

Rule 2.12 Court Calendar

The Courts shall divide their court sessions and time in each county according to the percentage that county bears of the district wide population and this schedule shall be set according to a published schedule or calendar. The Courts shall publish an annual calendar showing the weeks of jury trials, non-jury trials, holidays and other schedules and events and any

other matters that will facilitate the work of the Court. The Courts' calendar shall be available to the litigants, their attorneys and to any other requesting it.

Rule 2.13 Filing and Assignment of Cases.

All criminal and civil cases shall be assigned to a specific Court on a rotating basis.

All felony cases shall be styled: "THE STATE OF TEXAS vs. named, Defendant"; and shall be noted as filed "IN THE FELONY DISTRICT COURTS OF said COUNTY, TEXAS"

Rule 2.14 Transfer of Cases/Docket Exchange/Bench Exchange.

In all district court cases filed within this Judicial District any Judge of the District Court serving this Judicial District may act for any other District Judge.

. In each county of this District, civil cases assigned to a specific Court shall remain pending in that Court until final disposition, provided that any case may be transferred to another Court by Order of the Judge of the Court in which the case is pending with the consent of the Judge of the Court to which the case is transferred.

Rule 2.15 Request for Settings

Cases may be set for trial upon request to the Court Administrators' office by Motion, letter, email or telephone. Docket control conferences will be held by telephone conference call or e-mail unless otherwise specified.

The District Court's Administrator will prepare a Docket Control Order, and the Court will sign the same which recites any action taken or agreements reached at the scheduling conference, if held, otherwise the Court will set the deadlines and such order when entered, shall control the subsequent course of the action.

Rule 2.16 Request for Preferential Setting.

Civil cases may be set for preferential setting by consent of the Judge in whose court the case is filed and who will be the presiding Judge. Criminal cases may be set for preferential setting by consent of the Judge who is the presiding Judge.

Rule 2.17 Ex Parte Relief

All applications for ex parte relief shall state whether within the knowledge of applicant and his/her attorney the opposing party is represented by counsel and if so the name of such counsel. The party requesting such ex parte temporary relief shall be present in Court at the time such relief is requested unless the Court waives this requirement for good cause shown.

3. MOTIONS AND TRIAL

Rule 3.10 Pre-Trial and Pre-Trial Motions.

At Pre-Trial Hearing all parties shall present their exceptions, motions and dilatory pleas, including Motions in Limine for rulings by the Court. Failure to present such exceptions, motions and pleas in a timely manner may cause them to be waived.

Counsel and any pro se parties shall be required to attend Pre-Trial hearings and will be expected to advise the Court which issues will be disputed and will be expected to be familiar with authorities applicable to questions of law thereby raised. Counsel and pro se parties attending the Pre-Trial Conference shall be the person who is expected to try the case or shall be familiar with the case and fully authorized to state the parties' position on the law and facts, make stipulations and enter settlement negotiations. Should the Court find that counsel is not so qualified, it may consider that no counsel has appeared and may act against the party involved.

Rule 3.12 Motions for Severance.

When a Motion to Sever is sustained, the severed claim shall be filed as a new case in the same Court and shall be given a new or suffix number or letter by the Clerk. The original case from which the claim is severed shall retain the original number given it by the Clerk of the Court. Before the severed claim is filed as a new case, the Clerk's requirement concerning deposit for costs shall be met.

Rule 3.13 Motions for Continuance.

Any grounds for continuance of a trial setting should be presented to the Court at the Pre-Trial setting or at least ten (10) days prior to the trial setting at the call of the docket.

No Motion for Continuance of a trial setting, including joint or agreed motions of all

3.14 Motions for Summary Judgment.

Courtesy copies of all motions, responses and replies shall be MAILED OR DELIVERED (EMAILS ARE NOT ACCEPTED) to the Judge prior to the submission date at the Court's address on the setting notice.

Rule 3.15 Motions for Referral of Disputes or Alternative Dispute Resolution Procedures.

The Court may, on its own motion or the motion of any party, refer a pending dispute for resolution of an alternative dispute resolution procedure as provided for in Chapters 151, 152 or 154 of the Texas Civil Practice and Remedies Code.

Any party may, within ten (10) days after receiving notification of a referral, file a written objection which sets forth a reasonable basis for the party's objection to referral and the same shall be forthwith set by the Judge for hearing and resolution.

Whenever a case is referred to alternative dispute resolution (ADR), the Court shall

appoint a mediator, but counsel may agree upon a certain mediator without court approval.

Rule 3.16 Settlements.

When an attorney settles or dismisses a case which is set for trial, he/she shall give notice to the Court Administrator as soon as possible and submit a written dismissal or judgment forthwith.

The Court requires the presence of counsel and the parties at the time for which trial was set if no documentary evidence of the settlement has been received before the call of the docket.

Rule 3.17 Conflicting Engagements of Counsel.

When a Motion for Continuance is made on the basis that counsel already has a trial setting in another court, such motion should state the court and cause number and style of the case pending elsewhere and should include the estimated length of time the attorney will be unavailable to this Court. The Court reserves the right to verify that appearance of counsel is necessary in any other Courts.

Tentative schedules in some other Court will not be grounds for granting a continuance. In the event the case in the other Court is passed, continued or disposed of prior to or during the week in which the case is set for trial in these Courts, the attorney shall immediately notify the Court and opposing counsel of such fact.

In case of such conflicting settings, the Court whose date of setting is the earliest has preference; except that criminal cases in all District Courts shall have priority over civil cases.

Rule 3.18 Witnesses/Exhibits/Translators.

In any Civil case where a witness does not speak English, the attorney presenting such witness shall make provision for a properly qualified interpreter to be present at the time of such witness's testimony.

