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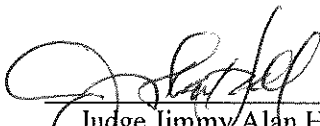
In the County Courts at Law of Hays County, Texas
ADMINISTRATIVE ORDER ADOPTING LOCAL RULES FOR THE COUNTY
COURTS AT LAW OF HAYS COUNTY, TEXAS


The County Courts at Law of Hays County, Texas issue this Administrative Order Adopting Local Rules For The County Courts at Law of Hays County, Texas pursuant to the authority granted to by Rule 3a of the Texas Rules of Civil Procedure and Article 33.08 Texas Code of Criminal Procedure and in compliance with Rule 10 of the Texas Rules of Judicial Administration.


THEREFORE, IT IS HEREBY ORDERED THAT:

1. The *Local Rules for the County Courts at Law of Hays County, Texas* are approved and adopted as of the effective date noted below.
2. The *Local Rules of County Courts at Law of Hays County, Texas* shall supersede all local rules previously adopted by the County Courts at Law of Hays County, Texas and shall apply to all cases pending in the County Courts at Law of Hays County, Texas as of the effective date.
3. The *Local Rules for the County Courts at Law of Hays County, Texas* shall be submitted to the Office of Court Administration for publication on its website.

THIS HAYS COUNTY ADMINISTRATIVE ORDER ADOPTING LOCAL RULES FOR THE COUNTY COURTS AT LAW OF HAYS COUNTY, TEXAS SHALL BECOME EFFECTIVE IMMEDIATELY UPON PUBLICATION ON THE OFFICE OF COURT ADMINISTRATION'S WEBSITE.


Judge Jimmy Alan Hall
County Court at Law No. 1
Hays County, Texas


Judge Chris Johnson
County Court at Law No. 2
Hays County, Texas


Judge Elaine S. Brown
County Court at Law No. 3
Hays County, Texas



**LOCAL RULES
FOR THE
COUNTY COURTS
AT LAW
OF
HAYS COUNTY,
TEXAS**

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Title I. General Rules Applicable to All Courts & Cases

Chapter 1 General Provisions.

1.01 Scope of Local Rules.

(a) Authority. The Judges of the County Courts at Law of Hays County, Texas, promulgate these Local Rules for the County Courts at Law of Hays County, Texas pursuant to the authority granted to these County Courts at Law by Rule 3a of the Texas Rules of Civil Procedure and by Sections 74.092 & .093 of the Texas Government Code.

(b) Compliance. These Local Rules are intended to comply with Rule 10 of the Texas Rules of Judicial Administration and Rule 3 of the Rules of Administration for the Third Administrative Judicial Region.

(c) Supersede and Replace. These Rules supersede and replace all Local Rules that the County Courts at Law of Hays County, Texas have previously adopted. These Rules also supersede any Emergency Standing Order and any other Standing Order adopted prior to the effective date of these Rules and that conflicts with these Rules, except for Administrative Order Regarding the Assignment of Civil and Family Law Cases in Hays County (posted June 13, 2024), Standing Order Regarding Assessment of Probation Fees For Community Supervision Cases (posted January 14, 2025), General Standing Order In Eviction Appeals (posted June 23, 2025), and Administrative Standing Order on The Release of Protected Health Information in Mental Health Cases (posted June 30, 2025).

(d) Effective Date. These Local Rules are effective as of the date that they are published on the Office of Court Administration's website. TEX. R. CIV. P. 3a.

(e) Adopted to Govern Procedures in the Courts. Except when expressly superseded by Emergency Orders rendered by the Texas Supreme Court, the Presiding Judge of the Third Administrative Judicial Region of the State of Texas, or the Local Administrative Judge for the Hays County Courts at Law or by any Standing Order that the Judges for the Hays County Courts at Law collectively approve, these rules govern procedures in each of the Hays County Courts at Law.

(f) Availability of Rules. These Local Rules, any Emergency Orders, and any Standing Orders, are available on the Hays County Courts at Law's Website and the Office of Court Administration's Local Rules, Forms, and Standing Orders website.

(g) Conflicts with Other Rules. To the extent these Local Rules conflict with the Texas Rules of Civil Procedure, the Rules of Judicial Administration of the Supreme Court of Texas, or the Rules of Administration for the Third Administrative Judicial Region, the Texas Rules of Civil Procedure and those Rules of Administration shall prevail.

(h) Headings Not Controlling. The headings and titles used in these Rules do not affect the interpretation of the content of these Rules.

1.02 Definitions.

The following words, terms, and phrases will have the following meanings unless the context clearly indicates otherwise:

"The Case" means the particular case filed with the Clerk of the Court to which the Clerk has assigned a cause number and that has a specific style by the naming of the parties in the Case.

“Clerk” or “Courts’ Clerk” or “Clerk of the Court” or “County Clerk” means the County Clerk of Hays County, Texas.

“Court” or “County Court at Law” or “Statutory County Court” means one of the County Courts at Law of Hays County, Texas or the specific Judge before whom a proceeding is or will be held.

“Courts” or “County Courts at Law” or “Statutory County Courts” means the County Courts at Law of Hays County, Texas.

“Courtroom” means both in-person and virtual courtrooms.

“DWOP” means Dismissal for Want of Prosecution.

“Judge” or “County Court at Law Judge” means a Judge of any of the County Courts at Law.

“Parties” means all named parties to a Case whether the party is represented by an attorney or is self-represented aka pro se.

“Recording, Broadcasting, or Photographing” means any visual or audio recording, broadcasting, or photographing by any equipment, any means, and any individual or entity.

“These Local Rules” or “These Rules” means these Local Rules for the County Courts at Law of Hays County, Texas.

1.03 Docketing and Assignment of Cases.

The Courts’ Clerk will initially docket and assign each case filed in the County Courts at Law to the applicable County Court at Law according to the current County Courts at Law Case Assignment Guidelines. The Judge of the Court to which a case is docketed and assigned will conduct and hear all hearings and trials, unless another Judge hears and determines a part or all of the Case as allowed by Rule 1.04 of these Rules and Sections 74.094 and 74.121 of the Texas Government Code (Hearing Cases).

1.04 Judges to Hear and Determine Cases.

Any Judge may hear and determine a matter pending in any Statutory County Court in Hays County regardless of whether the matter is preliminary or final or whether a judgment has been signed and entered in the matter.

1.05 Local Administrative Judge.

(a) Election. Pursuant to Section 74.0911 of the Texas Government Code, the Judges of the County Courts at Law shall elect, by a majority vote, their Local Administrative Judge in January of every even-numbered year for a term not more than two years.

(b) Responsibility and Authority. The Local Administrative Judge has the general administrative responsibility and authority necessary to ensure the proper functioning of the Courts, as the Texas Government Code, the Texas Rules of Civil Procedure, the Rules of Judicial Administration of the Supreme Court of Texas, and the Rules of Administration for the Third Administrative Judicial Region delegate; including the authority to allocate cases and adjust dockets to facilitate the orderly and timely disposition of cases.

1.06 Court Coordinators.

(a) Duties. The Court Coordinators, under the supervision of the Local Administrative Judge, shall coordinate and administer all dockets for the Courts.

(b) Settings. All parties must schedule all settings for hearings and trials through the Court Coordinators, even those settings included in an order that a Judge has signed.

1.07 Certification Regarding Use of Artificial Intelligence.

All attorneys and self-represented litigants who utilize any form of artificial intelligence (AI) for legal research or drafting in connection with any Case before the Courts shall, before filing or presenting to a Court any AI-generated information in a court submission or proceeding, certify in writing that the attorney or self-represented litigant verified all information that generative artificial intelligence created or contributed, including all language, quotations, sources, citations, arguments, and legal analysis, is accurate through traditional (non-AI) legal sources.

Chapter 2 Rules of Decorum.

2.01 General Provisions.

(a) Adoption. Pursuant to the judicial duty to require order and decorum in proceedings before a judge, as provided by Canon 3B (3) of the Texas Code of Judicial Conduct, and in compliance with Rule 9 of the Rules of Administration for the Third Administrative Region of Texas, the Courts adopt the following rules of this Chapter regarding decorum in the courtroom.

