

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 07- **9184**

**APPROVAL OF LOCAL RULES FOR CRIMINAL
PROCEEDINGS IN FELONY CASES FOR TARRANT COUNTY**

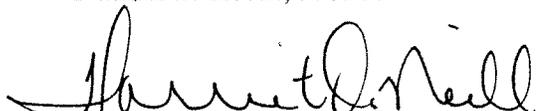
ORDERED that:

Pursuant to Texas Rule of Civil Procedure 3a, the following Local Rules for Criminal Proceedings in Felony Cases for Tarrant County are approved. These rules replace Part 5 of the existing local rules currently entitled "Rules for Disposition of Criminal Cases." This approval is temporary pending further orders of the Court.

In Chambers, this 30th day of October, 2007.


Wallace B. Jefferson, Chief Justice


Nathan L. Hecht, Justice


Harriet O'Neill, Justice

J. Dale Wainwright

J. Dale Wainwright, Justice

Scott Brister

Scott Brister, Justice

David M. Medina, Justice

Paul W. Green

Paul W. Green, Justice

Phil Johnson

Phil Johnson, Justice

Don R. Willett

Don R. Willett, Justice

PART 5. RULES GOVERNING CRIMINAL PROCEEDINGS IN FELONY CASES

RULE 5.1 COURTROOM DECORUM

Rule 5.11 Conduct Required of Counsel

- (a) Counsel shall timely appear before the Court at each setting and following each recess.
- (b) Counsel shall be appropriately attired for all court proceedings.
- (c) Counsel shall rise and remain standing while addressing the Court.
- (d) Counsel shall address all statements, requests, and objections to the Court and not to opposing counsel.
- (e) Counsel shall neither make nor insinuate derogatory or insulting remarks about opposing counsel.
- (f) Counsel shall address the Court as “Your Honor” or “Judge” and except with permission of the Court, shall refer to all counsel, parties and witnesses (except children) by their surnames, using such titles as Mr., Mrs., Dr., etc. as appropriate, and not by first names or nicknames or any discriminatory or inappropriate classification.
- (g) Counsel shall request permission of the Court before approaching the bench or approaching the witness when necessary to work with documentary or tangible evidence.
- (h) Counsel shall advise counsel’s clients, witnesses, and others subject to counsel’s control of these rules of conduct and courtroom decorum.
- (i) Counsel shall strictly follow Rule 3.07 of the Texas Disciplinary Rules of Professional Conduct regarding trial publicity.

Rule 5.12 Conduct Required of All Persons

- (a) All persons in the courtroom during trials and other proceedings shall be attentive and shall refrain from any action which may disrupt the proceedings.
- (b) All persons entering the courtroom shall be dressed in clothing reasonably befitting the dignity and solemnity of court proceedings.
- (c) All persons shall rise when the judge enters the courtroom, and at such other times as the bailiff shall instruct.
- (d) No beverages, food, chewing gum, candy, and tobacco products are permitted in the courtroom without permission of the Court.
- (e) No reading of newspapers, books, or magazines is permitted.
- (f) No propping of feet on tables or chairs is permitted.
- (g) No person shall make gestures, facial expressions, or sounds indicating approval or disapproval of any ruling, testimony, person, or conduct.
- (h) No person shall bring radios, tape recorders, computers, cameras, or other electronic devices into the courtroom unless the device is required for the court proceedings and prior approval has been given by the bailiff or the Court.
- (i) No audible sounds from communication devices shall be permitted.

- (j) No overt advertising, campaign buttons, and campaign materials are permitted in the courtroom.
- (k) No person shall be permitted to display or wear any clothing, item, or thing that may influence the jury in the performance of its duties.
- (l) No person shall be permitted any verbal or physical contact with a prisoner without the prior approval of the bailiff or sheriff.
- (m) No children shall be permitted in the courtroom during any court proceedings without prior approval of the Court.

Rule 5.13 Enforcement

The sheriff or bailiff of the Court shall enforce the rules of conduct and courtroom decorum.

RULE 5.2 DOCKET MANAGEMENT

Rule 5.21 Differentiated Felony Case Management System

Attorneys are expected to be familiar with and comply with the current guidelines of the Differentiated Felony Case Management system, adopted by the district courts trying criminal cases.

