

IN THE SUPREME COURT OF TEXAS

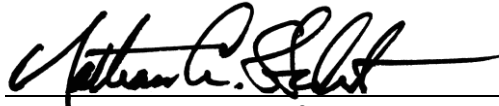
Misc. Docket No. 19-9089

APPROVAL OF RULES OF ADMINISTRATION FOR THE SEVENTH ADMINISTRATIVE JUDICIAL REGION OF TEXAS

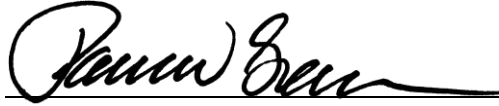
ORDERED that:

Pursuant to Texas Rule of Civil Procedure 3a, the Supreme Court approves the following Rules of Administration for the Seventh Administrative Judicial Region of Texas. These rules supersede the rules previously approved in Misc. Docket No. 96-9262.

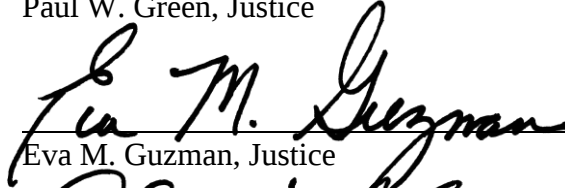
Dated: October 1, 2019.



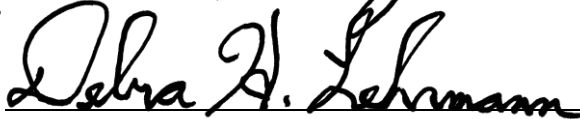
Nathan L. Hecht, Chief Justice



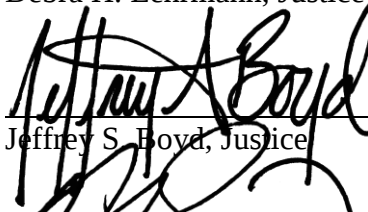
Paul W. Green, Justice



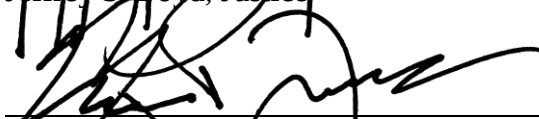
Eva M. Guzman, Justice



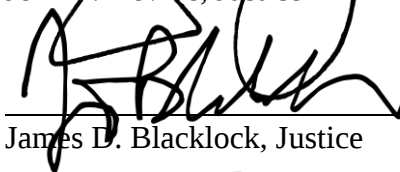
Debra H. Lehrmann, Justice



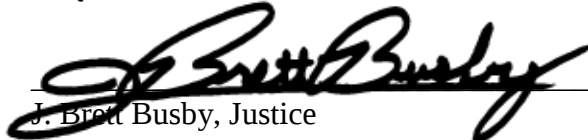
Jeffrey S. Boyd, Justice



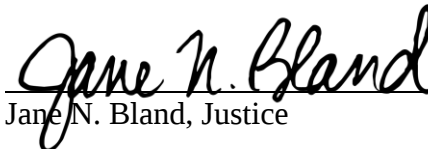
John P. Devine, Justice



James D. Blacklock, Justice



J. Brett Busby, Justice



Jane N. Bland, Justice

SEVENTH ADMINISTRATIVE JUDICIAL REGION OF TEXAS
RULES OF ADMINISTRATION

These Rules of Administration are promulgated by the Council of Judges of the Seventh Administrative Judicial Region of Texas pursuant to § 74.048(c) of the Texas Government Code and Rule 4(c) of the Rules of Judicial Administration.

RULE 1: APPLICATION.

These Rules apply to all district and statutory county courts of the Seventh Administrative Judicial Region of Texas.

RULE 2: DEFINITIONS.

In these Rules:

- (a) “Active Judge” has the meaning assigned by § 74.041(4).
- (b) “Broadcasting” means disseminating or transmitting to the public through newspapers, television, radio, internet, or other means.
- (c) “Chapter 74” and § references means Chapter 74 of the Texas Government Code.
- (d) “Chapter 75” and § references means Chapter 75 of the Texas Government Code.
- (e) “Former Judge” has the meaning assigned by § 74.041(5).
- (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, or other news reporting or news gathering agency, whether the information is transmitted or disseminated by broadcasting, cable, satellite, internet, or other means.
- (g) “Presiding Judge” means the Presiding Judge of the Seventh Administrative Judicial Region of Texas.
- (h) “Recording” means photographing, audio recording, or video recording by any means.
- (i) “Region” means the Seventh Administrative Judicial Region of Texas as created by §74.042(h).

- (j) “Retired Judge” has the meaning assigned by § 74.041(6).
- (k) “Senior Judge” has the meaning assigned by § 74.041(7).