(b) Posting. The Courts shall have a copy of these Rules of Decorum prominently displayed outside the courtroom of each Court.

(c) Applicability and Compliance.

(1) *All Persons in the Courtroom*. These Rules of Decorum apply to all persons in the courtrooms and apply equally to self-represented litigants and attorneys.

(2) *Duty of Attorneys*. Attorneys shall advise their clients and witnesses of these Rules of Decorum and seek their full cooperation in observing these Rules of Decorum.

(3) *Self-Represented Parties*. Self-represented parties must familiarize themselves and their witnesses with these Rules of Decorum. The Courts expect self-represented litigants to behave with professional decorum to the Court, other attorneys, and other people involved with the litigation.

(d) Enforcement. All Judges and at the direction of the Judges, Bailiffs and all other Court Staff, shall have the authority to enforce these Rules of Decorum.

(e) Courtroom. The reference to “courtrooms” in this chapter refers to both in-person and virtual courtrooms.

2.02 Conduct of All Persons.

(a) In General. All persons in the courtroom during any court proceeding shall be attentive to the proceedings of the Court and shall refrain from any action that is disruptive of the Court’s proceedings. When the Court is in session, all persons, before entering the courtroom, shall first

remove their overcoats, hats, and sunglasses and shall be seated quietly in the proper places provided.

(b) Appropriate Clothing. All persons entering the courtroom must be dressed in clothing befitting the dignity and solemnity of the Court's proceedings. A person must not wear shorts, tank tops, flip flops, or t-shirts that display pictures or words that are derogatory, crude, offensive, profane, or disrespectful to the Court's proceedings.

(c) Particular Prohibitions. In the courtrooms, a person may **not**:

(1) Interfere with Court's proceedings, including overly loud or other disruptive noises.

(2) Talk on any electronic device. All electronic devices must be silenced, and any use of electronic devices during the Court's proceedings must not be disruptive or disrespectful of the Court's proceedings.

(3) Take photographs or make any audio and/or video recording or streaming of the proceedings, unless done in compliance with Rule 18c of the Texas Rules of Civil Procedure and Chapter 7 of these Local Rules.

(4) Exhibit or participate in any conduct, including facial expressions, gesticulation, and celebrations that exhibit approval or disapproval of any ruling of the Court, any testimony, or any statement or event that has occurred in the courtroom.

(5) Chew gum.

(6) Use tobacco.

(7) Eat anything.

(8) Bring liquids of any kind into the courtroom, except for a water bottle with a lid, or if the Court provides the liquid.

(9) Prop their feet on tables, chairs, or benches.

(10) Sit on tables, railings, desks, or arms of chairs.

(11) Sit in such a position, or exhibit any behavior or expression, that may either encourage or intimidate a witness.

(12) Act or behave in any other manner that is disruptive or disrespectful of the Court's proceedings.

2.03 Conduct of Court Officers and Self-Represented Parties.

(a) Ethics and Publicity. All attorneys and self-represented parties are admonished to respect the letter and spirit of all rules of ethics including the Texas Lawyer's Creed, those rules that address the discussion of cases with representatives of the press, television, or other media, and the discussion of facts or law with a Judge while not in the presence of opposing counsel.

(b) Promptness. The Judge, the attorneys, any self-represented party, and all officers of the Court shall be prompt in their attendance at all sessions and in the dispatch of all court business.

(c) Timely Appearance. All parties must promptly enter the courtroom before the scheduled time for each court session.

(d) Appropriate Dress. In the courtroom, all attorneys and court officials shall dress in keeping with the dignity required for the Court's proceedings.

(e) Remarks Directed to the Court. While the Court is in session, all remarks of counsel and any self-represented party shall be directed to the Court and not to opposing counsel or any self-represented party or informally to the Judge.

(f) Standing to Address the Court. While addressing the Court, attorneys and any self-represented party shall rise and remain standing at counsel table, unless otherwise instructed by the Judge. Attorneys and any self-represented parties shall remain seated at counsel table while interrogating witnesses, except as may be necessary to handle exhibits or demonstrative displays.

(g) Use of Titles and Surnames. The Judge, the attorneys, any self-represented party, and other court officers shall refer to other court officers and participants by using appropriate titles and surnames rather than first names, unless otherwise allowed by the Judge.

(h) Leaning Prohibition. Attorneys and self-represented parties shall not lean on the bench.

(i) Addressing Jurors, Witnesses, Et Al. After jury selection, and until jurors are finally excused, attorneys and self-represented parties shall not address a juror individually or by name, except with permission of the Judge. Except during opening statements and final argument, attorneys and self-represented parties should not address the jury. During a jury trial, attorneys and self-represented parties should not exhibit familiarity with the parties, witnesses, jurors, opposing counsel, or the Judge.

(h) Prohibition on Interruptions. Attorneys and self-represented parties should refrain from interrupting the Judge, opposing counsel, or any self-represented party, except when necessary to protect the rights of a party or client.

Chapter 3 Attorney Vacations.

3.01 Designation of Vacation Time.

(a) Maximum Amount of Vacation Time. Any attorney in charge in a Case, as defined by Rule 8 of the Texas Rules of Civil Procedure, may designate not more than four (4) weeks (cumulative) during any given calendar year as vacation time.

(b) Designating, Giving Notice of, and Claiming Vacation Time. The attorney in charge of a Case, may designate their claimed vacation time by filing a written notice with the Clerk of the Court and serving a copy on all affected opposing counsel. The attorney must also deliver a copy of this notice to the Court Coordinators and indicate to the Court Coordinators of the respective Court, the Case style and number, if docketed and filed.

(c) Timeliness of Notice. The attorney in charge of the Case must file this notice at least ninety (90) days in advance of each designated period of vacation, and such notice shall apply only to cases not already scheduled for a hearing or trial.

3.02 *Hearings Not to be Set During Properly Designated Vacation Time.*

(a) Prohibition on Setting Hearings or Trial. The Court Coordinators shall not set a Case for hearing or trial during the time that an attorney has properly designated as vacation.

(b) Prohibition on Opposing Counsel. The attorneys who represent parties in opposition to an attorney in charge who has properly designated a period of vacation shall not request a setting for any date they have previously been informed that the opposing attorney in charge has designated a scheduled vacation date.

(c) Prompt Notice Scheduling Error. If the Court sets a case for trial on a date that conflicts with counsel's properly designated vacation, counsel must notify the Court Coordinators immediately after learning of the conflicting setting. The Court Coordinators will reset the Case for a different time unless the opposing counsel makes a clear showing of abuse or unreasonable delay at a hearing set on the opposing counsel's verified motion.

3.03 *Continuance.*

If an attorney does not properly designate a period of vacation in accordance with these Local Rules, the Court maintains the discretion to grant a motion for continuance in appropriate circumstances.

Chapter 4 *Conflicting Settings.*

4.01 *Attorney in Trial.*

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

4.02 *Settings in Multiple Courts.*

When an attorney is assigned to two courts for the same date, it is the duty of the attorney to call each affected judge's attention to the conflicting settings as soon as they are known to the attorney or reasonably may be anticipated. Upon being notified of a conflicting setting, the affected judges should confer and agree on which case has priority using the priorities in Local Rule 4.03 as an aid.

4.03 *Priority of Settings.*

The following priorities are established to aid judges in determining which case has priority in the following order:

(1) *District Court Cases.* A Case in which a party or an attorney is set for a hearing or trial in a Hays County District Court will take priority over a Case in which the same party or same attorney is set in the County Courts at Law on the same date or dates.

(2) *Criminal Cases.* Pursuant to Article 32A.01 of the Texas Code of Criminal Procedure, insofar as practical, the trial of criminal cases will have priority over civil case settings.

(3) *Statutory Preferences.* The Courts shall set cases using the preferences set by statutes, including Section 23.101 of the Texas Government Code.

