

IN THE SUPREME COURT OF TEXAS


Misc. Docket No. 10- 9202

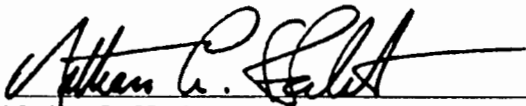
APPROVAL OF AMENDED LOCAL RULES OF PRACTICE FOR THE
22ND, 207TH, 274TH, 421ST, 428TH, AND 433RD DISTRICT COURTS OF
COMAL, HAYS, AND CALDWELL COUNTIES

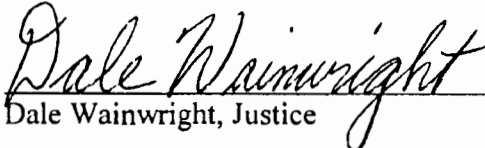
ORDERED that:

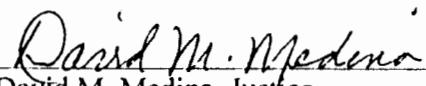
Pursuant to Texas Rule of Civil Procedure 3a, the Supreme Court of Texas approves the following, amended local rules for the 22nd, 207th, 274th, 421st, 428th, and 433rd District Courts of Comal, Hays, and Caldwell Counties.

SIGNED this 30th day of November, 2010.


Wallace B. Jefferson, Chief Justice


Nathan L. Hecht, Justice


Dale Wainwright, Justice


David M. Medina, Justice



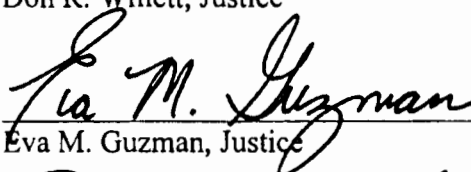
Paul W. Green, Justice



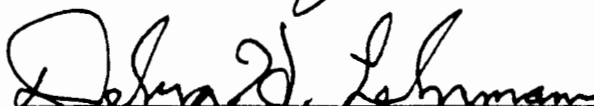
Phil Johnson, Justice



Don R. Willett, Justice



Eva M. Guzman, Justice



Debra H. Lehrmann, Justice

COMAL, HAYS and CALDWELL COUNTIES

LOCAL RULES OF PRACTICE FOR THE 22ND, 207TH, 274TH, 421ST, 428TH & 433RD DISTRICT COURTS OF TEXAS

Pursuant to the authority granted District Courts under Rule 3a, T.R.C.P., and Art. 33.08, C.C.P., to promulgate Rules of Practice for conducting the business of District Courts, the rules, suggestions and procedures set out below will be in effect in this Court unless subsequently modified, changed or amended.

The trial dockets of the 22nd, 207th, 274th, 421st, 428th and 433rd District Courts of Comal, Hays and Caldwell counties are to be in accordance with the published schedule on file and available for copying in the Offices of the District Clerks.

PART ONE: CIVIL RULES

SECTION ONE – Settings

Rule 1. Written Request

All cases, contested or uncontested, MUST be set by way of WRITTEN MOTION WITH ORDER ATTACHED. Forms will be provided, if necessary. Attorneys requesting settings will notify the opposing counsel of such motion by certified mail or by hand delivery at least ten (10) days before the date of such setting. In addition, said Request shall include an estimated length of hearing.

If for good cause opposing counsel cannot go to trial on such date, he shall immediately notify the Court Administrator or Court Coordinator in writing stating such reasons.

If opposing counsel has not advised the Office of Court Administration within five (5) days of such notice, the Court shall proceed to set such case for hearing.

Rule 2. Setting through the Office of Court Administration

ONLY the Court Administrator or Court Coordinator can set a case. Motions to Set should be sent to the Court Coordinator in the respective County.

Rule 3. Agreements as to Settings

Inclusive with the above procedures, a contested case may be set for trial on the merits or for pre-trial hearing by agreement of counsel and approved by the Court, or may be set by order of the Court.

Rule 4. Order on the Docket, Preferential Settings

All cases shall be set in the same sequence as the dates of the orders setting the cases; provided, however, for good cause, after motion and hearing, a case may be advanced on the docket by order of the Court.

SECTION TWO – Jury Cases

Rule 5. Jury

A Jury Demand must be filed and a Jury fee paid prior to obtaining a setting on the Jury docket.

Rule 6. Mediation

A Certificate of Completion of Mediation must be on file no later than the Thursday prior to the Jury setting; unless Mediation has previously been waived by the Court.

Rule 7. Written Questions

In all contested jury cases, before announcements of “Ready”, counsel shall furnish the Court with all written questions anticipated for the Charge of the Court.

SECTION THREE – Domestic Relations

Rule 8. Court Mandated Divorce Seminar

A Certificate of Completion of a Court Mandated Divorce Seminar must be on file prior to the parties obtaining a divorce. The course is required for both parties in Domestic Relations cases, involving minor children, filed after January 1, 2002. The Court Mandated Divorce Seminars include ‘For Kids Sake’; ‘Putting Kids First’; ‘Kids in Divorce Situations’ or any other programs approved by the District Court.

