

# IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 95-9165

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## APPROVAL OF AMENDMENTS TO LOCAL RULES FOR THE COUNTY COURTS AT LAW NUECES COUNTY, TEXAS

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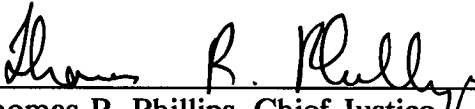
### **ORDERED:**

Pursuant to Rule 3a of the Texas Rules of Civil Procedure, the Supreme Court approves the following local rules, which have been submitted to this Court:


Local Administrative Rules for the County Courts at Law Division of Nueces County, Texas, dated June 23, 1995, amending Rules 3 and 3.1, and repealing Rule 5 to the extent it applies to the County Courts at Law of Nueces County.

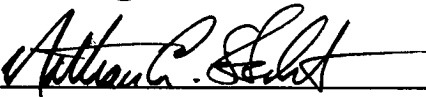
The approval of these rules is temporary, pending further orders of the Court.

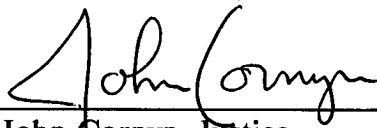
SIGNED AND ENTERED this 24<sup>th</sup> day of July, 1995

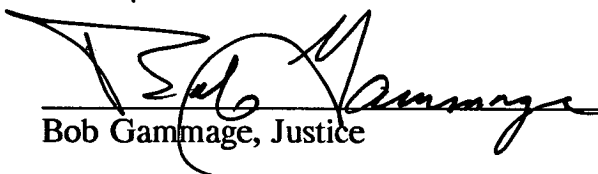
  
Thomas R. Phillips, Chief Justice

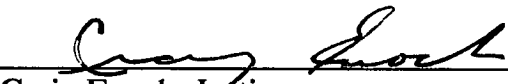
  
Raul A. Gonzalez, Justice

  
Jack Hightower, Justice

  
Nathan L. Hecht, Justice

  
John Cornyn, Justice

  
Bob Gammage, Justice

  
Craig Enoch, Justice

  
Rose Spector, Justice

  
Priscilla R. Owen, Justice

RESOLUTION ADOPTING LOCAL ADMINISTRATIVE  
RULES FOR THE COUNTY COURTS AT LAW DIVISION OF  
NUECES COUNTY, TEXAS

WHEREAS, the Supreme Court Rule 10a, and the amendments to the Government Code since 1988 require the Nueces County Courts at Law to select their own Local Administrative Judge, and enact their own Local Administrative Rules, and

WHEREAS, Senate Bill 1720 of the Seventy-Fourth Legislature has increased these court's civil jurisdiction, and specifically limited it in other ways, and

NOW THEREFORE BE IT RESOLVED, that the Judges of the County Courts at Law declare themselves to be a division of the Courts in Nueces County and hereby promulgate by reference the existing Local Rules of Administration adopted originally by the Nueces County Courts at Law and the District Courts in November 1988 and approved by the Texas Supreme Court in December 1988, as they may apply only with respect to the County Courts at Law and as modified by the following amendments and deletions to improve the administration of justice and to comply with Senate Bill 1720 effective September 1, 1995, to wit:

RULE 3

The District Clerk serves as Clerk of a County Court at Law in cases of concurrent jurisdiction with the District Courts, and the County Clerk serves as the Clerk in all other cases. The District Clerk shall establish a separate docket for each County Court at Law.

The District Clerk is to equally apportion to each County Court at Law, (also known as Statutory County

Courts) only the cases filed and designated in the original pleadings as being filed in the County Courts at Law, or Statutory County Courts of Nueces County, Texas.

The District Clerk shall not allocate or transfer any case filed in any District Court, to any County Court at Law, unless transferred to such court by the prior permission of the sitting Judge in that County Court at Law to which such transfer is proposed, except as provided in Senate Bill 1720.

The District Clerk is to follow the mandate set out in S.B. 1720 of the Seventy-Fourth Legislature to keep a completely separate docket for each County Court at Law.

RULE 3.1 Paragraph one and two are amended and adopted as follows:

#### TRANSFER OF CASES WITHIN THE COURTS

After assignment to a particular County Court at Law, every case, both jury and non jury, shall remain pending in such court until dismissed, final disposition, transfer, or removal to the Suspense Docket. Any case may be transferred to another such County Court at Law by order of the Judge of the court in which the case is pending with the consent of the Judge of the Court to which it is transferred; or by order of the County Court at Law Local Administrative Judge of this County.