Chapter 5 Remote Proceedings & Testimony by Affidavit

5.01 *In-Person Proceedings as Default.*

(a) Remote Hearings. The Courts may permit remote hearings or trials if:

(1) A Judge finds good cause that a remote proceeding is appropriate and necessary, after notice and opportunity for objections to be heard; and

(2) The hearing is held in compliance with the law, including Section 30.012 of the Texas Civil Practice & Remedies Code, the Americans with Disabilities Act (42 U.S.C. §§12101 – 12213), or both.

(b) Contested Cases with Documentary Evidence. With the exception of juvenile matters and the Courts' jail dockets, remote appearances may be prohibited in a contested case when documentary evidence will be presented during the hearing.

(c) Agreement and Consent. Upon agreement of the parties, and with the consent of the Judge, a witness may be permitted to testify remotely.

(d) By Notice. In the absence of an agreement, the Judge, after notice and opportunity for objections to be heard, may permit a witness to testify remotely if doing so does not violate the substantial rights of a party, including the constitutional right of confrontation.

(e) Judge May Require Hearing in Courtroom. A Judge may, at any time, determine that a remote hearing or appearance is not sufficient and require an in person hearing in the courtroom.

5.02 *Arrangements for Remote Appearances in Advance.*

Parties may request that a party or attorney be allowed to participate in a hearing remotely. The party's request for a remote appearance must be made at least 72 hours in advance by contacting the Court Coordinators:

(1) In a contested case, the party must make the request by emailing the Court Coordinators with notice to all other parties. Any party who objects must notify the Court Coordinators and provide notice of the objection to all other parties within twenty-four hours of the party's receipt of the request.

(2) In an uncontested case, the request does not need to be in writing.

Chapter 6 Interpreters

6.01 *Grounds.*

(a) Upon Motion of a Party. Pursuant to Section 57.002(a) of the Texas Government Code, the Court "shall appoint a certified court interpreter or a certified CART provider for any individual who has a hearing impairment or a licensed court interpreter for an individual who can hear but does not comprehend or communicate in English if a motion for the appointment of an interpreter or provider is filed by a party or requested by a witness in a civil or criminal proceeding in the Court."

(b) Upon Motion of the Court. Pursuant to Section 57.002(b) of the Texas Government Code, a Court "may, on its own motion, appoint a certified court interpreter or a certified CART provider for an individual who has a hearing impairment or a licensed court interpreter for an individual who can hear but does not comprehend or communicate in English."

6.02 Request.

(a) Separate Request to Coordinators. Any party who requires a licensed Court Appointed Interpreter for a court proceeding for either a party or witness shall reflect such need in their notice of setting and separately notify the Court Coordinators in writing of their request.

(b) Timely Request. A party must make this request to the Court Coordinators not less than ten (10) days prior to the setting, or if less than ten (10) days, as soon as practicable after the hearing is set.

6.03 Appointment of Interpreter Not Certified or Licensed.

(a) Requirement and Finding. The Court may appoint a spoken language interpreter who is not a certified or licensed court interpreter who meets the requirements of Section 57.002(d) and (e) of the Texas Government Code.

6.04 Cancellations.

(a) Prompt Notice of Need to Cancel Interpreter. If a hearing or trial is canceled, the party who requested the Court Appointed Interpreter is required to provide notice to the Court Coordinators as soon as possible, but not later than 30 hours prior to the scheduled hearing or trial date.

(b) Discretion to Assess Costs of Interpreter. At the discretion of the Judge, in civil cases, the Court may assess the parties who fail to timely notify the Court Coordinators that an interpreter is no longer required for any fees that the County incurs as a result of the failure to timely notify the Court of the cancellation.

Chapter 7 Rules Governing the Recording, Broadcasting, or Photographing of Court Proceedings

7.01 Recording, Broadcasting, or Photographing Prohibited Without Court Approval.

(a) Prohibition Unless Authorized. The recording, broadcasting, or photographing of any person, object, or proceeding inside the courtroom of any Court is prohibited unless the Court expressly authorizes such activity prior to the recording, broadcasting or photographing.

(b) Violation. Any individual or entity who violates this Rule may be subject to punishment by contempt, being removed from the courtroom and the Hays County Government Center, or both.

7.02 When Recording, Broadcasting, or Photographing Permitted.

(a) Ceremonial, Adoption, or Investiture Proceedings. While the recording, broadcasting, or photographing of a ceremonial, adoption, or investiture proceeding is generally permitted, in each specific instance, the Court has the sole discretion of whether to permit such activity and the manner of recording, broadcasting, or photographing, with or without guidance from this Rule. If the recording, broadcasting, or photographing is desired for a proceeding or activity other than a ceremonial, adoption, or investiture proceeding, the provisions of this Rule govern.

(b) Trials or Other Court Proceedings.

(1) *Seeking Permission.* A person wishing to record, broadcast, or photograph any person, object, or proceeding in a physical or virtual courtroom must seek permission with the bailiff in charge of the Court or the Court Coordinators, who will convey the request to the Judge. The requestor should be prepared to provide the following information:

- (A) The case style and cause number;
- (B) The date and time when the proceeding is to begin;
- (C) The name of the requesting individual or entity;
- (D) The type of recording, broadcasting, or photographing; and
- (E) The type and extent of equipment to be used.

(2) *Denial of Request.* Failure to provide the above information will constitute sufficient grounds to deny the request.

(3) *Factors Considered.* In determining a request, the Court will consider all relevant factors, including:

- (A) The type of case involved;
- (B) Whether the recording, broadcasting, or photographing would cause harm to any participants;
- (C) Whether the recording, broadcasting, or photographing would interfere with the fair administration of justice, advancement of a fair trial, or the rights of the parties;
- (D) Whether the recording, broadcasting, or photographing would interfere with any law enforcement activity;
- (E) The objections of any of the parties, prospective witnesses, victims, or other participants in the proceeding;
- (F) The physical structure of the courtroom and the likelihood that any equipment required for recording, broadcasting, or photographing proceedings can be installed and operated without disturbance to those proceedings or any other proceedings in the Hays County Government Center;
- (G) The extent to which the recording, broadcasting, or photographing would be barred by law in the proceeding; and
- (H) The fact that any party, prospective witness, victim, or other participant in the proceeding is a child, to which fact the Court will give great weight.

(4) *Compliance with Rules.* If the Court grants the request, the requestor must comply with Rules 7.03 through 7.06. Failure to comply with these Rules or any other order of the Court regarding the recording, broadcasting, or photographing of proceedings may result in the violator being held in contempt of court.

7.03 *Certain Prohibitions.*

(a) Certain Proceedings. The recording, broadcasting, or photographing of proceedings held in chambers, proceedings closed to the public, and jury selection is prohibited.

(b) Certain Conferences. Audio or closeup video or photographic coverage of conferences between an attorney and client, witness, aide, between attorneys, or between counsel and the Court at the bench is prohibited unless expressly authorized by the Judge.

7.04 *Coverage of Jurors Is Prohibited.*

(a) Prohibition. Visual recording, broadcasting, or photographing of potential and selected jurors in the Hays County Government Center is prohibited.

(b) Exception. If the Judge finds that the physical layout of the courtroom makes it impossible to conduct visual recording, broadcasting, or photographing of the proceedings without including the jury, then the Judge may allow such activities. In such cases, visual recording, broadcasting, or photographing is allowed only if the jury is in the background of some other subject and only if individual jurors are not identifiable.

7.05 *Equipment and Personnel.*

The Court may, among other things:

- (1) Require that a person seeking to record, broadcast, or photograph a proceeding demonstrate or display the equipment that will be used;
- (2) Prohibit equipment that produces distracting sound or light;
- (3) Prohibit signal lights or devices showing when equipment is operating, or require their concealment;
- (4) Prohibit moving lights, flash attachments, or sudden light changes;
- (5) Require the use of the courtroom's existing video, audio, and lighting systems, if any;
- (6) Specify the placement of personnel and equipment;
- (7) Determine the amount of equipment to be allowed in the courtroom;
- (8) Require pooling of equipment if more than one person wishes to record, broadcast, or photograph a proceeding;
- (9) Require that operators not move equipment or enter or leave the courtroom while the Court is in session, or otherwise cause a distraction. All equipment must be in place in advance of the proceeding or session; and
- (10) Require that identifying marks, call letters, words and symbols must be concealed on all equipment. Personnel must not display any identifying insignia on their clothing.