Rule 9. Uncontested Cases

In all uncontested Domestic Relations cases, all forms, and preferably the Final Judgment, should be ready at the time of trial.

Rule 10. Support and Temporary Spousal Alimony

a) Financial Information Statement.

Before any contested trial or hearing involving child support or temporary spousal alimony, each party shall prepare and file with the Court a financial information statement in the form provided by the Clerk.

b) Obligor's Place of Payment.

Unless waived by the Court, all temporary spousal alimony payments shall be made through the Office of the District Clerk. All child support payments are to be sent to the Texas Child Support Disbursement Unit.

Rule 11. Social Studies

a) Adoptions.

Arrangements for the preparation of a social study shall be made on all adoptions before the case will be set for trial.

b) Arrangements for Payment.

In contested domestic relation cases involving custody of children wherein a social study is requested, the anticipated costs of preparation must be deposited with the District Clerk or other satisfactory arrangements made to guarantee payment to the person preparing the social study. Without such arrangements, the preparation of a social study will not be ordered.

Rule 12. Guidelines

Copies of the Supreme Court Guidelines on Support and the Local Guidelines on Visitation may be obtained from the District Clerks.

SECTION FOUR – Judgments

Rule 13. Approval as to Form

All judgments shall be approved by all attorneys involved before presenting to the Court for signature.

PART TWO: CRIMINAL RULES

SECTION ONE – Settings

Rule 14. Settings

All criminal cases shall be set **ONLY** by Court Order or by administrative notice of setting by the Court Administrator.

If for good cause defense counsel cannot go to trial on such date, he shall, within five (5) days of receipt of the setting notice, so advise the Court Administrator in writing stating such reason. In no event shall the case be re-set beyond the time limits set out in the Code of Criminal Procedure or the Rules of Judicial Administration.

SECTION TWO – Pretrial

Rule 15. Pretrial Date Required

All cases shall be set for a pretrial hearing.

Evidentiary pretrial motions will be heard at time of trial unless otherwise ordered by the Court.

Rule 16. Paperwork

All pretrial motions shall be filed in accordance with Code of Criminal Procedure.

All paperwork shall be prepared in advance, whether it be a negotiated plea or a pretrial.

On pretrial motions, attach by separate page on all motions an order with the proper cause number and style of case.

SECTION THREE – Jury Trial

Rule 17. Jury

After pretrial hearing, all cases will be set for jury trial unless the defense attorney request a court trial or a date for a plea of guilty.

SECTION FOUR – Trial before the Court

Rule 18. Waiver

If defense request a court trial, a jury waiver must be filed with the Court. Said waiver to be signed and sworn to by defendant and approved by defense counsel and District Attorney.

SECTION FIVE – Judgments

Rule 19. Prepared by Prosecutor

The prosecutor shall prepare all Judgments in criminal cases.

PART THREE: GENERAL RULES

SECTION ONE – Docket Call

Rule 20. Time

Docket call is at 9:00 a.m., unless otherwise noticed in writing.

SECTION TWO – Removal of Case from Docket Setting

Rule 21. Setting Conflicts

Recognizing that attorneys practicing in the 22nd, 207th, 274th, 421st, 428th and 433rd Judicial District Courts are sometimes scheduled to appear in more than one county at the same time, such attorneys are to report first to the county in which they have the most jail cases set, then to the county with the most cases overall. Attorneys practicing in statutory County Courts-at-Law should give deference to State District Courts. Any exceptions to this rule require prior approval by the District Court Administrator, or his designee, in the appropriate county.

Rule 22. Continuance

Except as provided herein, after a case is set by written order or administrative notice of setting it cannot be removed from the docket unless a written Motion for Continuance is filed seven (7) days prior to setting date and approved by the Court, by written mutual agreement, by dismissal, or by other agreed final disposition filed with the District Clerk prior to the setting date and notice to the Office of Court Administration.

Rule 23. Dismissal for Want of Prosecution

If a case is set by written order or by administrative notice of setting, and not otherwise removed from the docket setting by the rules established herein, the Court will call the case and if no appearance or announcement is made, the case will be dismissed for want of prosecution.

SECTION THREE – Interpreters

Rule 24. Court Appointed Interpreters

Any attorney practicing in the 22nd, 207th, 274th, 421st, 428th and 433rd Judicial District Court who requires a licensed court interpreter for a court appearance is required to notify court administration of such need not less than three business days prior to the setting.

SECTION FOUR – Decorum in Court

Rule 25. Recording and Photographing prohibited

During sessions and recesses between sessions of Court no broadcasting, televising, recording (audio or visual) or taking of photographs (nor equipment capable of doing the same) shall be allowed in the Courtroom or on the same floor where the Courtroom is located, without prior approval by the Judge presiding ^{over said Courtroom}.

Rule 26. Cell Phones and Pagers prohibited

All pagers and cell phones must be turned off upon entering the Courtroom.

