

LOCAL RULES OF PRACTICE
81ST AND 218TH JUDICIAL DISTRICT COURT
ATASCOSA, FRIO, KARNES, LASALLE AND WILSON COUNTIES

TITLE 1. RULES GOVERNING ALL PROCEEDINGS

RULE 1.1 CONDUCT AND COURTROOM DECORUM

A. Policy

Judges and attorneys have a duty to uphold the highest standards of conduct and to earn and promote public respect for the judiciary, the legal profession and the American system of justice.

B. The Texas Lawyer's Creed

The Standards of Professional Conduct in Section IV of the Texas Lawyer's Creed, as promulgated by the Texas Supreme Court and the Texas Court of Criminal Appeals are adopted and incorporated herein by reference as guidelines for participating in litigation in the 81st and 218th Judicial District Court, the Atascosa County Court at Law and the Atascosa County Court.

C. Conduct Required of Counsel

1. Counsel shall timely appear before the court at each setting and following each recess.
2. Counsel shall be appropriately attired for all court proceedings in conservative business attire. Blue jeans, resort wear, sportswear, jumpsuits and similar clothing are not considered appropriate courtroom attire.
3. Counsel shall rise and remain standing while addressing the Court.
4. Counsel shall address all statements, requests and objections to the Court and not to opposing counsel or opposing parties.
5. Counsel shall not argue objections in the presence of the jury, except at a bench conference, without prior leave of court.
6. Counsel shall not interrupt or talk over opposing counsel or witnesses, except to state formal objections.
7. Counsel shall remain behind counsel table while examining witnesses. If requested by counsel and approved by the Court, counsel may move about the courtroom while examining witnesses.
8. Counsel shall neither make nor insinuate derogatory or insulting remarks about opposing counsel or any party.

9. Counsel shall address the Court as “Your Honor” or “Judge” and except with leave of court, shall refer to all counsel, parties and witnesses (except children) by their surnames, using such titles as Mr., Ms., Mrs., Miss, Dr., etc., as appropriate, and not by first names or nicknames, or any discriminatory or inappropriate classification.
10. Counsel shall request leave of court before approaching the bench or to approach the witnesses when necessary to work with documentary or tangible evidence.
11. Counsel shall not lean on the bench except as may be necessary to prevent jurors from overhearing bench conferences. Counsel shall not engage in personal discussions with the Court or each other during trial while in the presence of jurors, parties, or witnesses.
12. Counsel shall advise counsel’s clients, witnesses and others subject to counsel’s control of these rules of conduct and courtroom decorum.

D. Conduct Required of All Persons

All persons in the courtroom during trials and other proceedings shall be attentive to the proceedings and shall refrain from any action which may disrupt the proceedings. Therefore, all persons shall comply with the following:

1. All persons prior to entry of the Courtroom shall submit to a security screening by the courthouse security. Any purses, oversized bags, or packages must be submitted to security and approved before allowed into the courtroom.
2. All persons shall be appropriately attired for court proceedings and in a manner reasonably befitting the dignity and solemnity of court proceedings. Tank tops, T-shirts that are tattered or soiled or which contain lewd or inappropriate language, shorts and clothing that is tattered or soiled are among those items not considered appropriate courtroom attire. No hats, caps or sunglasses shall be worn in the courtroom, except for medical reasons.
3. No tobacco use in any form (including vaping) or gum chewing is permitted.
4. No bottles, beverage containers, paper cups or edibles are allowed in the courtroom, except as permitted by the Court.
5. No propping of feet on tables or chairs is permitted.
6. No talking or unnecessary noise which interferes with the court proceeding is permitted.
7. No person may, by facial expression, shaking or nodding of the head, or by any other conduct, express approval or disapproval of any testimony, statement or transaction in the courtroom.
8. All persons shall rise when the judge enters the courtroom, and at such other times as the bailiff shall instruct.
9. No person shall be permitted any verbal or physical contact with a prisoner without the prior approval of the bailiff.

10. No person shall bring radios, tape recorders, computers, cameras, cellular telephones, pagers or other electronic devices into the courtroom unless the device is required for the court proceeding and prior approval has been given by the bailiff or the Court. Counsel may bring cellular telephones or computers into the courtroom as long as the devices are on silent or turned off. No videotaping or still photography is allowed in the courtroom or areas outside the courtroom except with the court's permission.

E. Enforcement

The bailiff of the court shall enforce the rules of conduct and courtroom decorum.

RULE 1.2 REQUESTS FOR CONTINUANCE OR POSTPONEMENT

A. Consent or Notice Required

No request for a continuance, to pass, postpone or reset any trial, pretrial, or other hearing shall be granted unless counsel for all parties consent, or unless all parties not joining in such request have been notified and have had an opportunity to object.