7.06 *Cannot Delay Proceedings.*

(a) Prohibition. Proceedings or sessions will not be delayed or continued for the sole purpose of allowing recording, broadcasting, or photographing, whether because of installation of equipment, obtaining consent, conduct of the proceeding related to the recording, broadcasting, or photographing, or other questions.

(b) Assistance. To assist those persons preparing in advance for recording, broadcasting, or photographing proceedings, and when requested to do so:

(1) *Availability of Courtroom*. To install equipment in advance of a proceeding, the Court will attempt to make the courtroom available when it is not in use;

(2) *Witness Lists*. Counsel (to the extent they deem their client's rights will not be jeopardized) must make witness lists available to the Court; and

(3) *Notice or Settings*. On specific request, the Court Coordinators will inform those requesting to record, broadcast, or photograph proceedings in a particular matter of the settings in that matter.

7.07 *Live Streaming.*

An official livestream directed by the Judge of each Court may be permitted pursuant to applicable rules. The Court must use systems and platforms established by the Texas Office of Court Administration.

7.08 *Not Part of the Official Record.*

Any product of the recording, broadcasting, or photographing of a proceeding pursuant to these Rules will not be considered as part of the official court record.

Chapter 8 *[Reserved for Expansion]*

Title II. Rules Applicable to Non-Criminal Cases

Chapter 9 Settings

9.01 *Prerequisites for Requesting a Setting.*

(a) Before Requesting a Setting. The party requesting a setting must e-file the motion, petition, or request for relief on which the party requests to be heard before the party can obtain a setting on that request for relief.

(b) Emergency Setting. If a party is seeking emergency relief, and it is impossible to file an application or case before the party can present the matter to a judge, the Court may allow the party to file its request for relief with the Clerk of the Court during the Court's consideration of the request or immediately after the Court acts.

(c) Certificate of Conference Requirements for Setting Hearings.

(1) *Reasonable Efforts to Confer.* After obtaining three or more possible dates and times from the Court Coordinators but prior to requesting that the Court Coordinators set a specific request for relief for a hearing (including a trial) at a particular date and time, the requesting party must make reasonable efforts to speak to or confer with the other party or parties, including any pro se party and any appointed attorney ad litem or guardian ad litem, regarding:

(A) The date and time of the hearing,

(B) The time needed for the entire hearing for all participants, so that the time estimate the party must include in the hearing request is as accurate as possible, and

(C) The substance of the motion in a genuine effort to narrow their disputes before seeking court intervention.

(2) *Contents of Proposed Notice of Setting.* Each request for a setting, which a party is to submit to the Court Coordinators as a ***proposed*** notice of setting, must include an estimate of the total amount of time required for the entire hearing or trial, on all matters, for all participants, including the time necessary to read any materials presented. For jury trials, the total announced time must include time for consideration of all pretrial motions, voir dire, opening statements, evidence, charge conference, closing argument, and jury deliberation. Also note that a half-day hearing usually includes a break, and a full-day hearing includes breaks in the morning and afternoon as well as a lunch break. Therefore, a half-day hearing generally provides fewer than three hours, and a full-day hearing generally provides fewer than six hours.

(3) *Provision of Dates & Times.* The Court Coordinators will provide dates and times based upon the Court in which the Case is docketed, the estimate of the total time required for the hearing, and the availability of the Judge of that Court.

(4) *Agreement Not Required.* The requirement of a certificate of conference confirming that the parties have attempted to confer about the date and time of a setting and time required for the hearing is not a requirement that the parties must agree on the date and time of setting. If a party desiring a setting for a hearing is unable to reach an agreement with the other parties, the Court Coordinators may set a hearing in coordination with the party desiring a hearing.

(5) *Certificates of Conference for Settings.* Every notice of setting must include a certificate of conference confirming either:

NOTICE OF AGREED SETTING AND CERTIFICATE OF CONFERENCE

I, the undersigned attorney, hereby certify that I conferred with all parties, regarding the date and time of this hearing. The parties have agreed that the hearing will be set on [Date] at [Time] and that the time announcement is [amount of time].

OR

NOTICE OF SETTING WITHOUT AGREEMENT AND CERTIFICATE OF CONFERENCE

I, the undersigned attorney, hereby certify that I conferred with all parties, regarding the date and time of this hearing. Despite our efforts, the parties were unable to reach an agreement, necessitating my setting this hearing without agreement on [Date] at [Time] and that the time announcement is [amount of time].

(6) *Certificates of Conference to Resolve or Narrow Issues.* Every notice of setting must contain a certificate of conference certifying either:

CERTIFICATE OF CONFERENCE

I, the undersigned attorney, hereby certify that I conferred with all parties, regarding the relief sought in this motion or request for relief in a good faith effort to resolve or narrow the issues raised in this pleading.

OR

CERTIFICATE OF CONFERENCE

I, the undersigned attorney, hereby certify that I made reasonable efforts to confer with all parties who may be effect by the relief sought in this motion or pleading but was unable to confer with those parties.

(7) *Discretion to Strike Settings.* The Courts and the Court Coordinators retain discretion to strike any setting in which the notice and any amendment of the notice does not include the above certificates or otherwise comply with these Rules.

9.02 Procedures for Setting Hearings and Trials.

(a) Default Procedure for Obtaining a Hearing Date or Trial Setting. To obtain a hearing date or a trial setting after complying with Rule 9.01(a) and (c)(1), (2), (5) & (6), a party may email or call the Court Coordinators for the respective Court in which the Case is pending. The Court Coordinators' email addresses and telephone number can be found on the Courts' website.

(b) Notice Provided by Party Setting a Hearing.

(1) ***The Court does not send notices of settings or hearings.*** Therefore, the Court Coordinators will not send notices of settings or hearings except for notices of trial, but only if a party has previously filed a written request for a notice of trial. TEX. R. CIV. P. 246.

(2) The party that obtained a setting for a hearing or trial date must give written notice to all other parties and attorneys of: (A) the hearing or trial date and time, and (B) the total

time requested for the entire hearing or trial for all participants and e-file that notice with the Clerk of the Court.

(3) The party giving this notice must do so in the manner and within the time provided in the Texas Rules of Civil Procedure (Rules 21, 21a, 166a).

(4) The party should send this notice on the same day the party obtains the setting, for an opposing party may argue that any delay in sending this notice serves as a basis for continuance.

(c) Contents of Notice of Setting. All Notices of Setting must include the following:

(1) A reference to the specific motion, motions, or requests for relief that is set, or, if the setting is for final trial, a statement that the Case is being set for a final trial on the merits;

(2) The time announcement;

(3) The telephone numbers for all attorneys and self-represented litigants;

(4) The email addresses for all attorneys and self-represented litigants;

(5) Whether an interpreter is required and the desired language (for specific information regarding interpreters, please see Chapter 6); and

(6) The two certificates of conference as noted in Rule 9.01(c) above; and

(d) Court's Discretion to Reschedule. The Court has the discretion to reschedule any matter that the Court determines cannot reasonably be heard within the announced time.

(e) Court Orders for Setting a Hearing.

(1) The Court will not sign an order setting a hearing unless it is necessary.

(2) Any show cause order or other order setting a case presented to a Judge for signature must be in a separate document and not combined with any pleading or motion.

(3) If a Judge signs an order for a setting, the party obtaining this order for a setting must still have the Court Coordinators place the setting on that Judge's docket. However, under these circumstances, a separate notice of setting is not required.

(f) Emergency Settings; Matters Requiring Immediate Court Action. When a party seeks a hearing or a signed order on an application requesting emergency relief, including applications for a restraining order, temporary administration, temporary guardianship, or emergency receivership and the party against whom relief is sought is represented by an attorney, movant's counsel must give that attorney advance notice that the movant intends to present the application to the Court at a given date, time, and place, unless otherwise directed by the Court.

(g) Additional Requirements for Jury Trials.

(1) *Jury Demand & Jury Fee.*

(A) Before requesting a setting for a jury trial, the party requesting the jury trial must file the required written request for a jury trial and must pay the jury fee in compliance with the Texas Rules of Civil Procedure 216 and any other applicable law.

