

IN THE SUPREME COURT OF TEXAS


Misc. Docket No. 02- 9090

**ORDER APPROVING RULES OF ADMINISTRATION FOR THE THIRD
ADMINISTRATIVE JUDICIAL REGION**

ORDERED that:

Pursuant to Rule 3a of the Texas Rules of Civil Procedure, the following Rules of Administration for the Third Administrative Judicial Region are approved. This approval is temporary pending further orders of the Court.


SIGNED AND ENTERED this 7th day of May, 2002.



Thomas R. Phillips, Chief Justice



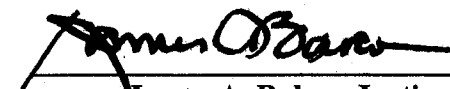
Nathan L. Hecht, Justice



Craig T. Enoch, Justice



Priscilla R. Owen, Justice



James A. Baker, Justice

Deborah G. Hankinson

Deborah G. Hankinson, Justice

Harriet O'Neill

Harriet O'Neill, Justice

Wallace B. Jefferson

Wallace B. Jefferson, Justice

Xavier Rodriguez

Xavier Rodriguez, Justice

RULES OF ADMINISTRATION

THIRD ADMINISTRATIVE JUDICIAL REGION

Authority. These rules are promulgated by the Council of Judges of the Third Administrative Judicial Region of the State of Texas pursuant to Section 74.048 (c), Texas Government Code and Rule 4 (c) of the Rules of Judicial Administration as adopted by the Supreme Court of Texas and amended through January 1, 1999.

Rule 1: These rules apply to all district and statutory county courts of the Third Administrative Judicial Region of the State of Texas.

Rule 2: Judges in the Third Administrative Judicial Region should make every reasonable effort to ensure that each case filed is brought to trial or final disposition in conformity with the time standards adopted by Rule 6 of the Supreme Court Rules of Judicial Administration.

Rule 3: Each court in this region shall adopt and uniformly follow local rules governing the filing, docketing and assignment of cases to achieve the time standards of Rule 6 of the Supreme Court Rules of Judicial Administration, so far as reasonably possible; and meet the requirements of Rules 7, 9 and 10 of the Supreme Court Rules of Judicial Administration.

A. If there are both district and statutory county courts in a county, the judges of each level of court shall adopt local rules as contemplated by this rule. Such judges shall attempt to make all local rules uniform within a county so far as reasonable possible.

B. If there is more than one court in a county at either level of court, all judges of each level of court shall adopt uniform local rules as contemplated by this rule. Such rules shall be adopted by majority vote.

Rule 4:

A. The local administrative judge or judges of each county shall send to the regional presiding judge such information as may be requested by the regional presiding judge regarding the status of the dockets and docket management systems of the county.

B. The local administrative judge or judges of each county shall cause the proper clerk to send the regional presiding judge a copy of the Office of Court Administration monthly report and such other information as may be requested by the regional presiding judge regarding the status of the dockets of the county.

Rule 5: The courts in this region may adopt a jury plan consistent with applicable statutes governing the selection, management and assignment of prospective jurors and the time of jury service, file such plan with the district clerk, and secure the approval of the county commissioners court when required.

Rule 6: Attorney Vacations

A. A case shall not be set for trial during a week for which an attorney in charge, as defined by Rule 8, Texas Rules of Civil Procedure, has given a vacation notice that complies with this Rule 6. Attorneys may give vacation notices by designating a maximum of four weeks in a given calendar year and by filing a written notification with the appropriate clerk and court administrator of any county in which such attorney has a pending case.

B. Such notice must be filed a least ninety (90) days in advance of each designated vacation week, and such a notice shall apply only to cases not already scheduled for trial.

C. The court shall have discretion to consider a motion for continuance on the grounds of an attorney's vacation in appropriate circumstances not covered by subsections A and B of this rule.

Rule 7: Conflicting Engagements

A. If an attorney is actually in trial in one court, such attorney may not be put to trial in another court.

B. When an attorney is assigned to two courts for the same date:

1. It is the duty of the attorney to call the affected judges' attention to all conflicting settings as soon as they are known or reasonably may be anticipated.
2. When a conflicting setting problem is made known, the affected judges should confer and agree on which case has priority.
3. The following priorities are established to aid judges in determining which case has priority:

a. Criminal case

A conflict of settings of two criminal cases should be resolved by considering all relevant circumstances, such as a defendant's confinement pending trial (including other detainers such as "blue" warrants), the length of time each case has been pending, the number of times each case has previously been set for trial, a defendant's right to a speedy trial based upon the circumstances of the respective cases, the availability of future trial dates for each case, witness availability, and any other requirement for a prompt trial of either case under applicable law.

b. Case given preference by statute

c. Earliest set case

d. Earliest filed case

e. Courts in multi-judge counties should yield to single judge counties and courts of multi-county districts.