B. Contents of Motion

Unless counsel for all parties consent in writing to the request for a continuance and the same is approved by the Court, a motion must be filed pursuant to Rule 251, et seq. of the Texas Rules of Civil Procedure, as applicable, and the motion must be set by the Court Administrator's website, or in the same manner as all other motions. Any motion that does not meet these requirements will be denied without prejudice to the right to refile.

RULE 1.3 CONFLICT IN TRIAL SETTINGS

A. Duty of Counsel to Notify Court

When an attorney has two or more cases on the dockets for hearing at the same time, it shall be the duty of the attorney to bring the matter to the attention of the courts concerned immediately upon learning of the conflicting settings. Trial settings shall have priority over motion settings.

B. Priority of Cases in Event of Conflict

1. Criminal cases with defendants in custody.
2. Criminal cases with defendant not in custody.
3. Cases given statutory preference.
4. Preferentially set cases, other than those given statutory preference.
5. The earliest set case.
6. Case with earliest filing date.

RULE 1.4 INTERPRETERS

- A. It is the responsibility of counsel to advise the court of the need for a court interpreter, by notifying the Court Administrator, prior to any scheduled hearing.

RULE 1.5 WITHDRAWAL OF COUNSEL

- A. Notice to Client

If another attorney is not to be substitute as attorney for the party, the party must either consent in writing to the motion to withdraw, or the withdrawing attorney shall notify the client in writing of the motion to withdraw and a notice of setting on the motion. Notice shall be sent by certified mail, return receipt requested, first class mail, or email.

RULE 1.6 REMOTE HEARINGS

Counsel may request a remote hearing from the Court Administrator and upon approval, the Court Administrator will provide a virtual hearing link.

TITLE 2. RULES GOVERNING ALL CIVIL PROCEEDINGS

RULE 2.1 APPLICATION FOR EX PARTE ORDERS

Counsel presenting any application for an ex parte order shall, at the time the application is presented to the Court, inform the court:

- A. If the party against whom the relief is sought is represented by counsel, that (i) such counsel has been notified of the application and does not wish to be heard by the Court thereon; or (ii) counsel presenting the application has diligently attempted to notify opposing counsel, has been unable to do so, and the circumstances do not permit additional efforts to give such notice, or (iii) reasons exist that informing opposing counsel would effectively deny the applicant the relief requested.

RULE 2.2 PRETRIAL AND TRIAL SETTINGS

- A. When setting or resetting a case for trial, pre-trial hearing, etc., (for district court) use the Court Administrator's website as instructed on the site. For all other courts contact the Court Administrator at the appropriate office, as applicable, for available dates, and:
 - 1. Submit an Order Setting to the Court, with a Request for Setting when obtaining a trial date, or a letter when obtaining a pre-trial date, stating the date the parties have agreed to.
 - 2. If you cannot obtain a date that is agreeable to all counsel, please contact the appropriate Administrator or applicable website.
 - 3. Always advise the Court in your request that you have contacted the opposing counsel and that they are available for hearing on the date you have requested.
 - 4. When setting or resetting a case for trial, pre-trial, etc., please advise the Court Administrator as to the estimated time you will need for the hearing.

5. If, for any reason, you must cancel a hearing, or if you are running late to a scheduled hearing, please contact the Court Administrator as soon as possible.
- B. Any attorney practicing in the 81st or 218th Judicial District Court, and the Atascosa County Court at Law, will advise the Court in writing as to any scheduled vacation dates. If an opposing counsel sets a trial date which conflicts with the scheduled vacation, it is the responsibility of the vacationing attorney to file a motion for continuance seeking leave of court to reschedule said setting.

RULE 2.3 ALTERNATIVE DISPUTE RESOLUTION

A. Policy

It shall be the policy of the 81st and 218th Judicial District Court and the Atascosa County Court at Law to encourage the peaceable resolution of disputes and early settlement of pending litigation, including family law litigation, by referral to alternative dispute resolution (ADR) pursuant to the Texas Alternative Dispute Resolution Procedures Act, Texas Civil Practice and Remedies Code, Chapter 154.

B. ADR Mandatory

No jury trial or trial before the court requiring four or more hours shall be conducted in any case until all contested issues have been referred to an ADR procedure, and ADR has been unsuccessful; or the Court has determined that ADR is inappropriate for the case.

C. Manner of Referral

It is anticipated that the parties shall cooperate in referring such issues to an ADR procedure under terms and conditions as are mutually agreeable, without the need for court intervention. If the parties are unable to cooperate or agree to a referral of such issues to an ADR procedure, then a motion to require mediation shall be filed and set for hearing.

D. Objection to Referral

If the Court enters an order of referral to an ADR procedure, any party may object to such referral pursuant to Texas Civil Practice and Remedies Code, Chapter 154. Upon the filing of an objection, the Court shall schedule a hearing. If the Court finds that there is a reasonable basis for the objection, the Court may, in its discretion, order that the case not be referred to an ADR procedure and order the case to proceed to trial on the merits.