(B) The Court will not set a jury trial date until a party has filed a request for a jury trial and paid the jury fee (unless the party requesting the jury trial has filed an affidavit that the party is unable to pay the jury fee).

(2) *Must Agree to Jury Trial Setting or Set a Scheduling Conference.* Unless the parties can agree on the jury trial setting, the parties must schedule a conference with the Court during which the Court will determine a trial date.

9.03. *Notify Court When Parties Resolve Matters Before Hearing, Including Settlements.*

(a) Notice of Resolution of Matter. If the parties to a matter or issue resolve the matter or issue before a scheduled hearing or trial date, the party that obtained the setting must immediately advise the Court Coordinators that the hearing or trial date is no longer needed or that a shorter time is needed to present a settlement for Court approval.

(b) Hearing to Approve Settlement Generally Required. Generally, the Courts require a hearing when parties seek Court approval of a settlement.

(c) Party Responsible for Notifying Court Coordinators. If more than one party obtained the setting, then counsel for the plaintiff, movant, or party seeking affirmative relief is responsible for notifying the Court Coordinators of the resolution of a matter, so that the setting may be used for other cases.

9.04. *Motions for Continuance and Agreements to Pass a Setting.*

(a) Motions for Continuance.

(1) *General Rule.* A party moving for a continuance of a hearing or trial must file its motion at least three days before the hearing or trial date unless the motion is based on facts that occur on or after the third day before the hearing or trial date.

(2) *Exception.* A party may file a motion for continuance within three days of the hearing or trial, if that motion is based on facts that occurred within three days before the hearing or trial date:

(A) The moving party must file the motion for continuance as soon as possible.

(B) The moving party must notify the Court of the filing in one of the following ways:

(i) serve the motion on the Court through the electronic filing manager,
or

(ii) email an e-file-stamped copy of the motion to the Court Coordinators, copying all other parties on the email.

(C) The motion will be heard at a time set by the Court.

(b) Agreements to Pass a Setting. The parties must notify the Court Coordinators of an agreement to pass a setting as soon as possible. However, parties cannot agree to pass a setting for a case that was retained on the Court's docket following a dismissal for want of prosecution notice.

(c) Possible Sanctions. The failure of the parties to promptly notify the Court Coordinators' office of an agreement to pass a setting may result in the imposition of sanctions against counsel.

Chapter 10 Computation of Time

Consistent with Rules 4, 21, and 21a of the Texas Rules of Civil Procedure, the Courts will not count Saturdays, Sundays, or legal holidays when calculating the three-day notice required by Rule 21 of the Texas Rules of Civil Procedure, except when notice has been given by mail. Accordingly, a party must give notice by Wednesday for a motion hearing set on Monday.

Chapter 11 Jury Trials

11.01 Pretrial Order and Motions in Limine.

(a) Uniform Pretrial Order. The Judges may, by standing order, adopt a uniform pretrial order for jury trials, an approved motion in limine, or both. Should the Judges adopt such orders, they will be used in every civil jury trial.

(b) Prohibition Against Repeat Requests. Parties must not repeat or otherwise address the subject matter of any approved pretrial order or motion in limine except to seek modification of such order.

11.02 Pre-Trial Hearing.

(a) Setting Pre-Trial Hearings. The Court may set civil jury cases for pre-trial hearings. The Court will hear any motions in limine at that hearing, and all other matters considered for pre-trial determinations pursuant to Rule 166 of the Texas Rules of Civil Procedure.

(b) Counsel's Failure to Appear. If counsel for any party fails to appear at the pre-trial hearing, the Court may:

- (1) Rule on all pending motions in the absence of said counsel;
- (2) Declare any motions of the absent party to be waived; or
- (3) Advance or delay the trial setting according to the convenience of counsel who are present.

(c) Authority of Counsel Who Appears. Counsel appearing at the pre-trial hearing shall either be the attorney who expects to try the Case or be familiar with the Case and fully authorized to state their client's position on the law and the facts, make stipulations, and enter into settlement negotiations as trial counsel. If the Court finds that counsel is not qualified, the Court may consider that no counsel has appeared and act accordingly.

11.03 Jury Trial Announcements.

(a) Announcements. The Wednesday before the week a jury trial is set, the Court presiding over that jury trial will hold an announcement docket at which time the parties will announce whether they are ready for trial and give a time estimate for conducting the entire trial.

(b) Presence of Counsel; Waiver of Ex Parte. Counsel for the parties shall appear that jury announcement docket, unless the Judge otherwise approves the counsel's absence. If counsel for a party makes their jury announcement by means other than being present, counsel waives any objection to ex parte contacts between the Judge and the other parties who are present.

Chapter 12 Requests for Ex Parte Relief

12.01 *Submission.*

Parties shall submit all requests for ex parte relief to the Court by submission.

12.02 *Certificate of Conference.*

Every application for ex parte relief shall contain a certificate signed by counsel or a party that:

(1) To the best of his or her knowledge the party against whom relief is sought ex parte is not represented by counsel in the Case in which the relief is sought;

(2) Counsel for the party against whom relief is sought ex parte has been notified of the application and has stated whether he or she wishes to be heard; or

(3) Diligent attempts to notify counsel for the party against whom ex parte relief is sought have been unsuccessful and the circumstances do not permit additional efforts to give notice.

12.03. *Filings.*

(a) Filing of Documents. Parties seeking ex parte relief from the Court shall e-file a relevant pleading or motion and a proposed order and then contact the Court Coordinators to request that the pleading or motion for ex parte relief be brought to the attention of the Court. Parties shall not send motions or proposed orders directly to the Court Coordinators unless the Court Coordinators expressly instruct them to do so.

(b) Timing of Contacting Court Coordinators. Parties shall not contact the Court Coordinators unless the relevant pleading or motion and a proposed order have been e-filed.

12.04. *Hearing.*

At the discretion of the Court, the Court may require a remote or in-person hearing before granting an ex parte request for relief.

Chapter 13 Attorneys: Appearances, Motions to Withdraw as Attorney of Record, and Motions to Substitute Attorneys

13.01 *Attorney in Charge; Limited Scope Appearances Not Recognized.*

(a) Attorney in Charge. Pursuant to Rule 8 of the Texas Rules of Civil Procedure, on “the occasion of a party’s first appearance through counsel, the attorney whose signature first appears on the initial pleadings for any party shall be the attorney in charge, unless another attorney is specifically designated” in that pleading. Thereafter, that attorney shall remain the attorney in charge for all purposes unless the attorney withdraws, another attorney substitutes into the Case, or another attorney is designated attorney in charge pursuant to Rule 8 of the Texas Rules of Civil Procedure.

(b) No Limited Scope Representation. The County Courts of Law do not recognize limited scope representation.

13.02 *Hearing Required for Motion to Withdraw; Exception.*

A hearing is required for the Court to rule on a motion to withdraw unless the motion complies with Rule 10 of the Texas Rules of Civil Procedure and is filed with:

- (1) A written consent to the withdrawal signed by the withdrawing attorney's client or clients;
- (2) A written consent to the withdrawal signed by all other parties in the action who have appeared;
- (3) A certificate of the last known address of the client or clients, containing those clients' addresses, telephone numbers, email addresses, and, if available, fax numbers; and
- (4) A certification that the Court has reduced all of its rulings to writing.

13.03 *Hearing Required for Motion to Substitute Attorneys; Exception.*

A hearing is required for the Court to rule a motion to substitute attorneys unless the motion complies with Rule 10 of the Texas Rules of Civil Procedure and is filed with:

- (1) A written consent to the substitution that all other parties in the action who have appeared have signed;
- (2) A certificate of service that notifies the withdrawing attorney of the motion to substitute;
- (3) The substituting attorney's name, State Bar number; address, telephone number, email address, and, if available, fax number; and
- (4) A certification that the Court has reduced all of its rulings to writing.

Chapter 14 Orders and Judgments

14.01 *Proposed Orders.*

(a) Not Required. These Rules do not require party to present proposed orders to the Court. However, the Clerk will reject any proposed order for which a party has not previously filed a motion requesting the relief stated in the proposed order.

