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BEXAR COUNTY

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COUNTY CLERK
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BY _____
DEPUTY CLERK

PART 2. Local Rules of the Statutory County Courts at Law of Bexar County

A. GENERAL RULES

The practice, procedure and administration of the Statutory County Courts at Law of Bexar County will be governed by the Texas Rules of Civil Procedure, the Texas Code of Criminal Procedure, The Texas Rules of Appellate Procedure, The Court Judicial Administration Act (Government Code, Chapter 74), Rules of Judicial Administration, and other pertinent Statutes and Local Rules.

The purpose of these Rules is to promote uniformity, efficiency and quality in the local judiciary consistent with the diverse needs and requirements of each of the Courts.

Whenever the words "Court" or "Courts" are used in these rules, it means a Statutory County Court at Law or the collective body of Statutory County Courts at Law of Bexar County, Texas.

I. RULES OF CONDUCT

A. OPENING: The courts shall be formally opened each day upon which business is transacted as follows:

1. Immediately before the scheduled time for opening Court, the bailiff shall direct all Court officers, the jury, if there is one, litigants, witnesses and spectators to their seats. As the Judge enters the courtroom, the bailiff shall state "Everyone, please rise," and while everyone is still standing, he shall announce: "The Honorable (appropriate Court designation) of Bexar County, Texas, in now in session. Please be seated."

2. In recessing, the bailiff shall announce: "The Court is now in recess. Everyone please rise."

3. In reconvening after recess, the bailiff shall give warning as the Judge enters, cause all persons to stand until the Judge is seated.

B. All Judges shall wear robes during trial proceedings.

C. The following rules of Conduct shall govern both laymen and attorneys appearing in the Courts while the Courts are in session:

1. No tobacco in any form shall be used.

2. No persons questioning or being questioned shall chew gum.

3. No reading of newspapers or magazines, except as part of the evidence in a case.

4. No noise or talking which interferes with Court proceedings.

5. No bottles, paper cups, beverage containers, or edibles shall be brought into the courtroom except for use as demonstrative evidence or as allowed by the Court.

D. The following rules of conduct shall govern attorneys appearing in the Courts:

1. When addressing the Court attorneys shall at all times promptly rise and remain standing at their positions at the counsel table, and shall not approach the bench except with permission or on request of the Court. Attorneys shall remain seated at the counsel table while questioning the witness, excepts as may be necessary in the handling or display of exhibits or demonstrative evidence.

Counsel may approach the witness after requesting, "[m]ay I approach the witness," and receiving the Courts' permission to do so.

2. Leaning on the bench will not be permitted. Addressing the Court in a confidential manner will not be permitted unless invited by the Court.

3. All lawyers and Court officials shall wear business attire while in attendance on the Court, providing judicial discretion may be exercised as the Court deems appropriate.

4. Lawyers shall advise their clients and witnesses of the formalities of the Court and obtain cooperation therewith, thereby avoiding embarrassment to the Court as well as to the layperson.

5. Judges and opposing counsel should be respectfully addressed at all times. All objections and legal arguments by counsel shall be directed to the Judge and not to opposing counsel.

6. The Judges, the lawyers, and all other officers of the Court shall be prompt in attendance at all sessions. The Court's business should be dispatched as expeditiously as possible.

7. All attorneys practicing before the County Courts of Bexar County, Texas shall adhere to the terms of the Texas Lawyers creed.

II. GENERAL RULES OF ADMINISTRATION

A. COURT DIVISIONS: There shall be two (2) Divisions of the Courts.

1. The Civil Division - presently consisting of County Courts at Law Numbers 3, and 10.

2. The Criminal Division - presently consisting of County Courts at Law Numbers 1, 2, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, and 15.

3. The Bexar County Courts at Law have the following specialty courts:

   a. Treatment Recovery Accountability Court A (Adult Drug Court)
   b. Treatment Recovery Accountability Court D (Adult DWI Court)
   c. Misdemeanor Veterans Treatment Court
   d. Misdemeanor Mental Health Court
   e. Reflejo Court (DV Family Violence Court for Offenders)

4. In order to expedite the dockets, any Bexar County Court at Law can hear civil or criminal cases. Cases involving family violence may be transferred to other Courts to balance those Courts' case loads. The Courts may also use Impact Court dockets when available to conduct trials or plea bargains to ensure that more cases can be heard.

B. TIMES AND PLACES FOR HOLDING COURT:

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

2. Court shall be held at the Bexar County Courthouse or the Bexar County Justice Center in Bexar County, Texas at the courtrooms provided by the county, or such other places as a judge may designate in his or her discretion and in accordance with applicable statutes, codes, and Orders.

C. TIME STANDARDS FOR DISPOSITION OF CASES:

County Court at Law Judges will, as far as reasonably possible, ensure that all cases are brought to trial for final disposition in conformity with the following time standards:

1. Criminal Cases: Pursuant to Article, 32A.01, Code of Criminal Procedure, Insofar as is 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, except that 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 criminal or civil.

2. Civil Cases:

    1. Civil Jury Cases - within 18 months from appearance date.

    2. Civil Non-Jury Cases - within 12 months from appearance date.

    3. Complex Cases: It is recognized that in especially complex cases or special circumstances it may not be possible to adhere to these standards.