C. In the event the affected judges cannot agree on which case has priority, the question shall be resolved by the regional presiding judge or judges. If two or more regions are affected and the regional presiding judges cannot agree, the question shall be resolved by the Chief Justice of the Supreme Court of the State of Texas, or by another Supreme Court Justice designated by the Chief Justice.

Rule 8: Assignment of Judges

A. Whenever needed, the regional presiding judge will assign judges, as provided by law, to preside in any court of the administrative region to try cases and dispose of accumulated business. Unless disqualified, recused, or disabled, the regular judge of the court to which a judge is so assigned may continue to govern administrative docket

arrangements. The only exceptions to this shall be any judicial proceedings specifically assigned to a visiting judge, and any judicial proceedings that a visiting judge has already commenced.

B. Claims by assigned judges for expenses, and claims by assigned senior and former judges for pay and per diem, are subject to the approval of the regional presiding judge before the expense claims are submitted to the appropriate county auditor, and the pay and per diem claims to the state comptroller. Promptly after completing an assignment, the assigned judge shall use forms provided by the regional presiding judge to submit such claims for that judge's approval.

Rule 9: Order and Decorum in Court

Pursuant to the judicial duty to require order and decorum in proceedings before a judge, as provided by Canon 3B(3), Texas Code of Judicial Conduct, the courts in this Region should adopt local rules on order and decorum in the courtroom. Such rules should be consistent with the following guidelines:

A. All persons in the courtroom during any hearing shall be attentive to the proceedings of the court and shall refrain from any action which is disruptive of the court proceedings. When court is in session, all persons, before entering the courtroom, shall first remove overcoats, hats, cigars, sunglasses, etc., and shall be seated quietly in the proper places provided. There shall be:

1. No reading of newspapers or magazines;
2. No bottles, paper cups or beverage containers in the courtroom;
3. No edibles in the courtroom;
4. No propping of feet on tables, chairs or benches;
5. No sitting on tables, railings, desks or arms of chairs;
6. No making of noises or talking which interferes with the court procedure; and
7. No walking through courtroom;
8. No facial expressions, shaking of the head or any other conduct that exhibits approval or disapproval of any court ruling, testimony, or any statement or event that has occurred in the courtroom.

9. No person shall sit in such a position in the courtroom, or exhibit any behavior or expression, that may either encourage or intimidate a witness.

B. Conduct of Court Officers

1. All attorneys are admonished to respect the letter and spirit of all rules of ethics including the Texas Lawyer's Creed; and those rules dealing with discussion of cases with representatives of the press, television, or radio; and discussion of the facts or law of the case with the judge not in the presence of opposing counsel.

2. The judge, the attorneys, and all officers of the court shall be prompt at all sessions and in the dispatch of all court business.

3. In the courtroom, all attorneys and court official shall dress in keeping with the dignity required for court proceedings. For example, all male attorneys and court officials shall wear coats and ties, except as permitted by the judge.

4. While court is in session, all remarks of counsel shall be addressed to the court and not to opposing counsel or informally to the judge.

5. While addressing the court, attorneys shall rise and remain standing at the counsel table. They shall remain seated at counsel table while interrogating witnesses, except as may be necessary to handle exhibits or demonstrative displays.

6. The judge, the attorneys, and other court officers shall refer to and address other court officers and participants by using appropriate titles and surnames rather than first names.

7. Attorneys shall not lean on the bench or engage the judge in a confidential manner, except with permission of the judge.

8. Attorneys shall advise their clients and witnesses of rules of proper courtroom decorum and seek their full cooperation in observing those rules.

9. After jury voir dire, and until jurors are finally excused, attorneys shall not address a juror individually or by name, except with permission of the judge. Except during opening statements and final argument, attorneys should not address the jury. During a trial, attorneys should not exhibit familiarity with witnesses, jurors, opposing counsel, or the judge.

10. Attorneys should refrain from interrupting the judge or opposing counsel, except when necessary to protect a client's rights.

Adopted by the Council of Judges of the Third Administrative Judicial Region of
the State of Texas on the 26th day of September, 2000, at Dallas, Texas.

A handwritten signature in cursive script, appearing to read "B.B. Schraub". The signature is written in black ink and is positioned above a horizontal line.

**B.B. Schraub, Presiding Judge
Third Administrative Judicial Region**



The Supreme Court of Texas

CHIEF JUSTICE
THOMAS R. PHILLIPS

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CLERK
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WALLACE B. JEFFERSON
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EXECUTIVE ASSISTANT
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST
JIM HUTCHESON

ADMINISTRATIVE
ASSISTANT
NADINE SCHNEIDER

May 7, 2002

Hon. B. B. Schraub
3rd Admin. Judicial Rgn
101 E. Court St, Rm 302
Seguin, Texas 78155-5779

Dear Judge Schraub,

Please find enclosed, a copy of the order of the Supreme Court that temporarily approved local rules for the the Third Administrative Judicial Region.

Sincerely,

SIGNED

John T. Adams
Clerk

Encl.

cc: Supreme Court Adv Committee

State Law Library