RULE 3: COUNCIL OF JUDGES.

- (a) The Council of Judges for the Region shall conduct business pursuant to the Rules of Judicial Administration and Chapter 74.

RULE 4: AUTHORITY OF THE PRESIDING JUDGE.

- (a) The Presiding Judge has the authority to perform the acts necessary to carry out the provisions of Chapter 74.

RULE 5: JUDICIAL SERVICE BY SENIOR, RETIRED, AND FORMER JUDGES.

- (a) The Presiding Judge shall maintain a list of qualified senior, retired, and former judges, and the area(s) of their expertise, who are eligible to sit by assignment in the Region.
- (b) Qualified senior, retired, and former judges may elect to serve as judicial officers and be eligible for assignment pursuant to the requirements of Chapters 74 and 75.

RULE 6: ASSIGNMENT OF JUDGES.

- (a) The Presiding Judge shall assign judges of the Region to hold special or regular terms of court in any county of the Region to try cases and dispose of accumulated business.
- (b) Judges shall be assigned by the Presiding Judge in the manner provided by Chapter 74 when the active judge of the court: (i) is absent or unable to serve; (ii) voluntarily recuses or disqualifies; (iii) is recused under the provisions of Rule 18b of the Texas Rules of Civil Procedure; (iv) is disqualified for any reason; (v) needs assistance with a pending docket; or (vi) for other reasons required by law. Judges also may be assigned by the Presiding Judge if a judicial office is vacant because of death, resignation, or other cause.

RULE 7: TIME STANDARDS AND LIMITATIONS FOR DISPOSITION OF CASES.

District and statutory county court judges of the county in which cases are filed should make every reasonable effort, so far as reasonably possible, to ensure that all cases proceed to trial or final disposition in conformity with the following time limitations and standards:

(a) CRIMINAL CASES.

- (1) To promote the prompt disposition of criminal cases, and to minimize undue delay, courts shall comply with the applicable procedures and time limitations as required by law.

(b) CIVIL CASES, FAMILY LAW CASES, AND JUVENILE CASES. To the extent possible, pursuant to the guidelines set forth in Rule 6 of the Rules of Judicial Administration. The court shall have the discretion to deviate from these guidelines upon a showing of good cause.

(c) COMPLEX CASES. A judge may depart from these time limitations and standards in especially complex cases or when special circumstances make case disposition and adherence to these standards and limitations impractical.

(d) DE NOVO PROCEEDINGS. Recognizing the time limitations for disposition of de novo hearings as provided in § 201.105(f) of the Texas Family Code, and consistent with the resolution of conflicting trial settings in these Rules, the courts of this Region shall give de novo proceedings preference over other pending matters, to the extent necessary to ensure the referring court reaches a decision promptly.

RULE 8: LOCAL ADMINISTRATIVE JUDGES.

- (a) The district and statutory county courts of a county shall each elect a local administrative judge (LAJ). If a LAJ is not chosen by the local judges, the Presiding Judge shall designate one of the qualified judges of that county to act as the LAJ.
- (b) The LAJ has the authority to adopt rules and policies for the management of the courts situated within the LAJ's county, and to perform all acts that are necessary to implement the applicable provisions of Chapter 74.

RULE 9: COURT ADMINISTRATION AND LOCAL RULES.

- (a) **LOCAL RULES.** The Board of Judges of each county, by a majority vote, may adopt local rules providing for the administration of the courts situated in the county. Adopted local rules shall comply with the requirements of these Rules.
- (b) Local rules of administration shall comply with the Rules of Judicial Administration, Chapter 74, the applicable provisions of the Code of Judicial Conduct, and these Rules. Local rules may provide for the filing, assignment, docketing, transfer, and hearing of all cases to achieve the time limitations and standards set forth in Rule 6 of the Rules of Judicial Administration. Rules relating to the transfer of cases or proceedings shall not permit the transfer of a case from one court to another court unless the case is within the jurisdiction of the court to which the case is to be transferred.
- (c) Local rules should include procedures for attorneys who desire to designate vacation weeks, guidelines for courtroom order and decorum consistent with Canon 3B(3) of the Texas Code of Judicial Conduct, and procedures for recording and broadcasting court proceedings.
- (d) In the event of a conflict between adopted local rules and these Rules, these Rules shall control.
- (e) Local rules shall be submitted to the Presiding Judge for review and approval before submission to the Supreme Court of Texas. Any proposed local rule shall not become effective until approved by the Presiding Judge and the Supreme Court of Texas.
- (f) Local rules for the disposition of cases shall comply with the time standards and limitations set forth in Rule 7 of these Rules, and Rule 6 of the Rules of Judicial Administration.

RULE 10: RECUSAL AND DISQUALIFICATION PROCEDURES.