III. MISCELLANEOUS RULES

A. VACATIONS, LEAVE, AND UNAVAILABILITY

1. Attorneys who are unavailable when they have civil or criminal hearings and/or trials already scheduled, must file and set a Motion for Continuance and obtain a ruling thereon from the Judge. Notice shall be given by the attorney to the court in which the matter is scheduled as well as opposing counsel or the State.

B. NOTICE

1. For the purpose of these rules, three (3) day notice means that three full working days must elapse between the day the responding attorney is served with the setting papers and the day of the scheduled hearing. Three weeks' notice means that twenty-one (21) full calendar days (including working days, weekends, and holidays) must elapse between the day the responding attorney is served with the trial setting and the day of the scheduled trial. Thirty (30) days' notice means that thirty (30) full calendar days (including working days, weekends, and holidays) must elapse between the day the responding attorney is served with the setting papers and the day of the scheduled hearing.

C. PHOTOGRAPHS AND TELEVISION

1. The taking of photographs, the televising or broadcasting of judicial proceedings in or from the courtroom or as close thereto as to disrupt the order and decorum thereof, either while the Court is in session or at recess, are prohibited, except as provided by the Code of Judicial Conduct, The Texas Rules of Civil Procedure, and The Texas Code of Criminal Procedure.

B. CIVIL DIVISION

I. ASSIGNMENT OF JUDGES- CIVIL DIVISION

A. Pursuant to Texas Supreme Court Misc. Dkt. No. 26-9019, upon the filing of a case, the case must be randomly assigned to a court authorized to preside over the case. The County Clerk of Bexar County maintains responsibility for random assignment on a rotating basis among the designated courts of the Civil Division. There is no longer a Presiding Judge system for the County Courts at Law of Bexar County.

B. The Judge of the court originally assigned will maintain responsibility for the case, absent an official transfer of the case to another court. Bench exchanges remain available at the discretion of the originally assigned court. A bench exchange is not a transfer and the originating court will maintain responsibility for the case until final disposition.

C. ADDITIONAL DUTIES OF THE JUDGES OF THE CIVIL DIVISION:

1. Recommend to the Administrative Judge the necessity of calling a meeting of the Judges of the Civil Division to discuss matters concerning the Civil Division.

2. Assist the Administrative Judge in those matters concerning the Civil Division, that may be delegated to him/her by the Administrative Judge.

II. GENERAL RULES

A. Each Court shall maintain:

1. A trial calendar; and

2. A motion calendar.

3. The Judges of each prospective court may also set dockets for specific matters

B. All Fiats or Orders setting hearings on Motions, injunctions, receiverships, to show cause, etc., shall be set by the Judge of the assigned court. All Fiats or Notices of Hearings must contain the information contained in the document posted at https://www.bexar.org/1055/County-Courts, posted on the websites of Bexar County Courts at Law Number 3 and Bexar County Court at Law Number 10. No setting shall be accepted by phone. The Fiats or Orders addressed by this rule may be signed by the Judge assigned to hear the case. The official signature of the Judge can be denoted through an official impression designated by the Court and can be administered by the Court designee or via electronic signature. Any official settings are unable to be abandoned without permission given by the Judge Presiding.

C. Attorneys or Guardians Ad Litem shall be appointed no less than one working day prior to the hearing on the suit. This requirement may be waived by the Judge assigned to conduct the hearing.

D. Non-suits, dismissals, settlements or agreed judgments shall be called to the attention of the Civil Assignment Clerk. This notice may be oral or written, formal or informal. Such Notice shall be given the same day such action is taken.

E. All motions seeking withdrawal as Attorney of Record shall:

1. Require a Court hearing unless

a. The withdrawal is agreed to by both the client and opposing counsel as indicated by approval and signature on the Order granting relief; or

b. Substitution of counsel is requested in the motion and provided in the Order.

2. Said motions and any related pleading(s) shall contain certification that a copy of same has been mailed or delivered, pursuant to applicable notice requirements to the party(ies) represented by the attorney seeking

withdrawal from the case and opposing counsel.

F. All instruments presented for a Judge's signature shall contain the following notation:

"Signed this__day of_,_____.

_____
Judge Presiding"

The original and all copies shall reflect the date presented for actual signing, and all copies shall be conformed by the Court Clerk.

G. The Texas Rules of Civil Procedure shall govern all proceedings herein described. The rights of party litigants are of paramount concern. Rules relating to setting, trial and continuance of cases on either the trial calendar or motion calendar shall be followed and enforced, particularly:

1. Rule 11, Agreement to be in writing
2. Rule 37, Additional Parties
3. Rule 63, Amendments
4. Rule 166-175, Pre--Trial Procedures
5. Rule 215-254, Continuances.

H. All attorneys having conflicts with other Court settings and who will be late for docket call shall notify the Clerk of the particular assigned court and opposing counsel of such conflict as soon as it becomes apparent, and shall state:

1. The nature of the conflict;
2. Where counsel may be reached;
3. What announcement counsel wishes to make; and
4. Time that Presiding Judge should expect counsel to personally appear.