(b) E-file Proposed Orders Separately. If a party e-files a proposed order, the party must e-file it separately from any motion or other document and email the proposed order to the Court Coordinators in a rich text or Word format.

14.02 *Entry of Orders After Rendition.*

(a) Party to Submit Orders; Time. Unless the Court orders otherwise, the prevailing party or parties must reduce to writing all orders and judgments that the Court rendered and submit that order or judgment to the Court not later than fourteen (14) days from the date of rendition.

(b) Submission.

(1) All attorneys of record and any self-represented litigants must approve all orders and judgments as to form and contain full signature blocks for all attorneys of record and any self-represented litigants.

(2) A full signature block consists of the attorney's and any self-represented litigant's signature, printed name, mailing address, email address, bar number, telephone number, and the identity of the party represented, if applicable.

(3) A prevailing party may submit an order or judgment that has been approved as to form to the Court for signature by e-mailing the proposed order or judgment, in an editable format, to the Court Coordinators for the Judge.

(c) Proposed Orders Not Forwarded. The Clerk of the Court does not forward proposed orders and judgments that are filed with the Clerk to the Judge or the Court Coordinators.

(d) Inability to Obtain Approval. If a proponent of the order or judgment is unable to secure the approval of any other attorney or party as to the form of the proposed order or judgment, that proponent must file a motion to enter the proposed order or judgment and set that motion for a hearing in the Court that rendered the order or judgment.

14.03 *Submission of Agreed Orders and Judgments.*

(a) Submission. The parties may submit agreed orders and judgments to the Court for signature by e-filing and e-mailing the proposed orders and judgments to the Court Coordinators, whose email address is available on the County Courts at Law's website.

(b) All Signatures Required. Any proposed agreed order or judgment must be signed by all attorneys of record and any self-represented litigants and state that the order or judgment is "Agreed" or "Agreed as to Form and Substance."

(c) Proposed Orders Not Forwarded. The Clerk of the Court does not forward proposed agreed orders and judgments that are filed with the Clerk to the Judge or the Court Coordinators.

14.04 *Order & Judgments Nunc Pro Tunc.*

(a) Motion Required. Any attorney who wishes to correct clerical mistakes in an order or judgment that a Judge has signed, must file the appropriate Motion with a proposed new order or judgment designated as a "Nunc Pro Tunc" and must obtain the Judge's signature on that new order or judgment.

(b) Prohibition Against Use of Existing Order. Not under any circumstance whatsoever may an attorney use the existing order or judgment by revising or adding language to the existing order or judgment to correct any clerical mistakes.

Chapter 15 Post-Trial Matters

15.01 *Post-Trial Hearings.*

(a) Appropriate Judge.

(1) With the exception of post-judgment discovery, the Judge who presided over the trial must hear all post-trial motions.

(2) The Judge who made the ruling at issue must hear motions to enter a judgment or an order.

(b) Motions for New Trial on Default Judgments. The Judge who granted a default judgment must hear any motion for a new trial seeking to set aside that default judgment. If that Judge is not

available to hear a motion for new trial within the required time frames of the Texas Rules of Civil Procedure, then the Court Coordinators, under the supervision of the Administrative Judge, may assign another Judge to hear that motion for new trial.

15.02 *Duty to Notify Court of Post-Trial Pleadings.*

The Clerk of the Court does not forward to the Judge the pleadings and notices that parties file with the Clerk. Therefore, a party must give notice directly to the Court Coordinators through email when a party files one or more of the following post-trial pleadings:

- (1) Request for Findings of Fact and Conclusions of Law (TEX. R. CIV. P. 296).
- (2) Notice of Past Due Findings of Fact and Conclusions of Law (TEX. R. CIV. P. 296).
- (3) Any affidavit of indigence filed in connection with an appeal (TEX. R. APP. P. 20.1).

Chapter 16 Alternative Dispute Resolution; Mediation

16.01 *Alternative Dispute Resolution is Encouraged.*

It is the policy of the County Courts at Law to encourage the peaceable resolution of disputes and the early settlement of pending litigation by identifying cases appropriate for referral to mediation. Parties are also encouraged to attempt to settle their cases using alternative dispute resolution methods such as mediation, arbitration, and informal settlement discussions.

16.02 *Non-Jury Cases.*

Mediation may be ordered in a non-jury case at the Judge's discretion.

16.03 *Jury Cases Must Be Mediated.*

(a) Mediation Required. The parties to any case for which a party has requested a jury trial must have mediated the case prior to the Court Coordinators' setting the case on an active jury trial docket, unless a Court waives this requirement.

(b) Deadline to Complete Mediation. Mediation in all cases set on the jury docket must be completed not later than forty-five (45) days prior to the first day set for trial, unless the Court alters or waives this requirement.

(c) Deadline for Filing Mediator's Report.

(1) The parties are responsible for ensuring that the Mediator's report is filed with the Clerk not later than thirty (30) days before the first day set for trial.

(2) The parties must also submit a copy of the Mediator's report to the Court Coordinators on the same day it is filed with the Clerk.

(d) Penalty for Failure to Comply. Failure to comply with the provisions of this section regarding mediation may result in the trial setting being dropped or other sanctions that the Court deems appropriate.

Chapter 17 Settlement Week

(a) Annual Settlement Weeks. In accordance with Section 155.001 of the Texas Civil Practice & Remedies Code, Settlement Weeks shall be scheduled in the Spring and Fall of each year, preferably during the weeks of the annual Judicial Conferences. The Local Administrative Judge will annually approve the dates for Settlement Week.

(b) No Case Set During Settlement Week. Except for emergency matters, a civil case may not be set for hearing or trial during Settlement Week.

(c) In Conjunction with District Courts. Pursuant to Section 155.002, the Local Administrative Judge for the County Courts at Law will coordinate the Local Administrative Judge for the Hays County District Court to determine who will appoint a committee of attorneys and lay persons to effectuate each Settlement Week.

Chapter 18 Dismissal for Want of Prosecution by the Court

18.01 Cases Subject to Dismissal.

(a) Lack of Action. The following cases are eligible for dismissal for want of prosecution sua sponte by the Court:

(1) Cases on file for more than 180 days in which the defendant, defendants, or responding party has not filed an answer;

(2) Cases on file for more than 18 months from appearance date that are not set for trial and that do not have any filings or settings within the past 180 days; and

(3) Any other case that the Courts designate. The Courts recognize that in especially complex cases or special circumstances it may not be possible to adhere to these standards.

(b) Failure to Appear. In addition, a Court may place a case on its DWOP Docket for dismissal on the failure of any party seeking affirmative relief to appear for any hearing or trial of which the party had notice.

18.02 Copies to Court Coordinators.

A party must deliver to the office of the Court Coordinators a copy of all notices, motions, and pleadings that this Chapter requires the party to file with the Clerk of the Court.

18.03 Notice and Dismissal.

(a) Notice. The Clerk will send notice to the parties of the Court's intention to dismiss a case by the Court's setting the case on its DWOP Docket and the date and place of the DWOP Docket hearing.

(b) Dismissal. The Court will dismiss any case that is set for dismissal on the DWOP Docket without further proceedings:

(1) Unless a party requesting affirmative relief either files a motion to retain or appears at the DWOP Docket and presents good cause why the Case should remain on the regular docket, and the Court finds good cause for the Case to be maintained on the regular docket.

(2) If a party requesting affirmative relief fails to appear at the DWOP Docket for the subject Case.

(c) Case Previously Dismissed. If counsel receives a notice of dismissal of a previously dismissed or concluded case, they may contact the Court Coordinators with documentation of the prior dismissal, and the Court Coordinators will remove the matter from the DWOP Docket.

18.04 *No Pocket Settings.*

A party may not obtain a setting in cases that are set for dismissal with want of prosecution until the dismissal docket process is complete, except with leave of Court.

18.05 *Motions to Retain and Objections to Motions to Retain.*

(a) Requirements for Motion to Retain. Motions to retain must set forth the factual and legal basis for retaining the Case on the Courts' dockets and must be filed at least fourteen (14) days prior to the DWOP Docket date specified in the notice of that Docket.