Rule 27. Reading Material

No reading of newspapers, magazines and/or books are allowed in the Courtroom, except for officers of the Court, inside the rail.

Rule 28. Dress Code

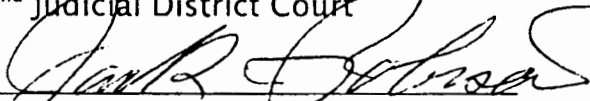
In the Courtroom, all Attorneys and Court officials shall dress in keeping with the dignity required for Court proceedings.

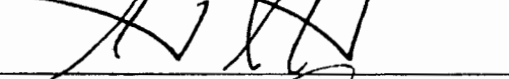
Rule 29. Food and Drinks

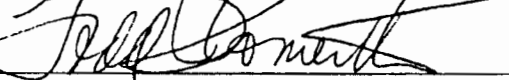
No food or drinks are allowed in the Courtroom, except for officers of the Court, inside the rail.


ORDERED this 6th day of September, 1989. Amended February 5, 2010.

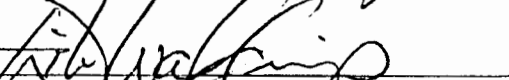

HONORABLE CHARLES RAMSAY
22nd Judicial District Court


HONORABLE JACK ROBISON
207th Judicial District Court


HONORABLE GARY R. STEEL
274th Judicial District Court


HONORABLE TODD A. BLOMERTH
421st Judicial District Court


HONORABLE WILLIAM R. HENRY
428th Judicial District Court


HONORABLE D.B. WALDRIP
433rd Judicial District Court



THIRD ADMINISTRATIVE JUDICIAL REGION

BILLY RAY STUBBLEFIELD, PRESIDING JUDGE

PHONE 512-943-3777

FAX 512-943-3767

E-MAIL presidingjudge3@wilco.org

ADMINISTRATIVE ASSISTANT
BRENDA WILBURN

405 MARTIN LUTHER KING, BOX 9
GEORGETOWN, TEXAS 78626

June 1, 2010

The Honorable Wallace B. Jefferson
Chief Justice, The Supreme Court of Texas
PO Box 12248
Austin, Texas 78711

Re: Amended Local Rules of Practice for the 22nd, 207th, 274th, 421st, 428th and
433rd District Courts of Texas, signed February 5th, 2010

Dear Chief Justice Jefferson:

Enclosed are the proposed amended Local Rules of Practice submitted on March 30, 2010. Since we have not heard back regarding the approval, we decided to resubmit same.

We respectfully request this matter be submitted to the Supreme Court for consideration and approval.

Sincerely,

A handwritten signature in cursive script that reads "Brenda Wilburn".

Brenda Wilburn
Administrative Assistant
Third Administrative Judicial Region

Encl.



THIRD ADMINISTRATIVE JUDICIAL REGION

BILLY RAY STUBBLEFIELD, PRESIDING JUDGE

PHONE 512-943-3777

FAX 512-943-3767

E-MAIL presidingjudge3@wilco.org

ADMINISTRATIVE ASSISTANT
BRENDA WILBURN

405 MARTIN LUTHER KING, BOX 9
GEORGETOWN, TEXAS 78626

RECEIVED
IN SUPREME COURT
OF TEXAS

APR 06 2010

March 30, 2010

BLAKE HAWTHORNE, Clerk
By _____ Deputy

The Honorable Wallace B. Jefferson
Chief Justice, The Supreme Court of Texas
P. O. Box 12248
Austin, TX 78711

Re: Amended Local Rules of Practice for the 22nd, 207th, 274th, 421st, 428th, and 433rd
District Courts of Texas, signed February 5, 2010

Dear Chief Justice Jefferson:

Enclosed you will find the proposed amended Local Rules of Practice for the
aforementioned District Courts.

I respectfully request this matter be submitted to the Supreme Court for consideration and
approval.

Sincerely,

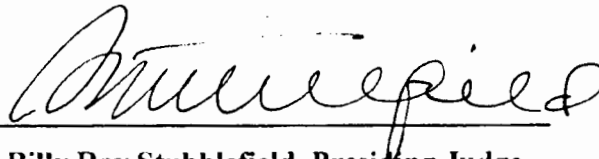
A handwritten signature in cursive script, appearing to read "B. Stubblefield", written over a horizontal line.

Billy Ray Stubblefield
Presiding Judge,
Third Administrative Judicial Region

Enclosure

CERTIFICATE OF APPROVAL

The attached Local Rules of Practice and Procedure for the 22nd, 207th, 274th, 421st, 428th & 433rd Judicial District Courts of Comal, Hays and Caldwell Counties, Texas are hereby approved and transmitted to the Supreme Court of Texas for final action on this 31st day of March, 2010.

A handwritten signature in cursive script, reading "Billy Ray Stubblefield", written over a horizontal line.

**Billy Ray Stubblefield, Presiding Judge
Third Administrative Judicial Region**