I. Lawyers practicing at the Bar in Bexar County shall be ever mindful that it is their individual duty to give their first attention to the setting and trial of cases previously set in these Courts. Causes of action or other matters in other jurisdictions shall not be an excuse, or reasonable ground, justifying a resetting or continuance of a case on a trial or motion calendar of the Courts in Bexar County, with the following exception:

1. If an attorney has a special setting outside of Bexar County, they must notify the Presiding Judge in writing of the special setting elsewhere at least ten (10) days prior to any pending setting on the trial calendar. Such written notice must state the date and place of the out-of-county setting. The Presiding Judge has the discretion to grant said attorney permission to participate in said out-of-county case. The Presiding Judge may continue said attorney's case to the next available setting date.

J. In all civil cases, all motions to set a case for trial shall contain a representation that the parties have previously mediated the case or the mediation shall take place prior to the date of trial. The exception to this rule would be in those cases where a motion has been filed to show that mediation is not applicable.

K. Dockets shall be held in the courtroom of County Court at Law No. 3 or County Court at Law No. 10 unless otherwise noted.

L. Motions filed by attorneys shall be electronically filed in accordance with the Bexar County Local Rules of the County Courts concerning Electronic Filing of Court Documents in Civil Cases and all applicable Texas Supreme Court Orders.

M. In cases requiring mediation in which the parties are unable to agree upon a mediator, the Court shall appoint a qualified mediator on a rotating basis from the list of approved mediators maintained by the Bexar County Courts at Law Administration Office. The Judges may deviate from the rotation in their discretion when there is a mediator that has indicated qualification on the particular subject matter, or as otherwise allowed by Texas Government Code section 37.004.

N. Appointments of Attorneys Ad Litem shall be made in accordance with section 37.004 of the Texas Government Code. A master list of qualified attorneys ad litem is maintained in the office of Court Administration.

O. Any case retained by a particular Judge is not necessarily assigned a preferential setting unless it is noted on the Court's Docket.

P. The County Courts at Law may, as necessary, issue Special Orders of the Courts in response to the COVID-19 Global Pandemic or other emergencies as they arise:

1. In light of the emerging use of technology, the Courts may, as necessary, use available technology to conduct any proceedings authorized by the Texas Supreme Court or legislative amendments to Rules of Civil Procedure to conduct Court proceedings. Court Dockets may occur via zoom or other appropriate secure technology approved by the Office of Court Administration. Any notations in these Rules requiring personal appearances may be conducted remotely when authorized.

2. All attorneys are required to adhere to the Texas Rules of Disciplinary Conduct. Pursuant to the Order Amending the Texas Rules of Disciplinary Professional Conduct, Misc. Docket. No. 19-9016, issued by the Texas Supreme Court dated February 26, 2019, all Texas lawyers are obligated to maintain proficiency and competence in the practice of law, which includes "understanding the benefits and risks associated with relevant technology." Accordingly, all attorneys are required to maintain competence in the technologies required for remote court proceedings. Attorneys are required to use a device that has video capabilities for remote proceedings.

III. ADMINISTRATIVE RESPONSIBILITIES

A. The Judge of a Court shall:

1. Diligently discharge the administrative responsibilities of the office.

2. Rule on a case within three months from the date the case is taken under advisement.

3. Request the Administrative Judge to assign another Judge from this administrative region to hear a motion relating to the recusal of the Judge from a case pending in the Court if the Judge has not agreed or recused on other grounds.

4. Utilize methods to expedite the disposition of cases on the docket which are consistent with the safeguarding of the rights of litigants. This includes adherence to firm trial dates and strict continuance policies.

5. Ensure that allcourtrooms are open to the public, provided space is available. In-camera proceedings are an exception to this rule. The Judge may only limit access to the courtroom In a Constitutionally permissible manner.

6. Adhere to the Canons of Judicial Conduct at all times.

C. CRIMINAL DIVISION

I. PRESIDING JUDGE - CRIMINAL DIVISION

A. Overall

1. Pursuant to Section 74.093 of the Government Code, there is established a Presiding Judge (system) for the Criminal Division.

2. The Judges of the Courts of the Criminal Division shall serve as "Criminal Presiding Judge" for a term of no more than one (1) calendar month per year on a rotating schedule as determined by the Judges. The Judges of the family violence courts shall also serve as the "Family Violence Presiding Judge" on a rotating schedule that is determined by the Judges of the courts designated to hear Family Violence Cases. Both schedules shall be posted in each Criminal Court, in a visible and public place, and in the Civil and Criminal Sections of the Bexar County Clerk's Office.

3. The Family Violence Presiding Judge shall have the duties listed below in section I-B regarding all family violence matters. The Criminal Presiding Judge shall have the duties listed below in section I-B regarding all non-family violence matters.

B. DUTIES

1. Recommend to the Administrative Judge the necessity of calling a meeting of the Criminal Division Judges to discuss matters concerning the Division.

2. Assist the Administrative Judge in overseeing the jail population.

3. Assist the Administrative Judge in matters concerning the Criminal Division as well as those that may be delegated to him/her by the Administrative Judge.

4. The Presiding Judge shall handle all probable cause affidavits submitted by the State, as well as any matters that require immediate attention that cannot be handled remotely by the originating court.

5. The Presiding Judge is not responsible for signing other courts' orders, judgments, setting bonds, recalling warrants, and/or taking pleas for other courts. The Presiding Judge may perform these actions at their own discretion. Each court shall handle its regular business, unless the originating court has pre-arranged it with the Presiding Court.