RULE 2.4 ORDERS AND DECREES

A. Procedure for Entry of Order

If counsel is unable to secure all opposing counsel's approval as to form, counsel may:

1. File a motion for entry of the proposed judgment, order or decree and secure a hearing for the same, with notice to all opposing counsel pursuant to Rule 21a, Texas Rules of Civil Procedure. At a hearing, the Court may assess costs and attorney's fees within the Court's discretion; or

TITLE 3. RULES GOVERNING CRIMINAL PROCEEDINGS

RULE 3.1 DISTRICT COURT AND COUNTY COURT AT LAW ARRAIGNMENT

After indictment, all defendants, their attorneys are required to personally appear for the defendant's formal arraignment or upon approval of the Court, file a waiver of arraignment.

RULE 3.2 ALL COURTS-DUTIES OF COURT APPOINTED COUNSEL

All court appointed criminal defense counsel shall be required to do the following:

- A. Appear promptly at all times required by the Court.
- B. It shall be the counsel's continuing duty to visit an incarcerated defendant regularly until the defendant's case is concluded. Counsel should be able to assure the trial court that counsel has devoted sufficient time to visit an incarcerated defendant should a dispute arise concerning counsel's fulfillment of this duty.
- C. Ensure that an incarcerated defendant is provided with appropriate attire for a jury trial. This provision shall not be construed to permit counsel to purchase clothing for a defendant without first seeking approval of the Court.
- D. Comply with all requirements set forth in the Indigent Defense Plan regarding court-appointed counsel.

TITLE 4. RULES GOVERNING FAMILY LAW PROCEEDINGS

(other than those proceedings which are initiated by the Texas Attorney General or the Texas Department of Protective and Regulatory Services)

RULE 4.1 TEMPORARY HEARINGS

A. Scheduling

All temporary hearings shall be set on a date and at a time scheduled by the Court. At the time set for the temporary hearing, counsel shall make an announcement of the estimate of time required to present the case. Except with leave of court, no hearings on temporary orders shall exceed one hour, which time shall be equalized between the parties.

B. Notice Required When Responding Party Seeking Affirmative Relief

An application to the Court for a temporary order and notice of any hearing thereon which is presented by a party responding to an application for temporary orders in which that party is seeking affirmative relief shall be served on the adverse party in accordance with Rule 5 and Rule 21a of the Texas Rules of Civil Procedure, as amended.

C. Standing Order Regarding Property and Conduct of Parties in Divorce-*See Family Standing Order incorporated by reference.*

D. Documents Required

In all cases in which temporary support of a spouse and/or the child is in issue, each party shall be required to furnish, prior to or at the time of the hearing, all payroll statements, pay stubs, W2 forms and 1099 forms which evidence that party's earnings for the calendar year prior to

the temporary hearing, a statement of monthly income and expenses, and copies of that party's federal income tax returns for the two calendar years prior to the temporary hearing.

- E. All Texas Department of Protective and Regulator Services cases are to be confidential to all parties except for attorney of records or County caseworkers.

RULE 4.2 ADOPTIONS

- A. Before adoptions are set for hearing, all adoptions will be reviewed by the Court to ensure prerequisites for adoption have been completed.

RULE 4.3 DIVORCE CHECKLIST

- A. Before divorces are set for hearing, parties should review the 'Required Checklist for Divorce.' *See Required Checklist for Divorce incorporated by reference hereto.*

TITLE 5: MISCELLANEOUS

RULES 5.1 AUTHORITY FOR RULES

These rules are adopted pursuant to the Texas Government Code, Section 75.011 and Rule 3a of the Texas Rules of Civil Procedure, as amended and the constitutional, statutory and inherent powers of the courts to regulate proceedings before them and to provide for the orderly and efficient dispatch of litigation.

RULE 5.2 TITLE AND CITATION

These rules shall be known as the Local Rules of Practice of the 81st and 218th District Court, the Atascosa County Court at Law and the Atascosa County Court.

RULE 5.3 PARTIAL CIVIL INVALIDITY

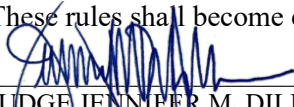
In the event any of the foregoing rules or any part thereof is held to be invalid for any reasons, such invalidity shall not affect the validity of the remaining rules and parts of rules, all of which have been separately numbered and adopted.

RULE 5.4 CONSTRUCTION OF RULES

Unless otherwise expressly provided, the past, present or future tense shall each include the other; the masculine, feminine or neuter gender shall each include the other; and the singular and plural shall each include the other.

RULE 5.5 APPLICATION OF RULES

These rules shall become effective upon publication with the Office of Court Administration.


JUDGE JENNIFER M. DILLINGHAM
81ST District Court


JUDGE RUSSELL WILSON
218TH District Court


JUDGE BOB BRENDDEL
Atascosa County Court at Law