

LOCAL RULES OF THE BOSQUE COUNTY COURT AT LAW

These Local Rules are intended to be consistent with all applicable State rules. In the event of a conflict with a State rule, the State rule will control. These Local Rules may be supplemented, modified, or amended at the discretion of the Court. Any supplementation, modification, or amendment to these rules will be signed by the Judge of the County Court at Law and filed with the Bosque County Clerk.

GENERAL PROVISIONS:

1) APPLICATION OF RULES

- a) These Rules shall apply in all cases heard in the County Court at Law, regardless of whether the sitting judge be the duly elected Judge of the Court (hereinafter "Presiding Judge") or another judge hearing the case by assignment or bench transfer.

2) NOTICE OF RULES AND STANDING ORDERS

- a) Attorneys are responsible for assuring that their clients and witnesses are aware of these rules and any applicable standing orders of the Court.

3) DRESS CODE

- a) No witness, spectator, or party will be allowed in the courtroom if wearing inappropriate clothing or dress.
- b) "Inappropriate clothing or dress" includes, but is not limited to, the following:
 - i) Any clothing displaying offensive, vulgar, disrespectful, or otherwise unacceptable graphics or words;
 - ii) Shorts of any length, showing any portion of the leg;
 - iii) Women's halter tops, low-cut blouses, or any otherwise revealing clothing;
 - iv) Pajama pants, yoga pants, or any other type of casual lounge pants;
 - v) Sunglasses or any other unnecessary eyewear;
 - vi) Hats, caps, or other head covering, except for those required for religious purposes; and
 - vii) Flip-flops or bare feet.
- c) Attorneys will maintain a professional appearance at all times, unless expressly excused by the Court.
 - i) Male attorneys will appear in Court in either a suit and tie or coat and tie.
 - ii) Female attorneys will appear in court in dresses, suits (including pant suits), or any other appropriate clothing.
- d) Violators of this dress code will be required to leave the courtroom. Parties or attorneys will be required to return to the courtroom at the time and date directed by the Court, dressed appropriately. In criminal cases, a defendant who fails to return as directed by the Court, dressed appropriately, will be subject to a failure to appear finding.
- e) The Court has discretion to modify or clarify this dress code at any time.

4) ELECTRONIC DEVICES

- a) The use of telephones, smart devices, computers, electronic tablets, or other devices capable of sending/receiving communication, photography, or audio/video recording is strictly prohibited while in the courtroom.

FILED
at _____ o'clock _____ M

JAN 2 - 2020

Debra J. Ferguson

- b) Use by officers of the Court in performance of their court duties is permitted.
 - i) Employees, agents, and volunteers of the Texas Department of Family and Protective Services and CASA of the Cross Timbers Area, Inc. shall be considered "officers of the Court" for the purposes of this rule.
- c) Any other use authorized by the Court is only permitted in the manner in which said use is authorized.

5) CONDUCT AT COUNSEL TABLE

- a) All counsel, parties, representatives of parties, or any others allowed to sit inside the bar shall refrain from making any facial gestures, head movements, or any other actions that would indicate how a testifying witness should respond to a question.
- b) A violation of this rule may result in any sanctions that the Court deems appropriate, including but not limited to:
 - i) removal of the offending party or representative from the courtroom;
 - ii) a finding of contempt;
 - iii) the imposition of a monetary penalty; and
 - iv) striking all or part of the witness' testimony.

6) COURT-APPOINTED ATTORNEY FEE VOUCHERS

- a) All court-appointed attorney fee vouchers must be submitted in accordance with the Court's most current fee schedule.
- b) In cases where another judge is hearing the case by assignment or bench transfer the Presiding Judge of the Court will sign and approve all fee vouchers.

7) COURT REPORTER

- a) The Court does not employ a full-time court reporter. If a hearing is set on a day other than the civil or CPS docket and a court reporter is needed, the attorney will notify the Court upon setting the hearing.
- b) Audio recordings may be used in lieu of a court reporter at the discretion of the Court.
- c) RECORD
 - i) The making of a record will be required in all contested hearings and every hearing in cases involving children.
 - ii) The parties may waive a recording in all other hearings.

8) SCHEDULING CONFLICTS

- a) Attorneys scheduled to be in other court(s) on a date and time that they are also scheduled to be in this Court must notify the Court Administrator prior to the court date.
 - i) The notification should include the other court(s) where the attorney is scheduled and either an expected arrival time to this Court or an intended departure time to the other court.
- b) Failure to comply with this rule will result in any action the Court deems appropriate, including but not limited to dismissal for want of prosecution, denial of payment for any missed hearings on court-appointed cases, or termination of representation on court-appointed cases.

9) RESETS AND CONTINUANCES

- a) All resets and continuances are subject to approval by the Court and are not final until approved.

10) WITHDRAWAL OF COUNSEL

- a) Unless agreed to in writing by the affected Party, a retained attorney may only withdraw from representation upon the filing of a motion in compliance with Rule 10 of the Texas Rules of Civil Procedure and after notice and hearing.
- b) Absent a conflict of interest, court-appointed counsel will not be allowed to withdraw as counsel. If withdrawal is requested, the same procedures pertaining to withdrawal of retained counsel in Local Rule 10(a) will be applicable.