(b) Objection to Motion to Retain. Any objection to a motion to retain must be filed at least seven (7) days prior to the DWOP Docket date specified in the notice of that Docket.

18.06 *Objection to Mediation.*

(a) Simultaneous with Motion to Retain. Parties filing motions to retain must file any objection to mediation simultaneously with a motion to retain.

(b) Due Date for Other Parties. Parties receiving notice of a motion to retain must file any objection to mediation at least seven (7) days prior to the DWOP Docket date specified in the notice of that Docket.

(c) Court to Rule Based on Written Submissions. The Court will rule on objections to referral to mediation based on the written submissions without a hearing.

18.07 *Order Granting Motion to Retain.*

If a Court grants a motion to retain, the Judge will sign an order retaining the case on the Courts' docket that includes docket control provisions consistent with Rule 165a(1) of the Texas Rules of Civil Procedure, a trial date setting, and any mediation requirements, unless the Court sustains an objection to mediation, and addresses any discovery issues that a party raises.

18.08 *No Discovery.*

None of the parties may conduct any further discovery in cases that the Court retains on its regular docket after the case was on the DWOP Docket unless the discovery is consistent with the docket control provisions of the ordering granting motion to retain or the Court so permits in a written order.

18.09 *Prohibition on Removal from Docket.*

The parties to a case set for trial after entry of an order to granting motion to retain may not remove the Case from the Docket by agreement.

Chapter 19 Copies

19.01 *Obtain Copies from the Clerk's Office.*

The office of the County Courts at Law of Hays County, Texas does not provide copies of any documents. All persons requesting copies of any documents must obtain those copies from the County Clerk's Office.

Chapter 20 Additional Rules for Probate and Guardianship Cases

20.01 *Prerequisites for Obtaining a Setting for a Probate Case.*

In addition to complying with the e-filing requirements of Section 9.01(a) of these Rules, before the party requesting a setting on a request for relief, that party must e-file the following:

- (1) The will and any codicil of the decedent;
- (2) The death certificate of the decedent, with the social security number redacted;
- (3) Any proof of publication;
- (4) Any waivers of citations, consents, or notices;
- (6) An unexecuted Proof of Death and Other Facts;
- (7) Any unexecuted Statement of Facts; and
- (8) All proposed orders and judgments.

20.02 *Contested Probate and Guardianship Matters.*

Within thirty (30) days of the filing of the pleading that first creates a contested probate or guardianship matter, the parties must agree to a docket control order for the Court's approval. If the parties are unable to agree to such an order or fail to do so by the required date, the Court will set a hearing to enter a docket control order.

20.03 *Limitation on Annual Reports.*

If an attorney completes an annual report of the person or of the estate in a guardianship, the maximum amount time the Courts will approve as compensable time is 30 minutes.

20.04 *Transfer of a Guardianship to Another State.*

If a party desires to transfer a guardianship case from Hays County to another state, first determine if the transferee state accepts the transfer of a guardianship. If not, establish a new guardianship in that state and then file a motion to close in the guardianship case in Hays County, which includes the cause number of the guardianship in the other state.

Title III. Rules Applicable to Criminal Cases

Chapter 21 Attorneys for Defendants

21.01 Attorney of Record.

An attorney remains the attorney of record until relieved by written order of the Court.

21.02 First Attorney Retained or Appointed.

(a) Retained. The first attorney that a defendant retains shall file a letter of representation with the Clerk of the Court within five (5) business days of the date the defendant retains that attorney.

(b) Appointed. An attorney who the Court appoints to represent a defendant need not file a letter of representation but shall file a certificate of contact with the Indigent Defense Counsel Office within ten (10) business days of that attorney's receiving notice of an appointment.

21.03 Withdrawal Without Substitution.

(a) Written Motion to Withdraw without Substitution; Appearance. If, prior to the disposition of the Case, an appointed or retained counsel has reason to withdraw without substitution, the attorney must file a written motion to withdraw with the Clerk of the Court and appear before the Court with the defendant to address the motion.

(b) Hearing and Notice. If the defendant does not agree to the withdrawal an attorney without substitution, then a Court will hear this motion at the next setting in the Case or at any time the Court designates but only after the defendant is provided notice to appear. Adequate notice of the motion to withdraw may be shown by certified mail, return receipt requested, to the last known address of the defendant.

(c) Court's Discretion. The Court has discretion whether to grant the motion to withdraw without substitution.

21.04 Substitution of Attorney.

(a) Motion to Substitute. If a defendant retains an attorney to replace their existing counsel, then the new counsel must file a motion to substitute counsel within ten (10) business days of being retained, naming both himself or herself and the attorney to be relieved. The motion must include a certificate of service reflecting notice to both previous counsel in the Case and the District Attorney's Office.

(b) By Agreement. If the motion to substitute or the order approving the substitution has signatures of the defendant and the substituting and the withdrawing, and the motion states that the substituting attorney accepts the Case's next setting, the Court may sign the order approving substitution by submission.

(c) Hearing without Agreement. If defendant cannot satisfy the requirement of Local Rule 21.04(b), then the Court will hear the defendant's motion to substitute at the next setting in the Case.

Chapter 22 Settings

22.01 *Settings by the Court.*

All criminal cases shall be set *only* by Court Order or by an administrative notice of setting by the Court Coordinators.

22.02 *Continuance of Trial Setting.*

By agreement, the parties may request the continuance of a trial setting by filing an agreed motion for continuance with the Clerk of the Court and advising the Court Coordinators in writing of the agreed continuance.

Chapter 23 Pretrial Matters.

23.01 *Arraignment Setting.* The Court Coordinators will set each criminal case for an Arraignment Setting between four (4) weeks to six (6) weeks after the State files its Complaint and Information in the Case.

(a) Defendants without Legal Counsel.

(1) *Defendant Must Be Present.* Defendants without legal counsel must be present at the Arraignment Setting for their case.

(2) *Purpose.* At this Arraignment Setting, the Court will arraign the defendant and will discuss legal representation of the defendant by the Court's appointment of an attorney or the defendant's hiring legal counsel or waiving defendant's right to counsel in writing.

(3) *Reset, If Needed.* The Court may reset the Arraignment Setting to a future date and time until the Court appoints an attorney to represent the defendant, the defendant hires an attorney, or the Court administers *Faretta* warnings to the defendant to allow self-representation.

(b) Defendant with Legal Counsel. Legal counsel for defendants will eliminate the requirement that their client appear at an Arraignment Setting if counsel e-files a waiver of arraignment before the date and time of the setting or presents such waiver to the Court for filing at the setting.

23.02 *Pretrial Hearings.*

(a) Pretrial Hearing No. 1.

(1) *Setting.* The Court Coordinators will set Pretrial Hearing No. 1 for a criminal case between four (4) weeks and six (6) weeks after the date of the Arraignment Setting for the Case.

(2) *Purpose.* The general purpose of Pretrial Hearing No. 1 is for the counsel for the State and the defendant to make plea offers and counteroffers, to engage in preliminary discovery discussions, and to discuss any upfront requirements for an eventual plea agreement.

(3) *Appearance at Hearing: Counsel Only.* The Courts do not require that the defendant be present for this hearing. Defense counsel who fails to appear at this hearing without Court approval may be subject to sanctions.

(4) *Reset for Pretrial Hearing No. 2.* At the conclusion of this hearing, the parties may reset the Case for Pretrial Hearing No. 2 by an agreement submitted to the Court Coordinators.

(b) Pretrial Hearing No. 2.

(1) *Setting.* Based upon the agreement of counsel, the Court Coordinators will set Pretrial Hearing No. 2 for a criminal case not more than twelve (12) weeks after the date Pretrial Hearing No. 1.

(2) *Purpose.* The general purpose of Pretrial Hearing No. 2 is for opposing counsel to continue plea negotiations, to work on resolving any outstanding discovery issues or seek judicial clarification of discovery requests, and to provide an update on any upfront requirements for an eventual plea agreement.