6. The Presiding Court shall not serve as an overflow court.

7. The Presiding Judge is responsible for finding an alternate Presiding Judge in the event the Presiding Judge is unavailable for an extended period during their designated month or during business hours. (This does not include the lunch hour).

8. The Presiding Judge will not handle any matters from an originating court that has previously specified to County Court Administration that they do NOT want their matters handled by Presiding. County Court Administration shall keep an updated list of the County Courts that do not want their matters sent to Presiding. Presiding should be notified accordingly.

9. Court staff and clerks should be made aware of these rules.

II. FILING OF COMPLAINTS AND INFORMATIONS*

[FN*] Hereinafter Complaints and Informations shall be referred to as Cs/Is plural - C/I singular.

A. Direct Filing - all Cs/Is shall be filed by the County Clerk's central filing office in a Criminal Court on a rotating basis except as hereinafter provided in 2.3-2.6.

B. When a C/I is filed against two or more co-defendants, the Court in which the first C/I is filed based upon the lowest JN number shall receive, by filing or transfer, all Cs/Is against such co-defendants.

C. When several Cs/Is are filed against the same individual involving the same criminal transaction, the Court in which the first C/I is filed, defined by the case having the lowest JN number shall receive, by filing or transfer, all such Cs/Is filed against said individual.

D. When a C/I is filed against an individual who is on misdemeanor probation, the Court which granted probation(s) shall receive, by filing or transfer, such C/I.

E. When a C/I is filed against an individual who has a C/I pending in one Court, that Court shall receive by filing or transfer, the subsequent C/I.

F. Family Violence cases may be transferred to another court with other pending non-family violence cases, whether or not arising out of the same transaction as the family violence case by permission of the receiving court.

G. If a family violence case is pending and the defendant is arrested for an additional non-family violence charges unrelated to the initial arrest, all cases will be transferred according to the most recent County Court Transfer Policy.

H. The transfers directed in these paragraphs shall be ordered and signed by the Administrative Judge, Presiding Judge of the Criminal Division, or the Judge of the Court in which the case to be transferred is originally filed.

III. ARRAIGNMENT

A. Defendants may arraigned during a pre-trial hearing at docket call, or immediately prior to trial (guilty plea, bench or jury).

IV. COUNSEL

A. APPOINTMENT OF COUNSEL

1. Appointments will be made in accordance with the Bexar County Courts at Law Indigent Defense Plan.

B. WITHDRAWAL OR SUBSTITUTION OF COUNSEL

1. A lawyer who has entered an appearance and becomes counsel of record by being retained, or by appointment, may not withdraw as counsel of record except by permission of the Court. Motions to Withdraw or Substitute are not effective until signed by the Judge presiding over the case.

V. ISSUANCE OF CAPIAS (WARRANTS OF ARREST) OR SUMMONS - BAIL & FORFEITURE

A. GENERALLY

1. No capias or summons shall issue except as authorized by the Texas Code of Criminal Procedure and directed by the Court.

2. When a person is arrested and in custody for a class A or B misdemeanor offense and a case is filed in a County Court at Law, the Clerk of the Court is authorized and directed to issue a capias instanter.

3. Where a case is filed and the defendant is at large (a fugitive) and in felony reduction cases, the Court upon request of the attorney representing the State, may issue a summons.

4. The form of the summons and procedure shall follow Article 23.04, Texas Code of Criminal Procedure.

B. BAIL BONDS AND FORFEITURES - CAPIAS AFTER FORFEITURE.

1. The amount of bail to be required shall be set after considering the rules contained in Article 17.15, Texas Code of Criminal Procedure.

2. Once the amount of the bail has been set, the amount shall not be raised or lowered except upon the Order of the Judge

3. Matters concerning bond forfeitures shall be governed by Chapter 22, Texas Code of Criminal Procedure.

4. Each Judge has the sole authority to declare a bond forfeiture or bond increase and issue a capias after forfeiture or warrant after bond increase in their respective Courts.

5. When a Defendant fails to appear in Court, the Judge may declare a bond forfeiture or bond increase by indicating the same on the Court's file and/or the Odyssey system when implemented (or the Court Clerk or the Coordinator may indicate the same so long as the judge approves said entry by writing his initials).

6. The failure of the defendant to appear for Court plus the notation "bond forfeiture of (B/F) declared" or "bond increase or (B/I) declared" shall be entered into the computer on the day it is ordered.

7. The Clerk of the Court, unless otherwise instructed by the Judge, may wait ten (10) days before issuing a capias after bond forfeiture.

8. In the event the Judge of the Court is absent, the Presiding Criminal Judge, Administrative Judge, or any other Judge of the County Courts at Law, in this sequence, shall have the authority to raise or lower the amount of bail set, declare or set aside a bond forfeiture and issue or recall any capias after forfeiture or any other capias issued by the absent Judge upon a showing of good cause.

9. Computer entries by the Clerk concerning setting of bail, raising or lowering the amount of bail set, bond forfeitures, bond increases, setting aside bond forfeitures or bond increases and the issuance or recalling of a capias after forfeiture or any other capias by the Court are considered an extension of the Judge's Judicial authority, and no computer entry shall be made which supersedes, preempts, or countermands a Judge's Order.

