

IN THE SUPREME COURT OF TEXAS

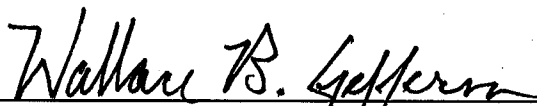
Misc. Docket No. 04- 9256

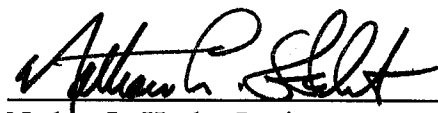
APPROVAL OF LOCAL RULES OF THE 258TH JUDICIAL DISTRICT COURT (POLK, SAN JACINTO & TRINITY COUNTIES)


ORDERED that:

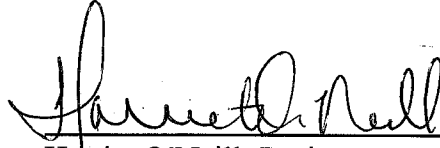
Pursuant to Texas Rule of Civil Procedure 3, the following Local Rules of the 258th Judicial District Court (Polk, San Jacinto & Trinity counties) are approved.

In Chambers, this 21st day of October, 2004.

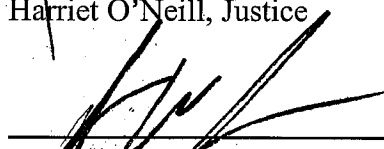

Wallace B. Jefferson, Chief Justice


Nathan L. Hecht, Justice

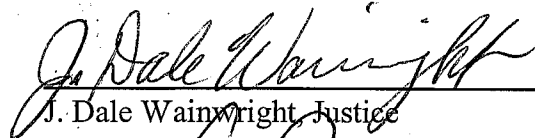

Priscilla R. Owen, Justice



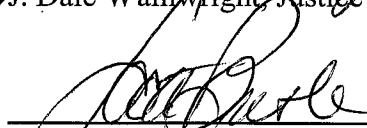
Harriet O'Neill, Justice



Steven Wayne Smith, Justice



J. Dale Wainwright, Justice



Scott Brister, Justice

2004 Local Rules of the 258th Judicial District Court

The 258th Judicial District Court will be in session in the counties and on the dates shown on the court calendar. Copies of the Court's calendar may be obtained from the District Clerks' offices and the 258th Court Coordinator.

The following local rules shall govern the scheduling of criminal and civil cases in Polk, San Jacinto and Trinity counties. The 258th District Court Coordinator handles the scheduling of criminal cases in all three counties. The 258th District Court Coordinator handles the scheduling of civil cases in Polk and Trinity counties. The San Jacinto County District Clerk handles the scheduling of civil cases in San Jacinto County.

I. Criminal Cases

A. Criminal Court Appointments

1. Attorneys will be responsible for visiting their clients in jail before court settings pursuant to Senate Bill 7.
2. Upon notification of the court appointment, the attorney shall visit their client within the first 72 hours of said notification.
3. The Court will examine the Attorney Fee Expense Claim Form to determine adherence to this policy.

B. Attorney Fees Expense Claim Form

1. Attorneys will be required to itemize time spent on the case out of Court. (Example: 1/01/99-Visit w/client in jail, 1 hour; 1/03/99-Telephone conference with client, ½ hour; 1/05/99-Trial preparation, 5 hours.)
2. A brief description of the court appearance should be provided such as appointment, arraignment, reset, pre-trial, status hearing, etc.
3. Do not attach a separate sheet unless all information requested could not fit in the space provided on the form. The form should be filled out completely, including number of days in court per matter.

C. Criminal Trials

1. Pre-trial will be scheduled on the ancillary docket the week before trial. Announcements, agreements to pass, continuances, pre-trial motions and all other matters will be heard that day. Cases passed or reset will roll over to the next trial docket.
2. Agreements to pass and motions for continuances must be:
 - a. In writing and state the reason for the agreement or motion.
 - b. Filed with the District Clerk with a copy to the Court Coordinator.
3. If a pre-trial matter requires a contested hearing, the Court will attempt to set a specific date and time other than the ancillary day to hear the matter.
4. Any other pre-trial matters that are to be taken up on the day of trial (motions in limine, etc.) will be heard at 8:30 a.m. Parties requiring a hearing shall call the District Court Coordinator (no later than the day before) and advise of the necessity of a hearing before jury selection.
5. All trial exhibits are to be pre-marked prior to trial.