(3) *Appearance at Hearing: Counsel Only.* The Courts do not require that the defendant be present for this hearing. Defense counsel who fails to appear at this hearing without Court approval may be subject to sanctions.

(4) *Reset for Pretrial Hearing No. 3.* At the conclusion of this hearing, the parties may reset the Case for Pretrial Hearing No. 3 by an agreement submitted to the Court Coordinators.

(c) Pretrial Hearing No. 3.

(1) *Setting.* Based upon the agreement of counsel, the Court Coordinators will set a Pretrial Hearing No. 3 for a criminal case between four (4) weeks and six (6) weeks after the date of Pretrial Hearing No. 2.

(2) *Purpose.* The general purpose of a Pretrial Hearing No. 3 is for opposing counsel to finalize plea negotiations, to make guarantees of compliance with discovery requirements, and to make last steps in providing proof of satisfaction of upfront requirements for a plea agreement.

(3) *Appearance at Hearing: Counsel and Defendant.* The Courts require that the defendant be present for this hearing. The Court may issue a citation for the offense of “Failure to Appear” if a defendant fails to appear at this hearing without Court approval. Defense counsel who fails to appear for this hearing without Court approval may be subject to sanctions.

(4) *Reset for Plea & Sentencing Hearing or Pretrial Hearing No. 4.* At the conclusion of this hearing, the parties may reset the Case for a Plea & Sentencing Hearing, unless the Court gives its express written approval for a Pretrial Hearing No. 4. Either such hearing shall be by agreement and with notice to the Court Coordinators.

(d) Pretrial Hearing No. 4. Any Pretrial Hearing No. 4 will be subject to the same provisions as a Pretrial Hearing No. 3.

(e) Continuance of Pretrial Hearing. If opposing counsel are unable to confer for the purposes of Pretrial Hearings Nos. 1 through 4, then counsel may request that the Court continue the Pretrial Hearing of the particular number or type to an agreed upon date and time.

(f) Plea & Sentencing Hearing.

(1) *Setting*. Based upon the agreement of counsel, the Court Coordinators will set a Plea & Sentencing Hearing for a criminal case between four (4) weeks and six (6) weeks after the date Pretrial Hearing No. 3 or No. 4.

(2) *Purpose*. The purpose of a Plea & Sentencing Hearing is for the Court either to approve a plea agreement for the Case or to place the Case on the Court's jury or bench trial docket.

(3) *Defendant Must Appear*. The Courts require that the defendant appear before the Court at this hearing.

(4) *Continuance of Plea & Sentencing Hearing*. The Court must give its written approval for the continuance of a Plea & Sentencing Hearing.

23.03 *Other Circumstances.*

(a) Defendant with New Charges. If the State files one or more criminal charges against a defendant against whom charges are pending, then the parties will request the Court's approval on setting these separate cases for pretrial hearings with the Court Coordinators. The default setting will be to set the separate cases on the docket at the same time.

(b) Defendant with New Counsel. When a defendant obtains new counsel, that new counsel, with a response from the State, may request the Court's approval adjusting the type of pretrial hearing that is next set for the defendant.

(c) Motions to Adjudicate and Motions to Revoke. The first pretrial hearing for a motion to adjudicate or a motion to revoke that the State files will be a Pretrial Hearing No. 1.

(d) Criminal Cases Filed Before the Effective Date of these Rules. The Court Coordinators, in consultation with the Judges, will place cases filed before the effective date of these Rules on the Courts' dockets as is appropriate under the facts and circumstances.

23.04 *Negotiations.*

Nothing in these Rules prohibit the parties in a criminal case from entering into a plea agreement at any time or requesting a contested hearing on any issue in a criminal case.

23.05 *Pretrial Motions.*

(a) Compliance with TCCP. All pretrial motions shall be filed in accordance with the Texas Code of Criminal Procedure.

(b) Proposed Orders. For each pretrial motion, counsel must provide, by a separate document, a proposed order with the proper cause number and style of the Case, unless the Court has given prior approval of the form of the order.

23.06 *Documents in Final Form.*

Parties must have all documents in final form before approaching the Judge.

Chapter 24 Jury Trial

24.01 *Cases Set for Jury Trial.*

After all pretrial hearings under Chapter 23 of these Rules, or on the request of counsel for the Case, the Court Coordinators will set the Case for jury trial unless the Court or counsel for the defendant requests a bench trial or a date for a plea of guilty.

24.02 *Jury Trial Announcements.*

(a) Announcements. Beginning in October of 2025, the Tuesday before the week a jury trial is set, the Court presiding over that jury trial will hold an announcement docket at which time the parties will announce whether they are ready for trial and give a time estimate for conducting the entire trial and present to the Court their proposed jury charge. The parties' failure to submit a charge at this time will not forfeit future arguments by counsel regarding the proper charge.

(b) Presence of Counsel; Waiver of Ex Parte. Counsel for the parties shall appear that jury announcement docket, unless otherwise approved by the Judge. If counsel for a party makes their jury announcement by means other than being present, counsel waives any objection to ex parte contacts between the Judge and the other parties who are present as to purely scheduling matters.

24.03 *Preliminary Hearings for Jury Trial.*

(a) Preliminary Hearing-Housekeeping. In pursuit of the orderly and efficient conduct of trials, either party may request that the Court Coordinators set a Preliminary Hearing for the Court to review and approve redactions in any evidence that a party intends on offering as evidence.

(b) Preliminary Hearing-Substantive. Either party may request that the Court Coordinators set a Preliminary Hearing for the Court to review and rule on the admissibility of evidence under Rule 104 of the Texas Rule of Evidence (Preliminary Questions).

Chapter 25 Trial before the Court.

25.01 *Waiver.*

If the defendant requests a bench trial, counsel for the defendant must file a jury waiver with the Clerk. The defendant must sign and swear to this waiver, and counsel for the defendant must sign and approve this waiver. The prosecutor must likewise sign the waiver if the State intends to waive its right to jury trial or otherwise consent to the defendant's waiver of jury trial.

Chapter 26 Judgments.

26.01 *Preparation of Judgment.*

The Court will prepare all Judgments in all criminal cases tried before the Court or to the jury with input from the parties.

Chapter 27 Service of Pleadings.

27.01 *Counsel to Serve Pleadings on Other Side.*

Parties in a criminal case must serve any request to the Court on opposing counsel through e-service not less than three (3) days before the Court is set to consider the request unless the Court shortens the time requirement, or the opposing counsel waives the time requirement.

Chapter 28 Appeals of Class C Misdemeanors

28.01 *Appeals of Criminal Class C Misdemeanor Cases.*

Cases that are appeals of criminal Class C Misdemeanor cases shall be set for only a Pretrial Hearing No. 1, at which time:

(a) Discovery. The State will guarantee to the defendant that the State has made or will make all discovery available to the defense.

(b) Plea Offer. The State will transmit any plea offer in the Case for potential acceptance.

(c) County Clerk's Record. The County Clerk will ensure that the original record from court from which the appeal is taken is filed into the Clerk's Record for the current case.

(d) One Additional Reset for Pro Se Defendants. If a defendant is unrepresented by counsel, then that defendant will be given the option of one reset for an additional Pretrial Hearing No. 1 to retain counsel with an accompanying Order to Employ Counsel.

After guaranteeing the above requirements are satisfied, the Court or Court Coordinators will reset the case to either a bench or jury docket setting, at which time the case will proceed as with any other criminal case.

Chapter 29 *[Reserved for Expansion]*

Title IV. Rules Applicable to Family Law Cases

Chapter 30 Applicable Rules

30.01 *Rules Followed and Adopted by Reference.*

Pursuant to Section 25.1072(a) of the Texas Government Code, the County Courts at Law have “concurrent jurisdiction with the district court in family law cases and proceedings.” Therefore, if a Court hears a family law case it will follow the Local Rules of the District Courts of Hays County, Texas pertaining to family law cases, which rules the County Courts at Law adopts by reference.

30.02 *Jury Trials in Family Law Cases.*

Pursuant to Section 25.1072(f) of the Texas Government Code, if a family law case or proceeding is tried before a jury, the jury shall be composed of twelve (12) members.