VI. PRE-TRIAL MOTIONS, HEARINGS, OTHER MATTERS

A. An application to the Court for an Order, whether in the form of a motion, plea or other form or request, unless presented during a hearing or trial, shall be made in writing, shall state the grounds therefore, shall set forth the relief or Order sought, and shall be filed and noted on the docket.

B. An application to the Court for an Order and notice of any hearing thereon not presented during a hearing or trial, shall be served upon the adverse party not less than three (3) days before the time specified for the hearing, unless otherwise provided by these rules or shortened by the Court.

C. Formal pre-trial hearings will be conducted in accordance with Article 28.01, Code of Criminal Procedure.

D. Other motions, pleadings and exceptions will be filed as provided in Chapter 28, Code of Criminal Procedure.

E. Pursuant to the Order Mandating Statewide Electronic Filing in Criminal Cases, Misc. Docket No. 16-003, issued by the Texas Court of Criminal Appeals on the 30th of June, 2016, Electronic filing is mandatory in criminal cases effective July 1, 2017. All attorneys must electronically file documents through any alternative electronic document filing transmission system, except in the event of an emergency. Any document filed by an attorney that is not filed in accordance with the order may not be accepted, except in the event of an emergency. Pro se defendants may also electronically file documents, but it is not required.

F. Documents filed with the court are considered filed when marked accepted and file marked by the Bexar County Clerk.

VII. GUILTY PLEAS, NOLO CONTENDERE AND PLEA BARGAINS

A. Pleas of guilty and nolo contendere will be made in conformance with Article 26.13 and Chapter 27, Texas Code of Criminal Procedure.

VIII. DOCKET CALLS AND ANNOUNCEMENTS

A. Attorneys and/or their clients shall appear in Court at the appointed time and make an "announcement." Neither the attorney nor his client shall depart from the Court unless excused by the Court or authorized by the Coordinator.

B. Attorneys who announce "conferring" and are excused to confer with the State's attorney shall report the results of such conference back to the Court before departing or the noon recess, whichever comes first.

C. Unless ordered otherwise by policy of a specific court, attorneys who have conflicting settings or attorneys or unrepresented defendants who have good and sufficient reason for not appearing shall notify the respective Court Coordinator prior to 8:50 A.M. on that date. Those attorneys or unrepresented defendants who make such contact shall have until 5:00 P.M. the next working day to appear for a resetting. The Coordinator or other staff person who receives such contact shall notify the attorney or unrepresented defendant of the "5:00 P.M. next working day deadline" and after making appropriate notations on the case file, shall hold the file until 5:00 P.M. on the next working day. Should the attorney or unrepresented defendant not appear in accordance with this rule, the Court Coordinator, on the following working day, shall call this to the attention of the Court, who may Order any action it deems appropriate.

IX. SETTINGS, RESETS, MOTIONS FOR CONTINUANCE

A. Each Judge has the sole authority to set cases in the Court.

B. Motions for continuance will be governed by Chapter 29, Texas Code of Criminal Procedure.

C. Request for resets and postponements will be acted upon only by the Court, or as otherwise provided below.

D. The Court Coordinator in each Court is responsible for managing the Court's docket within the policies set by the Judge in that Court.

E. The Court Coordinator may reset a case in the following circumstances:

1. The Court receives a letter, in compliance with Local Rules, notifying the Court that the attorney will be unavailable, this notification should include the defendant's name, cause number and an explanation of the reason for unavailability. This notice is subject to the requirements of the Local Rules pertaining to Vacation Notices and the requirements for Motion(s) for Continuance.

2. The Court receives notice that the attorney is unavailable due to a trial in another Court. The notification must state the Court in which the attorney is in trial, the style of the case which they are trying and the date the trial is to begin.

3. The Court is notified that the attorney is ill.

F. The Court's file and/or electronic documentation in the Odyssey system shall indicate a reset by the Judge's written Order on the file or an authorized entry by the Court staff initialed by the Judge.

G. To obtain a reset, the defendant representing himself or the attorney for a defendant shall appear to complete a reset form. No case may be reset unless authorized by the Court.

H. Computer entries by the Clerk concerning the Court's actions on Motions for Continuance, resets or postponements are considered an extension of the Judges' judicial authority and no computer entry shall be made which supersedes, preempts or countermands the Judge's action.

I. In the event the Judge of the Court is unavailable, the Presiding Criminal Judge, Administrative Judge or any other Judge of a County Court at Law, in this sequence, shall have the authority to act on Motions for Continuance, settings, and resetting cases of the absent Judge upon good cause showing.

X. TRIAL MATTERS

A. Pursuant to Article 33.03, Texas Code of Criminal Procedure, the defendant must be personally present at the trial "... in all cases of misdemeanor when the punishment or any part thereof is imprisonment in jail; provided, however, that in all cases, when the defendant voluntarily absents himself after pleading to the indictment or information, or after the jury has been selected when trial is before a jury, the trial may proceed to its conclusion…."

B. The Texas Rules of Evidence will govern matter pertaining to witnesses and evidence.

C. Jury selection and voir dire will be in accord with Chapters 33, 34 and 35 of the Texas Code of Criminal Procedure.

D. Applications for probation and deferred adjudication will be submitted in accordance with Article 42A, Texas Code of Criminal Procedure.

E. Pre-sentence reports, when requested by the Court, will be processed as provided in Article 42A, Texas Code of Criminal Procedure.