- (a) These following provisions apply to recusals and disqualifications.
- (b) **VOLUNTARY RECUSAL OR DISQUALIFICATION.** If a judge has voluntarily recused or disqualified, the case shall be referred to the Presiding Judge for assignment to another judge.

(c) **MOTION FOR RECUSAL OR DISQUALIFICATION OF A JUDGE (TEX. R. CIV. P. 18A).**

- (1) If a party files a motion to recuse or disqualify a judge, the clerk of the court, the respondent judge, and the Presiding Judge shall comply with the provisions of Rule 18a.
- (2) Judges are not prohibited from adopting local rules for the transfer of cases when a motion for recusal or disqualification has not been filed.

RULE 11: RECORDING, PHOTOGRAPHING AND BROADCASTING PROCEEDINGS.

- (a) Unless otherwise authorized by local rules approved by the Supreme Court of Texas, these Rules, applicable law, or rules promulgated by the Supreme Court of Texas, audio or video recording, photographing, or broadcasting of any court proceedings or any matter related to a court proceeding, shall be prohibited.
- (b) If a county has adopted local rules approved by the Supreme Court of Texas that govern recording, photographing, and broadcasting of court proceedings, the local rules shall control.

RULE 12: CONFLICTING ENGAGEMENTS OF ATTORNEYS; PRIORITY OF CASES.

(a) **ATTORNEY IN TRIAL IN ANOTHER COURT.**

- (1) An attorney who is in trial in one court may not be ordered to appear for trial in another court. When informed that an attorney is presently in trial in another court, the court may, in its discretion, verify the information and take whatever action the court deems necessary.

(b) **ATTORNEY ASSIGNED TO TWO OR MORE COURTS FOR THE SAME DATE.**

- (1) Attorneys shall advise the affected judges of all dual settings as soon as the attorney becomes aware of them.
- (2) Attorneys shall advise the affected courts that they are assigned to two or more courts for the same date and/or time. Judges who are confronted with

conflicting settings, and which cannot be resolved by the parties, should confer and attempt when practicable to agree on which case has priority. Judges should observe the following priorities when attempting to prioritize cases involving an attorney with conflicting trial assignments:

- (A) Criminal Cases (pursuant to Article 32A.01 of the Texas Code of Criminal Procedure, criminal cases have priority over civil case settings).
 - (B) Circumstances to consider in resolving conflicts between criminal case settings include the factors outlined in Article 32A.01, whether the Defendant is confined pending trial (including other detainers such as a “blue warrant”), the age of the case, the number of resets, the Defendant’s right to a speedy trial and related circumstances, the availability of subsequent trial dates, witness availability, and any other legal requirement necessary for the prompt trial of either case.
 - (C) Cases given preference by statute (*see* § 23.101 of the Texas Government Code), and de novo proceedings under Chapter 201 of the Texas Family Code.
 - (D) Preferentially set cases.
 - (E) Case(s) with the earliest setting date(s).
 - (F) Case(s) with the earliest filing date(s).
 - (G) Courts in larger counties should yield to courts in smaller or rural counties in all other instances of conflicting trial assignments.
 - (H) Age of the case, whether a jury has been requested, and whether the case is pending in a multi-judge or single-judge county should be considered.
- (3) If the affected judges cannot resolve a conflict in settings or agree on which case should have priority, the Local Administrative Judge (if the cases are pending in the same county) or the Presiding Judge will decide how to proceed. If two or more administrative judicial regions are involved and the Regional Presiding Judges cannot resolve the conflict, the Regional Presiding Judges shall request the Chief Justice of the Texas Supreme Court

or his/her designee to resolve the conflict.

RULE 13: ATTORNEY VACATIONS.

- (a) **DESIGNATION OF VACATION.** Attorneys may designate certain weeks during a calendar year as vacation during which time(s) they cannot be assigned to trial or required to engage in any pretrial proceedings for any case in which they are the attorney in charge. The trial court may expand the protection of this Rule to other attorneys working on the case other than the attorney in charge.
- (b) **NOTICE OF VACATION TIME(S).** To designate vacation weeks during a calendar year, attorneys shall file their vacation designations with the district clerk and the court coordinator of any affected court no later than sixty (60) days before any designated vacation time is scheduled to commence. Vacation notices shall apply only to cases that are not already scheduled.
- (c) The court shall have the discretion to consider a motion for continuance filed on the grounds of an attorney's vacation request based on appropriate circumstances not otherwise covered by this Rule.

RULE 14: COURTROOM DECORUM.

- (a) Judges shall require order and decorum in all court proceedings, and be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and should require similar conduct of lawyers, court staff, court officials, and others subject to the judge's direction and control.
- (b) Counsel shall conduct themselves in accordance with the standards of professionalism set out in THE TEXAS LAWYER'S CREED.