

NACOGDOCHES COUNTY JUSTICE COURTS

LOCAL RULES



Updated: January 1, 2023

PART 1. GENERAL RULES

RULE 1.1. OBJECTIVES OF LOCAL RULES

In accordance with the provisions of Section 27.061 of the Texas Government Code, requiring the justices of the peace in each county to adopt local rules of administration and Section 15.0821 of the Texas Civil Practice and Remedies Code, requiring the justices of the peace in each county to adopt local rules of administration regarding the transfer of a pending civil case from one precinct to a different precinct, and Article 4.12 of the Texas Code of Criminal Procedure, requiring the Justices of the Peace in each county to adopt local rules of administration regarding the transfer of a pending misdemeanor case from one precinct to a different precinct, and also Section 75.404 of the Texas Government Code, the Justices of the Peace in Nacogdoches County adopt local rules to provide for administration of cases and for the assignment, docketing, transfer, and hearing of cases. A local rule may provide for the prosecution of a criminal case in any precinct designated by the local rule, notwithstanding other provisions of law regarding venue. A civil case, except an eviction suit, may be brought in any precinct designated by the local rule.

It is the objective of these Local Rules to provide for the efficient processing of cases that come before the Nacogdoches County Justice Courts so that persons coming before the court have a meaningful opportunity to be heard, consistent with Chapter 45 of the Texas Code of Criminal Procedure and Part V of the Texas Rules of Civil Procedure governing practice and procedure in the Justice Courts.

RULE 1.2. COURTROOM DEMEANOR

All persons in the courtroom shall conduct themselves in a professional manner so that it does not interfere with proceedings before the Court. We ask that all persons appearing before the Court appear in appropriate attire with respect for the Court and other parties before the Court.

Adopted November 2, 2022

RULE 1.3. ALTERNATIVE DISPUTE RESOLUTION

The Court asks that and encourage peaceful resolutions in matters and disputes. The Court on its own motion or motion of a party, may refer the case for mediation and parties must attend with the best of intentions to enter into a resolution.

Adopted November 2, 2022

RULE 1.4. MOTIONS FOR CONTINUANCE IN CIVIL CASES

A motion for continuance in a civil matter shall be in writing stating why the postponement is necessary and be filed with the Court at least three (3) business days preceding the of the trial or hearing. The Court strongly suggest that the party seeking the continuance in a civil matter visit with the opposing party in hopes to come to an agreement to the request.

Adopted November 2, 2022

RULE 1.5. CONFLICTING ENGAGEMENTS OF ATTORNEYS

A. Attorney in trial in another court.

(1) An attorney who is, or is scheduled to be in trial in another court, will, in writing and as soon as the conflict becomes apparent, inform the Justice Court in which there is a conflicting setting of the case number and the court in which the case is being tried. When informed that an attorney is in trial, the court will verify the assignment. The case will be placed on “hold” or reset, depending upon the circumstances. (2) If the attorney is not actually in trial as represented by the attorney or agent, the case may be tried without further notice.

B. Attorney assigned to trial in two justice courts for the same date.

(1) It is the duty of the attorney to call to the Court’s attention, in writing, any conflicting trial setting as soon as the conflict becomes apparent. (2) The Justices of the Peace will agree on which case has priority, with consideration given to the following order: (i) (ii) Jury trials. Criminal cases. (iii) Cases given preference by statute. (iv) Cases given preferential settings. (v) Case with earliest filing date. (3) In the event of unresolved conflict between two courts, the issue will be decided by the Presiding Judge, or Co-Presiding Judge in the absence of the Presiding Judge.

Adopted November 2, 2022

RULE 1.6. WITHDRAWAL OR SUBSTITUTION OF COUNSEL

An attorney on record representing a party may withdraw their representation by filing with the Court a written motion showing good cause. In the event the representing attorney wishes to appoint a substituting attorney, they must provide the Court with the substituting attorneys contact information. With all matters of withdrawal or substitution of counsel, the motion must be delivered to the party along with all contact information provided in the motion.

Adopted November 2, 2022

RULE 1.7. RECORDING OR BROADCASTING OF COURT PROCEEDINGS

Recording or broadcastings of court proceedings before the Justice Court is prohibited.

Adopted November 2, 2022

RULE 1.8. FILING NOTICE OF BANKRUPTCY

A party to a pending civil case shall immediately notify the Court of the filing of a petition in bankruptcy. Such notice shall be made by filing a written notice (suggestion of bankruptcy) with the Court and serving copies on all parties to the suit. A suggestion of bankruptcy shall be filed as soon as practicable, and not more than five (5) days, after a party receives notice of the filing of a petition in bankruptcy by any other party.