F. Judgments will be prepared as required by Article 42.01, Texas Code of Criminal Procedure.

G. Motions to revoke probation and to proceed to adjudication will be conducted in accordance with the requirements of Article42A, Texas Code of Criminal Procedure.

H. Applications and proceedings pertaining to Writs of Habeas Corpus will be conducted in accordance with Chapter 11, Texas Code of Criminal Procedure.

I. Only the Judge of the Court has authority to amend, vacate or set aside any judgment, order or computer entry of the Court. Upon a Judge's absence, the Presiding Criminal Judge, Administrative Judge, or any other County Court at Law Judge, in this sequence shall act for the absent Judge upon good cause shown.

XI. JUDGMENTS NISI

A. SETTING ASIDE JUDGMENTS NISI

1. A judgment nisi shall not be set aside except by Order of the issuing Judge.

2. All motions to set aside judgments nisi must be presented to the Court in written form setting out the cause relied upon by the movant.

3. A copy of the Motion to set aside judgment nisi must be served upon the attorney for the State according to the Texas Rules of Civil Procedure.

4. If a hearing is required, it shall be brought to the attention of the Court so that the cause may be set upon the Court's docket.

B. DOCKET

1. The judgment nisi docket shall be conducted and called in the given Presiding Criminal Court.

XII. APPEALS FROM JUSTICE OF THE PEACE COURTS AND MUNICIPAL COURTS

A. Notwithstanding the County Court at Law to which a case is appealed in the Appeal bond, all appealed cases shall initially be docketed on an arraignment docket in the Presiding Criminal Court.

B. At the Arraignment Docket, the various prosecutors and defense attorneys shall confer and attempt to settle as many of their respective cases as possible.

C. All contested pre-trial motions to quash the complaint and other contested pre-trial motions shall be presented to the arraigning Presiding Judge for ruling.

D. Appeals from the Justice of the Peace Courts are De Novo. Should a trial be requested, the Court will set the case as soon as is practical.

XIII. AUXILIARY JAIL COURT

A. Auxiliary Jail Court is established for the sole purpose of disposition of jail cases as quickly and efficiently as possible in accordance with the rights and privileges accorded by the Constitution and Laws of the State of Texas and the United States.

1. The docket for Auxiliary Jail Court will be scheduled by the General Administrative Counsel for the County Courts at Law of Bexar County with the approval of the Administrative Judge.

2. The prisoner assignments and dockets for the Auxiliary Jail Court shall be prepared by the Court Coordinator in each individual court or by the Office of Criminal Justice Policy, Planning and Programs of Bexar County as assigned. The list of prisoners assigned to Auxiliary Jail Court shall be provided to Auxiliary Jail Court Court Coordinator pursuant to the schedule provided by the General Administrative Counsel for the County Courts at Law of Bexar County.

3. Rules concerning the daily operation of Auxiliary Jail Court shall be prepared, as necessary, by the Administrative Judge.

XIV. MISCELLANEOUS MATTERS

A. Criminal cases pending and their settings in the County Courts at Law of Bexar County shall take priority over out-of-county, Civil and Criminal County Court at Law settings and all Justice of the Peace Municipal Court settings.

B. The County Courts at Law, may, as necessary, issue Special Orders of the Courts in response to the COVID-19 Global Pandemic or other emergencies as they arise.

C. In light of the emerging use of technology, the Courts may, as necessary, use available technology to conduct any proceedings authorized by the Texas Supreme Court, Texas Court of Criminal Appeals, or legislative amendments to Rules of Civil Procedure to conduct Court proceedings. Presiding Dockets may occur via zoom or other appropriate secure technology approved by the Office of Court Administration. Any notations in these Rules requiring personal appearances may be conducted remotely when authorized.

D. All attorneys are required to adhere to the Texas Rules of Disciplinary Conduct. Pursuant to the Order Amending the Texas Rules of Disciplinary Professional Conduct, Misc. Docket. No. 19-9016, issued by the Texas Supreme Court dated February 26, 2019, all Texas lawyers are obligated to maintain proficiency and competence in the practice of law, which includes "understanding the benefits and risks associated with relevant technology." Accordingly, all attorneys are required to maintain competence in the technologies required for remote court proceedings. Attorneys are required to use a device that has video capabilities for remote proceedings.

D. ADMINISTRATIVE RULES

I. PLAN FOR MANAGEMENT OF JURIES ADOPTED BY REFERENCE

A. Petit juries will be managed in accordance with the plan submitted by the District Judges to Commissioners Court and adopted by them. That plan is hereby adopted and incorporated into these rules. Juries will be specifically managed as provided in Texas Government Codes, Sections 62.011, 62.016, 62.062, 62.018 and 62.019, together with other judicial directions and Orders.

II. ABSENCE OF JUDGES

A. The Judge of Statutory County Courts at Law may take personal vacation at any time during the year. Such vacation should be coordinated with the Administrative Judge, and the General Administrative Counsel for the County Courts at Law of Bexar County, so that there are a sufficient number of Count Court Judges in the County at all times to handle its Judicial business.

