THE LOCAL RULES
OF THE
DISTRICT COURTS TRYING CRIMINAL CASES IN HARRIS COUNTY, TEXAS

AUTHORITY AND OBJECTIVE

These rules are authorized by the creation of the Division of District Courts Trying Criminal Cases by the Board of Judicial District Courts of Harris County under its authority in Texas Government Code § 74.093. The objective of these rules is to comply with Rule 10 of the Texas Rules of Judicial Administration, to provide guidance to all litigants and agencies engaged with the District Courts Trying Criminal Cases in Harris County, Texas, and to provide information to the public at large as to the administration of justice.

RULE 1: APPLICATION

These Rules apply to the District Courts Trying Criminal Cases in Harris County, Texas (Felony Division Board). These rules supersede any and all previously published Local Rules of the District Courts Trying Criminal Cases in Harris County, Texas.

RULE 2: DEFINITIONS

The following definitions apply to these Rules:

(a) "The Felony Division Board" means the Board of Judges, District Courts Trying Criminal Cases in Harris County, Texas. The terms "Felony Division," "Felony District Courts" and "District Courts Trying Criminal Cases" shall be used interchangeably to mean the Elected Judges of the Harris County District Courts Trying Criminal Cases.

(b) "Felony Division Administrative Judge" means the Administrative Judge for the District Courts Trying Criminal Cases in Harris County, Texas

(c) "Local Administrative Judge" means the Local Administrative Judge for all District Courts in Harris County, Texas.

(d) "Presiding Judge" means the presiding judge of the Eleventh Administrative Judicial Region.

(e) "Assigned Judge" means a judge assigned in a manner provided by Rule 8 of the Texas Rules of Judicial Administration.

(f) "Media" means any person or organization engaging in news gathering or reporting and includes any newspaper, radio or television station or network, news service, magazine, trade paper, in-house publication, professional journal, vlogger, blogger, or other news reporting or news gathering agency, whether the information is transmitted or disseminated by broadcasting, cable, satellite, internet, or other means.

(g) "Recording" means photographing, audio recording, or video recording by any means.

(h) "Broadcasting" means disseminating or transmitting to the public through newspapers, television, radio, internet, or other means.

RULE 3: BOARD OF JUDGES, DISTRICT COURTS TRYING CRIMINAL CASES, HARRIS COUNTY, TEXAS

(a) The Board of Judges, District Courts Trying Criminal Cases (Felony Division Board) is comprised of the elected Judges of the felony district courts as enabled by Texas law or appointed by the Governor of Texas to try felony criminal cases in Harris County, Texas.

(1) The Felony Division Board shall meet the first Wednesday of every month, unless there is proper notice for the meeting to be held on an alternate day.

(2) The Felony Division Administrative Judge may call an Emergency Meeting at any time to dispose of time-sensitive matters pending before the Felony District Courts.

(b) The Harris County District Courts Administrator shall serve as Secretary to the Felony Division Board.

(c) The Harris County District Courts staff attorney for the District Courts Trying Criminal Cases shall serve as Parliamentarian for the Felony Division Board.

(d) The Felony Division Board will elect an Administrative Judge for the District Courts Trying Criminal Cases in Harris County, Texas.

(1) The Felony Division Administrative Judge shall serve a two-year term beginning in October of **odd**-numbered years. The election for the Felony Division Administrative Judge shall be held at the September Board Meeting of odd-numbered years.

(2) No judge may serve more than two consecutive full terms as Felony Division Administrative Judge.

(3) If a vacancy occurs in the office of Felony Division Administrative Judge, the Judges of the Division of District Courts Trying Criminal Cases must hold an election at a monthly meeting to fill the vacancy for the pendency of the term.

(e) The Felony Division Board shall adopt Local Rules of the District Courts Trying Criminal Cases in Harris County, Texas in accordance with applicable Texas statutes, the Texas Rules of Judicial Administration, the Eleventh Administrative Judicial Region of Texas, and local rules of the Board of Judges of all District Courts in Harris County, Texas.

(f) The Felony Division Board shall adopt rules governing the deliberations of the Board of Judges, District Courts Trying Criminal Cases in Harris County, Texas.