11) SUBSTITUTION OF COUNSEL

- a) A hearing will not be required on any Motion to Substitute Counsel if the motion is signed by Substituting Counsel, Withdrawing Counsel, and the affected Party and properly served on the opposing counsel or pro se party.

MISDEMEANOR CASES:

12) FORMS

- a) Use of Court-approved plea paperwork is required in all misdemeanor cases.

13) APPEARANCES

- a) Defendants are required to appear in person for all settings, unless excused by the Court.
- b) Cases will be set for the following settings before proceeding to trial:
 - i) Arraignment/Docket Call;
 - ii) Pretrial;
 - iii) Pretrial Conference.

14) ARRAIGNMENT/DOCKET CALL

- a) This setting will consist of a hearing that complies with Chapter 26, Texas Code of Criminal Procedure.
- b) The Court may, at its discretion, handle matters in addition to those outlined in Chapter 26 of the Code of Criminal Procedure.
- c) Defendants represented by an attorney may waive this hearing.
 - i) The defendant's presence will not be required at this hearing if it is waived.
 - ii) If waived, the case will be reset to the next available Pretrial hearing.

15) PRETRIAL

- a) This hearing will be conducted to inquire into the status of the case's progress.
- b) Defendants represented by an attorney may waive this hearing.
 - i) The defendant's presence will not be required at this hearing if it is waived.
 - ii) If waived, the case will be reset to the next available Pretrial Conference hearing.
- c) Self-represented Defendants may not waive this hearing.
- d) Continuances may be requested at this hearing, provided that Chapter 29, Texas Code of Criminal Procedure is strictly adhered to.
 - i) If a continuance is granted, the case will be reset to the next available Pretrial hearing.

16) PRETRIAL CONFERENCE SETTING

- a) Absent a showing of good cause, no resets or continuances will be granted once a case is set for Pretrial Conference.
- b) Unless excused by the Court, this hearing may not be waived. As such, all defendants and attorneys will be required to attend this hearing.
- c) All cases which are not resolved by the end of the Pretrial Conference setting will be reset to the following month's Jury Trial docket unless a pretrial motion has been filed pursuant to Local Rule 17.
 - i) For the purpose of this Rule, resolution of a case includes a written conditional acceptance of a plea offer and resetting the plea to a date not later than the date of the Jury Trial docket.
- d) Defendants wanting a bench trial must submit waivers of jury trial no later than the end of Pretrial Conference docket.

17) PRETRIAL MOTIONS

- a) All pretrial motions should be filed on or before the Pretrial Conference setting.
- b) All issues not raised by pretrial motion in accordance with Local Rule 17(a) will be waived.
- c) All hearings on pretrial motions will be considered a "contested hearing" for the purposes of Local Rule 7.
- d) Local Rule 17(a) does not apply to motions in limine or motions for which grounds were not apparent at the time of Pretrial Conference.

18) CRIMINAL JURY TRIAL DOCKET

- a) The Jury Trial Docket will consist of cases:
 - i) In which a jury trial was specifically requested;
 - ii) That were not resolved during Pretrial Conference; and
 - iii) That have been "resolved" in accordance with Local Rule 16(c)(i), but in which no plea transpired.
- b) The docket will be numbered by the Court after the completion of Pretrial Conference.
- c) This numbered docket will be sent to all attorneys and pro-se litigants.
- d) An updated docket will be sent one week before trial is set to begin.
- e) At its discretion, and after notice to all parties on the docket, the Court may hear multiple trials during the week of Jury Trial Docket.
- f) PLEAS
 - i) No plea agreements will be accepted once a case has been reset to the Jury Trial docket.
 - ii) The Court will still accept and conduct open pleas until the day before trial is scheduled to begin.
 - iii) All pleas conducted on the date of jury trial will be to the jury.

JUVENILE CASES:

19) MONTHLY STATUS HEARINGS

- a) All cases where a child has been released on court-ordered conditions of release but has not been adjudicated will be set for a monthly status hearing until the case is resolved.

CPS CASES:

20) STANDING ORDERS

- a) All CPS cases are subject to and governed by both the "220th District Court and Bosque County Court at Law Standing Order Regarding Children, Property, and Conduct of the Parties" and the "Bosque County Court at Law Standing Order Concerning C.P.S. Cases."

21) EXTENSION OF DISMISSAL DATE

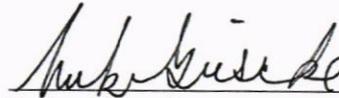
- a) Any party wishing to extend the statutory deadline pursuant to Texas Family Code § 263.401 shall file a formal motion with District Clerk and serve said motion on all parties.
- b) No hearing will be required on these motions unless requested by the Court.

DIVORCES:

22) SWORN INVENTORY

- a) In all contested divorces, a sworn inventory of all marital property (community and separate) shall be submitted by both parties prior to a final hearing.

SIGNED AND ENTERED ON JANUARY 2, 2020.



Luke Giesecke
Presiding Judge
Bosque County Court at Law