B. Normally vacations will be limited to a calendar month or 21 working days per annum.

C. The Judges may take such sick leave as is essential for their health and well-being.

D. Attendance at Judicial Conferences is considered an official duty and as court time. However, it is requested that such attendance be coordinated with the Administrative Judge, and the General Administrative Counsel for the County Courts at Law of Bexar County. Attendance at additional educational programs and seminars should likewise be coordinated with the Administrative Judge and the General Administrative Counsel for the County Courts at Law of Bexar County.

E. Military leave would not be included in normal vacation time. However, it is requested that such leave be coordinated with the Administrative Judge and the General Administrative Counsel for the County Courts at Law of Bexar County so that there are a sufficient number of County Court Judges in the County at all times to handle its judicial business.

F. Extended absences for other reasons should likewise be coordinated with the Administrative Judge and the General Administrative Counsel for the County Courts at Law of Bexar County, so that there are sufficient Judges in the County at all times to handle its judicial business.

III. NON-JUDICIAL PERSONNEL

A. DEFINITIONS

1. In these rules, the term ‘non-judicial personnel: means those persons who work directly or indirectly for the Judiciary and who are hired, directly or indirectly, by the Judiciary including, but not limited to: Official Court Reporters, additional Official Court Reporters, the General Administrative Counsel for the County Courts at Law of Bexar County, Court Coordinators, staff of Court Administration, Staff Attorney(s) for the Bexar County Courts at Law, and others so employed and hired.

2. County Court staff employees subject to the Bexar Count “Personnel Rules” who work under the Judge's direct supervision including clerks and others assigned to the Court.

B. QUALIFICATIONS

1. The qualifications for those positions set out in III. A. 1 shall be those set forth in the pertinent statutes, in approved job descriptions or in official Joint Court Orders.

2. The qualifications for those positions set out in III. A. 2 shall be those set forth in the Bexar County Clerks “Job Descriptions” and the Bexar County “Personnel Rules.”

C. CONDUCT OF NON-JUDICIAL PERSONNEL

1. Non-Judicial Personnel should observe the standards of decorum and conduct set forth in the Code of Judicial Conduct.

IV. COURT ADMINISTRATION SYSTEM FOR THE COUNTY COURTS AT LAW

A. The County Courts at Law will have a Court Administrations System consisting of a General Administrative Counsel in accordance with 75.401 of the Texas Government Code, appropriate staff and a coordinator in each County Court at Law.

V. PROCEDURE FOR ADOPTION AND AMENDMENT

A. ADOPTION OF RULES

1. Adoption of these rules shall be by a majority of the Statutory County Court at Law Judges of Bexar County at a special meeting expressly called for that purpose by the Administrative Judge.

   a. The proposed rules shall be posted by providing written or electronic copies thereof to each Judge at least ten (10) days before the meeting.

   b. Notice of the meeting shall be in writing and delivered five (5) days prior to the meeting.

   c. The Judges may vote on the adoption of the rules by proxy. However, the proxy shall be in writing given to a named Judge or the Administrative Judge.

   d. If a majority of the Judges of the Courts fail to adopt the proposed rules, then there may be a second called meeting to consider the same or modified proposed rules in accordance with the procedures set forth above.

B. ADOPTION BY THE LOCAL ADMINISTRATIVE JUDGE

1. If the rules are not adopted by a majority of the Judges at the second call or if there be no second call, then the Administrative Judge may and should promulgate rules in accordance with the authority contained in Texas Government Codes 74.0911 and 74.093.

C. AMENDMENTS

1. Parts A and D of these Rules may be amended in the same manner as is provided for adoption of these Rules under V. A (supra).

2. Parts B and C of these Rules may be amended at a meeting called by the Administrative Judge for the purpose by a majority of the judges within a division. Judges from other divisions may attend such a meeting, they may be heard, but may not vote on any amendment. The notice and procedural requirements set forth under Rule V. A. shall apply to any such proposal to amend Parts B and C of these rules.

D. NOTICE AND PUBLICATION OF RULES

1. Upon adoption of the Rules by either a majority of the Judges or promulgated by the Administrative Judge, the Rules shall be printed and made available to all Judges and non-judicial personnel and shall be binding thereon. Thereafter, the Rules shall be submitted as required, Under Misc. Docket No. 22-9081 and No. 22- 006 to the Office of Court Administration for publication on their website.

VI. LOCAL ADMINISTRATIVE JUDGE

A. POWERS, BOARDS -- COMMITTEES, ABSENCE

1. The local Administrative Judge shall have all the necessary powers, both express and implied, to execute, implement and perform the duties set forth in the Texas Government Code, Chapter 74, the Texas Supreme Court Rules of Judicial Administration and the Rules promulgated by the Regional Presiding Judge.

B. The Administrative Judge shall be chairperson, ex-officio, of all judicial boards created by statute unless otherwise indicated. The Administrative Judge shall be ex-officio member of all standing, ad hoc and special committees.

C. When absent the duties and powers of the Administrative Judge shall devolve upon and be exercised by the Presiding Civil or Criminal Judge in their respective areas or responsibility. Should the Presiding Civil or Criminal Judge be unavailable for the meeting, the Administrative Judge may assign another Judge or the General Administrative Counsel for the County Courts at Law of Bexar County to stand in as proxy for the sole purpose of conducting the meeting.