Adopted November 2, 2022

PART 2. ASSIGNMENT AND TRANSFER OF CASES

RULE 2.1 ASSIGNMENT OF CASES

Notwithstanding other provisions of law regarding venue, (1) a misdemeanor case to be tried in a Nacogdoches County Justice Court may be prosecuted, according to a Local Rule, in any precinct designated by the Local Rule, and (2) a civil case, except a suit for eviction or involving real property, may be brought, according to a Local Rule, in any precinct designated by the Local Rule.

Adopted November 2, 2022

RULE 2.2. TRANSFER OF PENDING CRIMINAL CASES

Unless otherwise provided by a more specific Local Rule, the transfer of a criminal case from a Nacogdoches County Justice Court to Nacogdoches County Justice Court in the precinct in which the offense was committed or in which the defendant resides, may be made by the Justice Court in which the case is pending.

Adopted November 2, 2022

RULE 2.3. TRANSFER OF PENDING CIVIL CASES

Unless specified by a more specific Local Rule, a Nacogdoches County Justice Court in which a civil case is pending may transfer the case to another Nacogdoches County Justice Court in the precinct:

- (i) in which one or more of the defendants reside,
- (ii) in which personal property made the basis of the proceeding is located,
- (iii) in which all or part of rented premises for which rent is sought is located,
- (iv) in which the contract made the basis of the proceeding is to be performed,
- (iv) in which a contract for goods, services, or loans intended primarily for personal, family, household, or agricultural use was signed, or
- (v) in which an injury was inflicted.

Adopted November 2, 2022

RULE 2.4. ASSIGNMENT OF CASES ON DISQUALIFICATION

A. Civil Cases

When presented with a proper motion supported by the sworn statements of two other credible persons as required by Rule 502.4(e), Texas Rules of Civil Procedure, the disqualified Justice of the Peace shall refer the civil case in which the motion was filed to the Presiding Judge.

If the movant is seeking a change of judge, the Presiding Judge will (i) assign another Justice of the Peace to exchange benches with the disqualified Justice of the Peace in order to hear the case, or (ii) assign a special judge to preside in the case.

If the party is seeking a change in location for trial, the Presiding Judge will assign the case for trial to the nearest qualified Justice Court and the disqualified Justice of the Peace shall transfer the civil case in which the motion was filed to the Justice Court to which the case was assigned.

B. Eviction Cases

Following the disqualification of the Justice of the Peace presiding in an eviction case, the disqualified Justice of the Peace shall refer the case to the Presiding Judge who will (i) assign another Justice of the Peace to exchange benches with the disqualified Justice of the Peace in order to hear the case, or (ii) assign a special judge to preside in the case.

C. Criminal Cases

If the Justice of the Peace is disqualified from presiding in a criminal case, the disqualified Justice of the Peace will (i) transfer the case to the other Justice Court in the same County or (ii) assign a special judge to preside in the case.

D. Order of Transfer

An Order transferring the case shall identify the Court to which the case is being transferred and a copy of the Order shall be delivered to each party or their attorney of record.

Adopted November 2, 2022

RULE 2.5. ASSIGNMENT OF CASES ON RECUSAL

A. When a Judge is Recused

When a Justice of the Peace has signed an Order of Recusal in a case, civil or criminal, and that recusal does not rise to a disqualification that would otherwise be governed by Local Rule 2.4, the recused Justice of the Peace shall do one of the following:

- (i) transfer the case to the other Justice Court in the same County;
- (ii) request a special judge to preside in the case; or
- (iii) refer the case to the Presiding Judge, who shall do one of the following:
 - a. assign another Justice of the Peace to exchange benches with the recused Justice of the Peace in order to hear the case;
 - b. assign a special judge to preside in the case;
 - c. transfer the case to the other Justice Court in the same County;
 - d. transfer the case to a Justice Court in another Precinct where venue would otherwise be proper, if applicable.

B. Order of Transfer

An Order issued by the Presiding Judge transferring the case, or assigning a special judge, shall be delivered to each party or their attorney of record.

Adopted November 2, 2022

PART 2 SECTION 1 DOCKETING AND HEARING OF CERTAIN ADMINISTRATIVE MATTERS

Rule 2.3.1. Rule 2.3.2. Hearing Following Notification of Suspension or Revocation of Driver's License

All hearings following a notification by the Department of Public Safety of the denial, revocation, or suspension of a driver's license shall be conducted in a Justice Court in Precinct 2.

In the event that such requests for hearing are presented in any other Justice Court, that Justice of the Peace shall immediately forward such requests to a Justice Court in Precinct 2.

Adopted November 2, 2022