D. Criminal Ancillary

1. Ancillary matters will be heard on the dates marked ancillary on the calendar.
2. Ancillary matters include:
 - a. pleas, punishment hearings;
 - b. motions to revoke; motions to adjudicate; motions to suppress
 - c. pre-trial matters;
 - d. status hearings.
3. An ancillary matter may be set on another day subject to Court's approval.

II. Civil Trials**A. Trials**

1. Pre-trial will be scheduled on the ancillary docket the week before trial.
2. Submission Docket
 - a. Motions should state a date of submission, which shall be at least 14 days from filing, unless otherwise specified by the Civil Rules of Procedure.
 - b. Responses shall be filed at least 5 days before the submission date. Failure to file a response may be considered as a representation of no opposition.
3. Agreements to pass and motions for continuances must be:
 - a. In writing and state the reason for the agreement or motion.
 - b. Filed with the District Clerk with a copy to the Court Coordinator.
4. If a pre-trial matter requires a contested hearing, the Court will attempt to set a specific date and time other than the ancillary day to hear the matter.
5. Any other pre-trial matters that are to be taken up on the day of trial (motions to limine, etc.) will be heard at 8:30 a.m. Parties requiring a hearing shall call the District Court Coordinator (no later than the day before) and advise of the necessity of a hearing before the jury selection.

B. Exhibits

1. All exhibits are to be pre-marked prior to trial.

C. Mediation

1. This Court not only encourages mediation but attorneys should be aware that the Court might order their case to mediation.
2. Parties will be allowed to choose a mediator. However, if the parties cannot agree on one, the Court will appoint a mediator.

D. Civil Ancillary

1. Any non-jury ancillary matter will be heard on the dates marked ancillary on the calendar.
2. A matter, which may be contested, can be set on another day subject to the Court's approval.

E. Setting Requests

1. Use of the setting request form (a copy of which is attached) is preferred.

2. An attorney may write a letter to the Coordinator with copies to opposing counsel and the District Clerk stating the following:
 - a. date and time requested;
 - b. type of hearing;
 - c. estimated amount of time required;
 - d. names and addresses of all attorneys of record or unrepresented parties.
3. A copy of any notice of hearing must be provided to the Coordinator.
4. If no request as to date of setting is made, the case will be set at the earliest time available.
5. It is requested that a courtesy copy of a contested motion (summary judgment, declaratory judgment, etc.) be sent to the Judge's office.

F. Notice of Trials/Hearings

1. To the extent that any other rules do not apply:
 - a. First setting of jury trial or contested matter – 45 days
 - b. Trial setting (after 1st setting) – 30 days
If a case is reset or passed, it will roll over to the next trial docket
 - c. All other matters – 7 days

G. Preferential Settings

1. Preferential settings will be by the Court on its own motion or request of any party.
2. Cases specially set shall not be continued unless good cause is shown, a Motion for Continuance must be filed more than 10 days before trial, and it is subject to approval of the Court.

III. Parties Proceeding Pro Se

A. Pleadings

1. Pleadings shall be submitted pursuant to Texas Rules of Civil Procedure 45 (d).
2. Pleadings that are handwritten shall be printed in legible form and doubled spaced.
3. Any person proceeding on his own behalf without an attorney (Pro Se party) shall be expected to read and follow the Court's Local Rules, the Rules of Civil Procedure, the Rules of Civil Evidence, the Rules of Criminal Evidence, the Code of Criminal Procedure, and the Rules of Appellate Procedure as may be appropriate in the particular case.

- B.** Pro Se parties shall be responsible for furnishing all written Orders, Judgments and other papers required in any suit filed by said Pro Se parties. Pro Se parties shall be responsible for providing the District Clerk with current addresses and telephone numbers.

- C.** Failure to comply with A & B may result in the Pro Se party being sanctioned, pleadings being struck, ordered to replead or fined as in other cases.