RULE 4: AUTHORITY OF THE ADMINISTRATIVE JUDGE FOR THE DISTRICT COURTS TRYING CRIMINAL CASES IN HARRIS COUNTY, TEXAS

(a) The Felony Division Administrative Judge shall preside over all Felony Division Board matters.

(b) The Felony Division Administrative Judge shall create sufficient committees to determine policy recommendations, oversee statutorily required duties of the Felony Division Courts, and provide monthly reports to the Felony Division Board. The Felony Division Administrative Judge shall appoint the members of each committee and shall assign at least one committee member to chair each committee.

(c) The Felony Division Administrative Judge shall oversee the approval of statutorily required amendments to Orders and Judgments in use by the Felony Division, unless a statute requires the full Felony Division Board, or some part thereof, to act.

(d) The Felony Division Administrative Judge shall have sole discretion to grant exceptions to the prohibition against dual operations among the District Courts Trying Criminal Cases.

(e) The Felony Division Administrative Judge or the Deputy Felony Administrative Judge shall appoint an elected judge of the Division to act for the judge when the Felony Division Administrative Judge or the Deputy Felony Administrative Judge is absent or unable to act. The judge so designated shall have all the duties and authority granted by these Rules to the Felony Division Administrative Judge during the period of the designation.

RULE 5: JUDGE ON DUTY

(a) Each Harris County District Judge Trying Criminal Cases shall serve as Judge on Duty on a rotating basis. Each Felony Judge shall serve two weeks as Judge on Duty. The Judge on Duty terms commence at 7:00 a.m. on the first Monday of the term of service. The Schedule of Judge~~s~~ on Duty shall be published by the District Courts Administrator.

(b) In addition to maintaining the home court docket, the Judge on Duty shall have the following duties:

(1) Hear writs not pre-assigned or where the pre-assigned Felony District Court Judge is unavailable.

(2) Meet with the Administrative Judge when emergencies dictate.

(3) Be available to sign warrants 24 hours a day, seven days a week during Judge on Duty term.

(4) Handle all waivers of extradition and writs of habeas corpus (where charges are not pending in a District Court).

RULE 6: JUDGE'S VACATION, ABSENCES, AND DISQUALIFICATION

A Felony Division Judge may request a visiting judge be assigned by the Presiding Judge of the Eleventh Administrative Judicial Region for service in Harris County due to vacation, sick leave, attendance at conferences, or other matters or in the event of voluntary recusal or disqualification. The request shall follow the procedures as set by the Eleventh Administrative Judicial Region. No Felony Division Judge may request a visiting judge for dual operations unless approved by the Felony Division Administrative Judge.

RULE 7: STANDARDS FOR TIME TO DISPOSITION OF CASES

As reasonably possible, Felony Division Courts shall ensure that all cases are brought to trial or final disposition in conformity within 12 months of arrest or return of indictment, whichever is earlier.

RULE 8: SELECTION AND CONTROL OF JURIES

The Felony Division Courts will adhere to the jury plan as adopted by the Board of Judges for All District Courts in Harris County.

The Felony Division Courts will empanel five Grand Juries during each term of the District Courts in Harris County.

(a) The five Harris County Grand Juries shall be empaneled on a rotating basis, in descending order of Felony District Court.

    (1) At the beginning of each calendar year, the Felony District Courts in the fourth and fifth spot in the November term of court shall not be included on the following year's Grand Jury empaneling schedule.

    (2) The Felony Division Administrative Judge shall not be included in the rotation for empaneling Grand Juries.

(b) The Harris County Grand Juries shall be empaneled in accordance with the Texas Code of Criminal Procedure.

RULE 9: COURT ADMINISTRATION AND LOCAL RULES

(a) Case Filings - Cases shall be filed in the Harris County District Courts Trying Criminal Cases in accordance with the Harris County District Courts Direct Filing Order.