Rule 5.22 Pretrial Matters

Parties are directed to use all reasonable means to resolve pretrial disputes to avoid the necessity of judicial intervention.

Rule 5.23 Initial Appearance Setting

The first setting for each felony case is the Initial Appearance Setting (IAS). The purpose of the IAS is to ensure that each defendant has an attorney on all pending cases.

Rule 5.24 Consultation Setting

The Consultation Setting (CS) is conducted in the assigned district court and includes all of a defendant's then pending cases. The purpose of the CS is to allow the opportunity for appointed counsel to meet and consult with the state in order to allow, if possible, a prompt and just resolution of the case.

Rule 5.25 Evidence Exchange Setting

Prior to the Evidence Exchange Setting (EE), the state will be expected to complete all necessary laboratory examinations, to consult with any necessary persons, and to have the relevant reports available in court.

Rule 5.26 Motion Setting

The state and defendant must file all nonconstitutional motions seven days before the Motion Setting as required by the Texas Code of Criminal Procedure Article 28.01(2).

Rule 5.27 Status Conference

The last case setting before trial is the Status Conference (SC). Meaningful plea negotiations are encouraged. The defendant will be expected to execute necessary trial motions with the district clerk, such as an application for probation and an election of punishment, and the case will be scheduled for trial within four to six weeks.

RULE 5.3 CONTINUANCES

A motion for continuance must be in writing, under oath, and presented in open court with all parties present, as required by the Texas Code of Criminal Procedure Chapter 29. A continuance may only be granted for the prosecution or the defense for sufficient cause shown, as defined by the statute.

RULE 5.4 TRANSFER OF CASES AMONG COURTS

Rule 5.41 Transfer of Cases Between District Courts

The transfer of cases between district courts of Tarrant County may be done by written order upon consent of the judges of those courts participating in the transfer.

Rule 5.42 Transfer of Cases to a County Court

Transfer of cases from a district court to a county court may be done in compliance with the Texas Code of Criminal Procedure Article 21.26.

RULE 5.5 ATTORNEYS

Rule 5.51 Appearance of Counsel

Upon a party's first appearance through counsel, the attorney whose signature first appears on the initial pleading shall be the attorney in charge, unless another attorney is specifically designated therein. The attorney's appearance shall be a general appearance and the attorney will remain as the attorney in charge until the final disposition of the case or until permitted to withdraw by the Court.

Rule 5.52 Withdrawal or Substitution of Counsel

- (a) If prior to the disposition of a case an appointed or retained attorney has reason to withdraw, the attorney must file a written motion to that effect with the Court and appear with the defendant before the Court to address the motion.
- (b) If an attorney is retained to replace existing counsel, the attorney must file a motion to substitute counsel, naming both himself and the attorney to be relieved, signed by the defendant. The motion must also have attached a certificate of service showing notice to both previous counsel in the case and the District Attorney.

Rule 5.53 Attorney Appointment

Appointment of counsel to represent indigent defendants will be governed by the Tarrant County District Courts' Felony Court Appointment Plan. The judges trying criminal cases will administer the Plan. Counsel appointed to represent indigent defendants will adhere to the rules of the Plan.

Rule 5.54 Attorney Fees

- (a) Attorneys appointed to represent indigent defendants must disclose to the Court all compensation received from any source on behalf of the indigent defendant. The Court will take that disclosure into consideration in determining the appropriate fee to pay court-appointed counsel.
- (b) Attorney fees will be paid in accordance with a schedule of fees adopted by formal actions of the judges of the district courts trying criminal cases, pursuant to Texas Code of Criminal Procedure Article 26.05.

Rule 5.55 Attorney Vacations and Continuing Education

Counsel wishing to avoid assignment to trial or other court setting during a vacation or continuing education period shall advise the court by notifying the court coordinator in writing at least forty-five (45) days prior to the beginning of the vacation period.