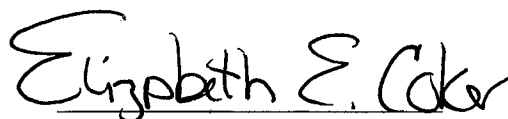
IV. Dress Code and Conduct in Courtroom

- A. All persons in attendance while the court is in session shall at all times conduct themselves with dignity so as not to interfere with the Court's business.
- B. All persons in attendance while the Court is in session shall be attentive to the proceedings and cause no distraction. No food, drinks, or gum chewing allowed.
- C. No one shall sit on railings, tables, desks, and chair arms, place feet on furniture or fixtures, nor prop chairs back.
- D. All persons in attendance shall be in suitable attire.
 - 1. Male officers of the Court including attorneys shall wear coats and ties.
 - 2. The attire of the female officers and attorneys shall be equally suitable.
 - 3. Jeans worn by officers of the Court and attorneys are prohibited.
- E. All parties or their representatives and witnesses shall dress in suitable attire (for example: males in collared shirts and long pants; females in dresses or suitable pants with suitable top).
- F. All males in attendance shall remove all hats, ballcaps or other head covering unless otherwise authorized by the Court.
- G. All cell phones and pagers shall be turned off upon entering the Courtroom.

V. Miscellaneous

- A. The Texas Lawyer's Creed shall be observed in all proceedings before the Court.
- B. Attorneys are encouraged to dispose of cases as quickly as is consistent with fairness.
- C. If a case settles before trial, the attorney must notify the Coordinator and the District Clerk's office as soon as possible.
- D. Vacation Letters
 - 1. Attorneys need to designate vacation time in a letter to be sent to the District Clerk and Coordinator.
 - 2. Letter should be sent no later than 3 weeks before vacation.
 - 3. Designation of vacation time does not apply to attorneys with pending criminal cases.
- E. Motion to withdraw as counsel
 - 1. Attorneys shall have client sign and approve motion to withdraw.
 - 2. If attorney cannot obtain client's approval and signature on motion, the attorney must set the motion for a hearing.
 - a. Travel time of attorney will not be a factor.
 - b. Notice of hearing shall be sent to client.
- F. If attorneys have questions or problems with a case, please contact the 258th District Court Coordinator.

Date: July 1, 2004



Elizabeth E. Coker
Judge Presiding
258th Judicial District Court

258th Judicial District Court, The Honorable Elizabeth E. Coker
Polk, San Jacinto & Trinity Counties

Court Setting Request Form

Criminal/Civil Cause No(s): _____ In The District Court of _____ County, TX

Case Style: _____

_____ Hearing on Motion/Sanctions/Date requested: _____

_____ Pre-Trial Hearing/Trial Date requested: _____

_____ Jury Trial/Estimated Court time/Date requested: _____

_____ Non Jury Trial/Estimated Court Time/Date requested: _____

_____ Bench Trial/Estimated Court Time/Date requested: _____

_____ Criminal Case/In Jail//Bonding Co: _____

_____ Other request: _____

I certify that a copy of this completed court setting request form has been sent to all other parties of record notifying them of the court date, time and location.

Signed: _____

State Bar No: _____

Plaintiff Defendant

Requesting Attorney(s): _____

Mailing Address: _____

Phone: _____ Fax: _____

ALL OTHER PARTIES OF RECORD:

Plaintiff Defendant

Name(s): _____

Mailing Address: _____

Phone: _____ Fax: _____

Plaintiff Defendant

Name(s): _____

Mailing Address: _____

Phone: _____ Fax: _____

I certify discussions of the above requested court setting would not be productive and without requesting a court setting a disposition will not likely occur.

Mail/fax original form: Ms. Sandy Ivy, 258th Court Coordinator, P.O. Box 1115, Groveton, TX 75845
Phone: 936-642-2512/Fax: 936-642-2312 — Copy To: District Clerk's Office, County case filed



Second Administrative Judicial Region of Texas

Olen Underwood

Presiding Judge

Kassi Cranfill
Administrative Assistant

Christina Crawford
Secretary/Receptionist

September 9, 2004

Honorable Nathan L. Hecht
Justice, Supreme Court of Texas
P.O. Box 12248
Austin, Texas 78711

Re: Local Rules of the 258th Judicial District Court – Polk, San Jacinto and Trinity County, Texas

Dear Judge Hecht:

Pursuant to, and in accordance with Rule 3a, Texas Rules of Civil Procedure, and Rule 8, Regional Rules of Administration, Second Administrative Judicial Region of Texas, I am enclosing for approval by the Justices of the Supreme Court, Local Rules of the 258th Judicial District Court – Polk, San Jacinto and Trinity County, Texas.

I hereby approve the Local Rules of the 258th Judicial District Court – Polk, San Jacinto and Trinity County, Texas. Please advise this office of the Courts actions.

Thank you for your usual courtesies.

Sincerely,

A handwritten signature in cursive script, appearing to read "Olen Underwood".

Olen Underwood
OU/kc

cc: Honorable Elizabeth Coker, 258th Judicial District Court