D. The Administrative Judge shall recognize proxy votes given in writing to another Judge on specific voting matters.

VII. ELECTION OF THE ADMINISTRATIVE JUDGE

A. Election Day shall be held on the first Friday of December in the year prior to the expiration of the term of the incumbent Administrative Judge (hereafter referred to as "The Administrative Judge"). On the year in which any newly-elected judges are to be sworn in the following January, Election Day will be held at a meeting called immediately before the January Judges Meeting. In the event that the Incumbent Administrative Judge is not re-elected to his or her bench, the remaining Judges of the previous term shall agree upon a Judge to serve as Administrative Judge Pro Tem until the January election.

B. On Election Day, the Administrative Judge shall call and preside over a meeting of the Judges of the Courts for the only purpose of electing a new Administrative Judge. After the election, upon an affirmative vote of a majority of the Judges, the meeting may be opened to other matters.

C. Prior to or at the meeting, any Judge eligible for election and desiring to run may nominate him/herself. Such nomination need no second. Thereafter, each nominee shall have a period of time, limited by a majority vote of the Judges, to explain his/her candidacy.

D. The Election shall be conducted by secret ballot. The Administrative Judge shall prepare slips of paper to serve as a ballot. The Judges shall write the name of the nominee Judge of their preference on the ballot and deliver it to the Administrative Judge.

E. The Administrative Judge shall openly publish and tabulate the results of the balloting. The nominee who receives a majority of the votes will be elected. The term "majority" in this Rule means a simple majority of the Judges eligible to vote. If a runoff is necessary, the runoff election will be conducted immediately following the Primary vote, unless a recess is requested by one of the runoff candidates. If a recess is requested, it shall be granted subject to time limitations by a majority vote of the Judges.

F. If a runoff election is necessary, the election shall be conducted according to the procedure set out in VII. D above (supra), except that the names of the two highest nominees only will be considered. The election shall continue until one nominee receives a majority of the votes. In the event of a continuing tie vote, the runoff election shall be continued to the following Friday, during which time the Presiding Judge of the Administrative Judicial Region will be asked to break the tie.

G. Upon certification by the Administrative Judge, the Administrative Judge Elect will take office on the first day of January following the election.

VIII. COMMITTEES

A. The Administrative Judge shall appoint the following committees:

1. The County Court Coordinator Oversight Committee.

2. A standing committee to consider the fee schedule and forms necessary to maintain same in the appointment, payment, and handling of attorneys appointed to represent indigent defendants under the provisions of the Texas Code of Criminal Procedure, specifically, but not limited to, the Texas Fair Defense Act.

3. The Administrative Judge may appoint special or ad hoc committees as necessary and appropriate.

These Rules supersede all rules previously promulgated. All Joint Orders previously issued remain in effect unless in conflict with these Rules, in which event these Rules shall govern.

The foregoing amendments to the "Local Rules of the Statutory County Courts at Law of Bexar County" are hereby adopted by the undersigned judges in Bexar County on this __day of 09/25/2026, 2026 and are submitted to the Regional Administrative Judge for approval.

Pursuant to Misc. Docket No. 22-9081 and No. 22-006 these rules shall become effective upon their publication on the website of the Office of Court Administration.

Melissa Vara (Sep 25, 2026 11:10:34 CDT)

Judge Melissa Vara
Administrative Judge
County Court at Law No. 15
Bexar County, Texas

Helen Stowe (Sep 28, 2026 16:05:13 CDT)

Judge Helen Petry Stowe
County Court at Law No. 1
Bexar County, Texas

Melissa Saenz (Sep 25, 2026 10:22:25 CDT)

Judge Melissa Saenz
County Court at Law No. 2
Bexar County, Texas

David Rodriguez (Sep 25, 2026 09:47:30 CDT)

Judge David Rodriguez
County Court at Law No. 3
Bexar County, Texas

Alfredo Ximenez (Sep 28, 2026 08:27:06 CDT)

Judge Alfredo M. Ximenez
County Court at Law No. 4
Bexar County, Texas

Andrea Arevalos (Sep 25, 2026 12:51:51 CDT)

Judge Andrea Arevalos
County Court at Law No. 5
Bexar County, Texas

Judge Erica Dominguez
County Court at Law No. 6
Bexar County, Texas

Melanie Lira (Sep 24, 2026 15:36:19 CDT)

Judge Melanie M. Lira
County Court at Law No. 7
Bexar County, Texas

Mary Roman (Sep 28, 2026 10:21:11 CDT)

Judge Mary Román
County Court at Law No. 8
Bexar County, Texas

Judge Gloria Saldaña
County Court at Law No. 9
Bexar County, Texas

Judge Cesar Garcia (Sep 25, 2026 12:08:14 CDT)

Judge Cesar Garcia
County Court at Law No. 10
Bexar County, Texas

Erica Pena (Sep 25, 2026 12:50:54 CDT)

Judge Erica Peña
County Court at Law No. 11
Bexar County, Texas

Yolanda Huff (Sep 24, 2026 15:17:44 CDT)

Judge Yolanda T. Huff
County Court at Law No. 12
Bexar County, Texas

Alicia Perez (Sep 25, 2026 12:17:46 CDT)

Judge Alicia Perez
County Court at Law No. 13
Bexar County, Texas

Carlo Key (Sep 28, 2026 10:30:53 CDT)

Judge Carlo Rodriguez Key
County Court at Law No. 14
Bexar County, Texas