(b) Appointment of Counsel for Indigent Defendants -- The Harris County District Courts shall appoint counsel for indigent defendants in accordance with Texas Code of Criminal Procedure Art. 26 and the Harris County District Courts Trying Criminal Cases Standards and Procedures Appointment of Counsel for Indigent Defendants, unless a Managed Assigned Counsel program has been established for felony cases:

    (1) The appointment of counsel for indigent defendants is handled individually in each District Court, District Court Specialty Court, or District Court Specialty Docket.

(2) The appointments for appeals are made at the time a pauper's oath is filed with the District Clerk

(3) The Harris County Auditor shall not pay any lawyer for legal services rendered on a case to which the lawyer has been appointed unless, unless the lawyer has certified an itemized voucher through the Harris County Voucher Information Processing System (ViPS) that automates and streamlines payments for court appointed attorneys in Harris County and District Courts through on-line claims processing and verification.

(c) Appearance of Defendant and Counsel

(1) Defendant and Defendant's attorney must be present during docket call unless permission to waive appearance is granted.

(2) Waiver of Defendant's presence must be obtained by the attorney prior to the setting.

(3) Each attorney is expected to conduct himself or herself in accordance with the State Bar of Texas Code of Professional Responsibility, the Texas Rules of Civil Procedure, the Texas Code of Criminal Procedure, the Regional Rules of Administration for the Eleventh Administrative Region, these local rules, and such other rules of conduct as may be published by the courts of this county and state.

(d) Withdrawal or Substitution of Counsel

(1) If, prior to the disposition of a case, an appointed or retained attorney wishes to withdraw as attorney of record, the attorney must file a written motion to withdraw at least 15 days prior to a trial setting.

(2) An attorney retained to replace existing counsel must file a written motion to substitute counsel, naming both the attorney substituting in and the attorney being relieved.

(3) A retained attorney of record at the time of trial will be considered the attorney of record in the event of an appeal unless the attorney files a written motion to withdraw when notice of appeal is given.

(e) Docket Calls and Announcements

(1) The Felony District Courts dockets shall be staggered to alleviate crowded conditions in the Harris County Criminal Justice Center.

(2) The District Courts Administrative Office shall publish docket times for all Felony District Courts, Felony District Specialty Courts, and Felony District Specialty Dockets.

(3) Attorneys must announce "ready" or "not ready" upon call of the trial or motion docket. If a case is placed "on-call," the attorneys must be readily available within one hour after notification from the Court that the case is ready to proceed.

(f) Continuances and Resetting Cases

(1) When a case is to be rescheduled, a reset agreement must be prepared by the attorney seeking the reset and concurred in by opposing counsel. The reset agreement must be submitted for approval to the Court and subsequently filed with the Harris County

District Clerk. Future dates must be obtained from the Coordinator or Judge prior to leaving the courtroom.

(2) Off-docket resets must be handled in person by the attorney of record. A reset agreement must be prepared by the attorneys and approved by the Court where the case is pending.

(g) Inclement Weather, Emergency and Public Health Scheduling Procedures

In an effort to balance constitutionally protected due process rights during an emergency with public health and safety concerns of the citizens of Harris County, the Harris County Board of District Judges have established the following procedures for conducting court business as a result of inclement weather, emergencies, or other public health concerns:

(1) If the County Judge of Harris County announces that County buildings will be closed, the District Courts will remain closed until the County Judge announces the reopening of the buildings. Essential court matters will be re-scheduled or held at approved alternate locations. Parties must check with their specific Court for more information on time and location.

(2) If Houston Independent School District ("HISD") cancels classes, then all nonessential matters in the District Courts will be cancelled on the days classes are cancelled. Should the HISD closure last more than two (2) days, the District Courts will communicate an alternate schedule on www.justex.net. An individual District Court may opt out of this portion of the protocol by providing the Court Administrator with written notice of the Court's decision.

a) Courts that decide to proceed with scheduled court matters must contact all parties and inform them that the scheduled proceedings will continue.

b) If a court decides to proceed with scheduled court matters, it must also provide the Court Administrator with that information.

c) The Court Administrator or his designee will post court closures and schedules on www.justex.net.

d) Essential court matters will go forward as scheduled unless the parties receive notice from the assigned individual court.