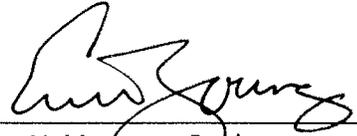
Rule 5.56 Conflicting Settings

- (a) A conflicting setting exists when an attorney is already set for trial or hearing in another court or an attorney is assigned to more than one court at the same time. It is the duty of an attorney to call the affected judges' attention to all multiple settings as soon as they are known by the attorney.
- (b) Conflicts in Trial Settings. Priority for trial settings are governed by sequential order as entered into the attorney scheduling system agreed upon by the judges of the criminal district courts. Adjustments to trial settings can be made by agreement of the judges.
- (c) Conflicts in Docket Settings. Priority for conflicts in docket settings shall be governed by the schedule of docket day court preference agreed upon by the criminal district courts.
- (d) Felony cases take priority over all other criminal settings pursuant to Texas Government Code Section 23.101.

We, the undersigned judges, adopt the following RULES GOVERNING CRIMINAL PROCEEDINGS IN FELONY CASES for Tarrant County, this 17th day of September 2007.



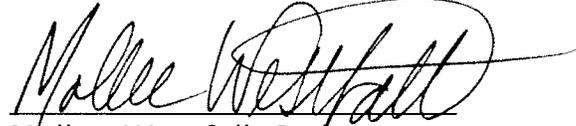
Sharen Wilson, Judge
Criminal District Court No. 1



Everett Young, Judge
297th District Court



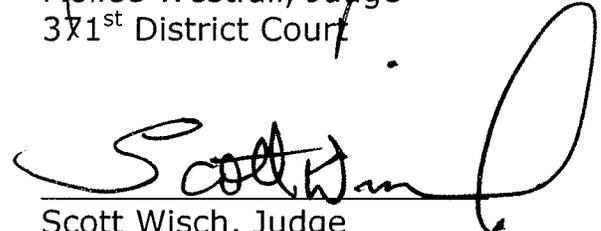
Wayne Salvant, Judge
Criminal District Court No. 2



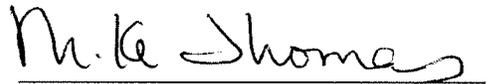
Mollee Westfall, Judge
371st District Court



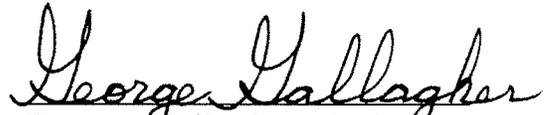
Elizabeth Berry, Judge
Criminal District Court No. 3



Scott Wisch, Judge
372nd District Court



Mike Thomas, Judge
Criminal District Court No. 4

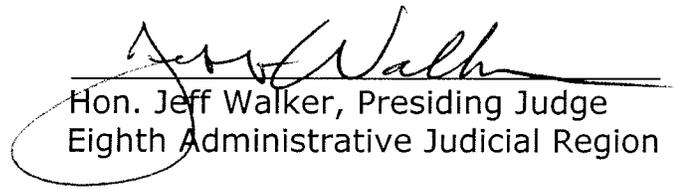


George Gallagher, Judge
396th District Court



Louis Sturns, Judge
213th District Court

Approved this 20th day of September 2007.



Hon. Jeff Walker, Presiding Judge
Eighth Administrative Judicial Region



Judges of the Criminal District Courts and the District Courts Trying Criminal Cases of Tarrant County, Texas

September 21, 2007

Supreme Court of Texas
c/o Mr. Jody Hughes
P.O. BOX 12248
Austin, TX 78711

Via CMRRR #7004 2890 0002 5810 5681

Re: Local Rules Governing Criminal Proceedings in Felony Cases in Tarrant County

Dear Mr. Hughes:

Enclosed please find the local rules for criminal proceedings in felony cases that have now been approved by the district judges of Tarrant County and by Judge Jeff Walker, the presiding judge for the Eighth Administrative Judicial Region. These rules are a complete revision of Part 5 of the Tarrant County local rules currently entitled *Rules for Disposition of Criminal Cases* and are meant to replace that section. We ask that the rules be presented to the court for approval.

If additional information is needed, please let me know. Also, if you will contact me with any questions that the court may have and if you will contact me once the rules are approved, it will be greatly appreciated.

Thank you for your time and cooperation in connection with this matter, and I look forward to hearing from you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Sharen Wilson", written over a horizontal line.

Judge Sharen Wilson
CRIMINAL DISTRICT COURT NO. 1
Tarrant County Justice Center
401 West Belknap ~ Fifth Floor
Fort Worth, TX 76196
Telephone: (817) 884-1350
swilson@tarrantcounty.com