In any Criminal case where the defendant or any trial witness does not speak English, the attorney representing the State or the Defendant must advise the District Judges' office of the need for a translator at the time of appointment/appearance or as soon as the need arises.

Rule 3.19 Minute Order Relating to Electronic audio and/or Video Evidence.

Audio and/or video evidence that a party intends to offer at pre-trial or trial must be in admissible form and format at the time of the offer of said evidence. A flash drive is preferable over a DVD. Questions regarding form and format of said evidence **SHALL** be made to the trial judge prior to the offer of evidence and **MUST** be made prior jury selection, if applicable.

Additionally, as to not cause unnecessary delay of a trial before a jury, all objections relating to a video/audio recording **redaction** of shall be ruled on by the presiding judge prior to the commencement of the jury trial.

All exhibits shall be in the English language or, if they are not, they shall be offered with an English translation. Any said offer with a translation **MUST** be disclosed along with the translation to opposing parties at least 3 days prior to the offer of said exhibit with a translation.

If the above procedures are not followed the admission of said evidence will be up to the sole discretion of the presiding judge.

Rule 3.20 Jury Charges.

A jury charge, with questions and instructions that may be reasonably anticipated should be prepared and submitted to the Court at pre-trial hearing, or at least seven (7) days in advance of trial, whichever is earlier.

4. FAMILY LAW

Rule 4.10 Standing Order.

The District Court has issued a Standing Order regarding children, property, and conduct of the parties for every divorce suit, every suit affecting the parent-child relationship, and any modification suit. (See Attached EXHIBIT “A”)

Rule 4.11 Family Law Cases Involving Children.

Before a family law case can be set for trial all parties seeking access to a child or seeking appointments as a conservator (whether joint, sole or possessory) shall complete a Parent Education and Family Stabilization Course pursuant to the Texas Family Code and the Minute Order of the District Courts. (See Attached EXHIBIT “B”)

Rule 4.12 Property Division

In all cases requiring a division of property and/or liabilities, each party shall file with the court and 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.

Each attorney shall submit a proposed property division, including property claimed or recognized as separate property, to the Court and opposing counsel not later than the commencement of trial. A courtesy copy of the inventory shall be provided to the Court at the time of hearing.

Rule 4.14 Pro-se Divorce Procedures in the District Courts.

Please see the attached guideline (EXHIBIT “C”).

Rule 4.15 Adoption Procedures.

Please see the attached guideline (EXHIBIT “D”).

5. CRIMINAL CASES

Rule 5.10 Appearance of Defendants and Counsel

In criminal cases all Defendants and their attorneys must be personally present in Court during arraignment, pre-trial hearings and announcements unless appearance has been waived by the Court in advance. Attorneys are required to notify the Office of the Judge and of the Clerk in writing that they are employed in the case. If such retainer notice is not given to the Clerk prior to the dates of hearing, pre-trial arraignment, hearing, announcement or trial, the Court may make an appointment from among the attorneys available to the Court for appointment and the defendant may be required to pay for such services. Substitution of retained counsel, who failed to notify the Court of retention, may only be permitted by leave of the Court.

At Announcement each Defendant and Attorney must attend and announce for the Jury Trial setting in order that the parties may prepare for trial.

Rule 5.11 Court Appointed Interpreters

In criminal cases, a motion for a court appointed interpreter shall be filed at pre-trial or earlier as provided in the Code of Criminal Procedure.

Rule 5.12 Criminal Preferential Setting

Criminal cases may be set for preferential setting by consent of the Judge who is the presiding Judge.

6. ATTORNEYS DUTIES

Rule 6.10 Attorney Vacations.

Vacation letters setting the days an attorney will be unavailable due to vacations shall be sent to the District Court Administrators as soon as attorneys know of vacation days. If there is a prescheduled trial date a Motion for Continuance must be filed and said continuance may be

granted at the discretion of the judge. If a setting is made after a vacation letter has been received by the Court Administrators said attorney may request a reset from the Court Administrator without a Motion for Continuance.

Rule 6.11 Conduct/Decorum

All officers of the Court, except the Judge and jurors, and all other participants, except witnesses who have been placed under the Rule, shall promptly enter the courtroom before the scheduled time for each Court session. When the Bailiff calls the Court to order the following order shall be observed.

In the courtroom there shall be:

- (a) No tobacco used;
- (b) No chewing gum used by a witness or by any attorney;
- (c) No reading of newspapers;
- (d) No cell phones (attorneys and empaneled jurors excepted).

7. MISCELLANEOUS LOCAL RULES.

Rule 7.10 Judgment and Orders.

All orders and judgments must be submitted to the Court for entry within seven (7) days from the date of the hearing or decision by the Court unless additional time has been approved by the court.

Rule 7.11 Photography or Recording in Courtroom.

The use in the courtroom of cameras, tape recorders, cell phones or recording devices of any kind, except by the Court Reporter, will not be permitted.

CONCLUSION

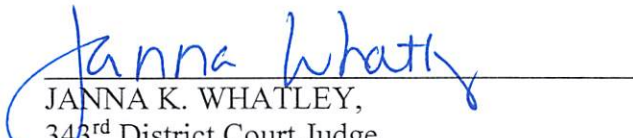
Nothing herein provided shall be construed to modify or supersede any provision of the Texas Rules of Civil Procedure, the Texas Code of Criminal Procedure, the Rules of the State Bar of Texas, or any statute of Texas, nor do the foregoing rules apply to the manner of obtaining extraordinary relief that may not be practically handled in accordance with these rules.

SIGNED AND ORDERED PROMULGATED on this 16th day of

June, A.D., 2026.


STARR BOLDRICK BAUER
36th District Court Judge


BOYD W. BAUER
156th District Court Judge


JANNA K. WHATLEY,
343rd District Court Judge