(3) If the District Courts invoke these Inclement Weather, Emergency, and Public Health Scheduling Procedures, then all non-essential court matters will be continued and rescheduled. Essential court matters will go forward as scheduled.

(4) During times of inclement weather emergencies or public concern, all litigants are encouraged to: (a) submit contested motions on a submission docket where available; or (b) contact individual courts to determine if telephone or video conferencing is an available alternative to in-person hearings.

(5) Jury Service: In an effort to balance constitutionally protected due process rights with public health and safety concerns during an emergency, the Felony District Courts will prioritize jury trials. Jury trials will be prioritized based on constitutional and statutory requirements, as well as the need for essential proceedings as shown in Section (6).

Contact the assigned court for guidance in a specific case. If you have received a jury summons, please go to https://www.hcdistrictclerk.com/ or call 713-755-6392 for information regarding your particular day of service.

(6) For purposes of these Procedures, the term "essential court matters" shall include but are not limited to the following:

- Probable cause determinations
- Providing statutory warnings
- Bail functions (settings, denying, and reviewing bail and assessing conditions of release)
- Appointing Counsel
- Pretrial habeas corpus
- Presentment of Motions for New Trial
- Grand Jury proceedings
- MOEPS and other Protective Orders
- Statutorily required deadlines;
- Chapter 33 hearings; and
- Other matters if a Court determines good cause exists.

Any questions regarding whether a matter is essential, please contact the home court.

(7) Special procedures for each court are to be communicated using official means of communication, namely the www.Justex.net website for each individual court.

(8) The Felony Division Board may enact any temporary measures deemed necessary to deal with an emergency.

(h) Associate Judges

(1) Pursuant to Texas Government Code 54A.002(d), the Felony Division Board establishes this rule to govern Associate Judge Positions to serve all District Courts Trying Criminal Cases in Harris County.

(2) The appointment of each Associate Judge Position shall be made by the Felony Division Board by approval of two-thirds (2/3) of the Judges for the District Courts Trying Criminal Cases in Harris County.

(3) The qualifications for Associate Judges shall be governed by Texas Government Code 54A.003. In addition, to qualify for an appointment as an Associate Judge to serve all District Courts Trying Criminal Cases in Harris County, a person must possess the following:

a) significant criminal law experience, including knowledge of statutory and constitutional procedure, district court trial procedure, the Texas Code of Criminal Procedure, and the Texas Penal Code;

b) the ability to conduct objective hearings; evaluate facts; and apply knowledge of the law to issues arising in felony cases; and

c) the capability of handling busy, diverse, felony dockets with minimal supervision.

(4) The compensation for Associate Judges shall be governed by Texas Government Code 54A.004.

(5) The termination of an Associate Judges shall be governed by Texas Government Code 54A.005.

(6) The Judges for the District Courts Trying Criminal Cases in Harris County may refer any of the following matters to an Associate Judge pursuant to Texas Government Code 54A.006.

a) a negotiated plea of guilty or no contest before the court;

b) a bond forfeiture;

c) a pretrial motion;

d) a writ of habeas corpus;

e) an examining trial;

f) an occupational driver's license;

g) an appeal of an administrative driver's license revocation hearing;

h) a civil commitment matter under Subtitle C, Title 7, Health and Safety Code;

i) setting, adjusting, or revoking bond;

j) the issuance of search warrants, including a search warrant under Article 18.02(a)(10), Code of Criminal Procedure, notwithstanding Article 18.01(c), Code of Criminal Procedure; and

k) any other matter the judge considers necessary and proper.

l) An associate judge may accept an agreed plea of guilty or no contest from a defendant charged with misdemeanor, felony, or both misdemeanor and felony offenses and may assess punishment if a plea agreement is announced on the record between the defendant and the state.

m) An associate judge has all of the powers of a magistrate under the laws of this state and may administer an oath for any purpose.

n) An associate judge may select a jury. Except as provided in Subsection (l), an associate judge may not preside over a trial on the merits, whether or not the trial is before a jury.