Whenever any pending case is so related to another case pending in or disposed of by a District Court, or County Court at Law, the Judge of the Court in which either case is or was pending shall, upon motion

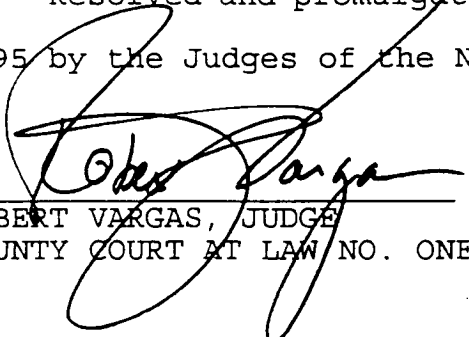
(including his own motion), after notice and hearing transfer the case to the Court in which the earlier case was filed to facilitate the orderly and efficient disposition of the litigation, and impose appropriate sanctions, attorney fees, costs, for Judge shopping after notice and hearing. (The balance of the original Rule subsections promulgated by all of the Courts in Nueces County and approved by the Supreme Court in 1988 are re-adopted and incorporated herein by reference as part of this Rule.)

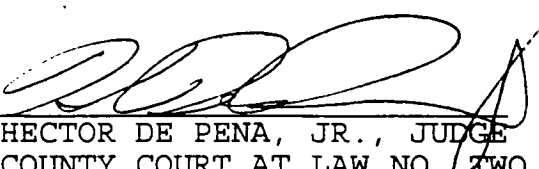
RULE 5 of the Local Rules of Administration promulgated by the Nueces County Courts at Law and the District Courts and approved by the Supreme Court of Texas in 1988 and the subdivisions thereof are declared inapplicable to the Nueces County Courts at Law and are not adopted by reference, and are repealed, as to all the County Courts at Law.

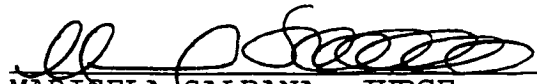
IT IS ORDERED that the respective Clerks of the Nueces County Courts at Law are to place these adopted and modified Rules upon the minutes of these courts and to post them in a prominent place.

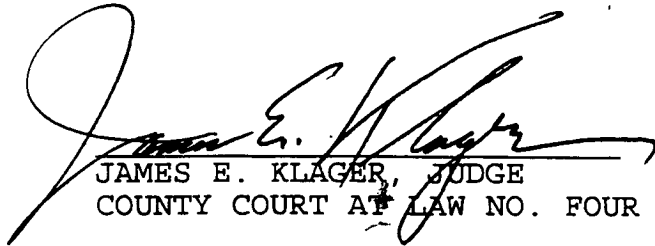
It is further ORDERED that these Rules be published in compliance with Rule 10 of the Texas Supreme Court and Rule 3a of the Texas Rules of Civil Procedure of the Texas Supreme Court.

Resolved and promulgated this the 13<sup>th</sup> day of June, 1995 by the Judges of the Nueces County Courts at Law.

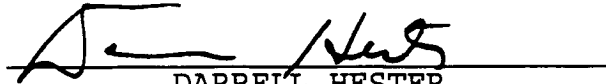
  
ROBERT VARGAS, JUDGE  
COUNTY COURT AT LAW NO. ONE

  
HECTOR DE PENA, JR., JUDGE  
COUNTY COURT AT LAW NO. TWO

  
MARISELA SALDANA, JUDGE  
COUNTY COURT AT LAW NO. THREE

  
JAMES E. KLAGER, JUDGE  
COUNTY COURT AT LAW NO. FOUR

APPROVED AS TO FORM AND SUBSTANCE:

  
DARRELL HESTER  
PRESIDING JUDGE OF THE ADMINISTRATION REGION



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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TEL: (512) 463-1312

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CLERK  
JOHN T. ADAMS

JUSTICES  
RAUL A. GONZALEZ  
JACK HIGHTOWER  
NATHAN L. HECHT  
JOHN CORNYN  
BOB GAMMAGE  
CRAIG ENOCH  
ROSE SPECTOR  
PRISCILLA R. OWEN

EXECUTIVE ASS T.  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS T.  
NADINE SCHNEIDER

July 25, 1995

Mr. Oscar Soliz  
District Clerk  
Post Office Box 2987  
Corpus Christi, Texas

Dear Mr. Soliz,

Please find enclosed, a copy of the order of the Supreme Court that approved amendments to the local rules of the County Courts at Law in Nueces County.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

Encl.

cc: Hon. Darrell Hester  
5th Admin Judicial Rgn.

Hon. Robert Vargas  
Hon. Hector De Pena, Jr.  
Hon. Marisela Saldana  
Hon. James E. Klager

District Clerk

County Clerk

Supreme Court Adv Committee

Mr. Raymond Judice  
Office of Court Admin

State Law Library