(7) Each Felony District Court referring a matter to an Associate Judge shall enter an Order of Referral pursuant to Texas Government Code 54A.007 and the procedural rules of docketing and transferring cases established by the Felony Division Board.

(8) The powers of the Associate Judges shall be governed by Texas Government Code 54A.008.

(9) All other requirements and limitation on Associate Judges pursuant to Subchapter A of Texas Government Code 54A will apply.

(10) In matters that are conducted on the record before an Associate Judge except voir dire, a court recorder may be used in lieu of a court reporter unless (1) a court reporter is specifically requested by a party to the matter or (2) a party to the matter objects to the use of a court recorder before the matter proceeds on the record.

a) Duties of Court Recorders. No stenographic record shall be required of any proceedings that are electronically recorded. The Court shall designate one or more persons as court recorders, whose duties shall include:

i. Ensuring that the recording system is functioning properly throughout the proceeding and that a complete, distinct, clear and transcribable recording is made;

ii. Making a detailed, legible log for all proceedings being recorded, indexed by the date and location of each event being recorded, and showing the number and style of the proceeding before the court, the correct name of each person speaking, the nature of the proceeding, the time of the day of each event and, the offer, admission or exclusion of all exhibits;

iii. Filing with the clerk the original log and exhibits after a proceeding ends, and within ten days, delivering to the court a certified copy of the recording of the proceeding that is appropriately labeled as required herein, to be stored at the court;

iv. Storing or providing for storing of the electronic audio or audio-visual recording to ensure it is preserved as required by law and accessible;

v. Prohibiting or providing for prohibition of access by any person to the original recording without written order of the presiding judge of the court;

vi. Preparing or obtaining a certified copy of the original recording of any proceeding, any of the exhibits the parties to the appeal designate, and certified copies of the original log, upon full payment of the charge imposed therefor, at the request of any person entitled to such recording, or at the direction of the judge of the court, or at the direction of any appellate judge who is presiding over any matter involving the same proceeding, subject to the laws of this state, rules of procedure and the instructions of the presiding Judge of the court; and,

vii. Performing such other duties as may be directed by the presiding judge or the appellate court presiding over the case and prescribed by the Texas

Rules of Appellate Procedure and the Uniform Format Manual for Texas Reporters' Records.

b) Reporter's Record. The reporter's record on appeal from any proceeding of which an electronic recording has been made shall be labeled to reflect clearly the numbered contents certified by the court recorder to be a clear and accurate copy of the original recording of the entire proceedings. Any exhibits designated by the parties for inclusion in the reporter's record shall be arranged in numerical order and firmly bound together so far as practicable together with an index consisting of a brief description identifying each exhibit.

c) Time for Filing. The court recorder shall file the reporter's record with the court of appeal within fifteen days after the perfection of an appeal. No other filing deadlines as set in the Texas Rules of Appellate Procedure are changed.

d) Appendix. Each party shall file with its brief an appendix containing a written transcription of all portions of the recorded reporter's record and a copy of all exhibits relevant to the issues raised on appeal. Transcriptions shall be presumed to be accurate unless objection is made. The form of the appendix and transcription shall conform to any specifications of the Supreme Court and/or the Court of Criminal Appeals and comply with the Order Directing the Form of the Appellate Record and the Uniform Format Manual for Texas Reporters' Records.

e) Presumption. The appellate court shall have no duty to review any part of an electronic audio or audio-visual recording and may presume that nothing omitted from the transcriptions in the appendices is relevant to any issues raised or to the disposition of the appeal.

f) Supplemental Appendix. The appellate court may direct a party to file a supplemental appendix containing a written transcription of additional portions of the recorded reporter's record.

g) Inability to Afford. If a party is unable to afford costs, the court recorder must transcribe or have transcribed the recorded reporter's record and file the transcription as that party's appendix, along with all exhibits.

h) Accuracy. Any inaccuracies in the transcriptions of the recorded reporter's record may be corrected by agreement of the parties. Should any dispute arise after the reporter's record or appendices are filed as to whether an electronic audio or audio-visual recording or any transcription of it accurately disclosed what occurred in the trial court, the appellate court may resolve the dispute by reviewing the audio or audio-visual recording, or submit the matter to the trial court which shall, after notice to the parties and hearing, settle the dispute and make the reporter's record or transcription conform to what occurred in the trial court.

i) Costs. The expense of appendices shall be taxed as costs at the rate prescribed by law. The appellate court may disallow the cost of portions of appendices that it considers surplusage or that does not conform to any specifications prescribed by the Supreme Court and/or Court of Criminal Appeals.

j) Other Provisions. Except to the extent inconsistent with these rules, all other statutes and rules governing the procedures in civil and criminal actions shall continue to apply to those proceedings of which a record is made by electronic audio or audio-visual recording

RULE 10: SUPPLYING INFORMATION

The Administrative Office of the District Courts may provide to the State Office of Court Administration, and others, such information regarding court activity and docket management systems of the courts as the Administrative Judge of the Felony Division approves.

RULE 11: RECUSAL

All recusals shall be conducted in accordance with the Texas Rules of Civil Procedure Rules 18a and 18b and the procedures set by the Eleventh Administrative Judicial Region.

(a) Upon denial of a motion to recuse, the Felony District Court Judge shall promptly notify the Felony Division Courtroom Support Services Manager, who shall refer the matter to the Presiding Judge of the Eleventh Administrative Judicial Region.

(b) The Felony Division Courtroom Support Services Manager shall maintain a system for transferring cases in which Felony District Judges have voluntarily recused or disqualified. The system shall not be published to prohibit forum shopping, and the Felony Division Courtroom Support Services Manager shall transfer the case to the next Court in line to receive a case in accordance with the system for transferring cases under this Rule.

RULE 12: RECORDING AND BROADCASTING PROCEEDINGS

(a) The Harris County District Judges Trying Criminal Cases have inherent power to control proceedings to maintain the dignity, decorum, and impartiality of court proceedings.

(b) No photographs, video recordings, audio recordings, livestreaming, tweeting, or broadcasting of any nature is allowed of any proceeding before a Felony District Court without express permission from the Court.

(c) A person wishing to broadcast, televise, record, or photograph a court proceeding must file with the court clerk a request to cover the proceeding

(d) Any party may file a response to the request submitted in (c). If a party objects to coverage of the argument, the response should state the injury that will allegedly result from coverage.

(e) In deciding whether to allow coverage, the Felony District Court may consider information known *ex parte* to the Court. The Court may allow, deny, limit, or terminate coverage for any reason the Court considers necessary or appropriate, such as protecting the parties' rights or the dignity of the Court and ensuring the orderly conduct of the proceedings.

(f) If a person is granted permission to record, photograph, or broadcast proceedings, the Felony District Court shall specify the placement of personnel and equipment to permit reasonable coverage without disrupting the proceedings.

RULE 13: CONFLICTING ENGAGEMENTS

For conflicting engagements of attorneys already in trial and/or assigned to two courts for the same date, the Harris County District Courts Trying Criminal Cases shall follow Rule 13 of the Eleventh Administrative Judicial Region of Texas Regional Rules of Administration. In addition, the Harris County District Courts Trying Criminal Cases set the following order of precedence for conflicting settings in Harris County Felony District Courts:

(a) Trial cases take precedence over conflicting non-trial settings.

(b) A trial setting assigned takes precedence over a conflicting trial setting not yet assigned.

(c) Trial settings in which a Defendant is in custody take precedence over trial settings in which the defendant is on bond.

(d) Trial settings with the oldest pending matter take precedence if the Defendant is not in custody.

RULE 14: VACATIONS OF COUNSEL

The Harris County District Courts Trying Criminal Cases shall follow Rule 14 of the Eleventh Administrative Judicial Region of Texas Regional Rules of Administration.

RULE 15: COURTROOM DECORUM

(a) All attorneys, litigants, and witnesses shall be expected to act in a manner calculated to promote decorum, respect for the judicial system, and the prompt and fair administration of justice.

(b) Attorneys shall be responsible for advising their clients and witnesses of the formalities of the courts.

(c) All officers of the court are expected to be prompt, prepared, and appropriately dressed in business attire.