

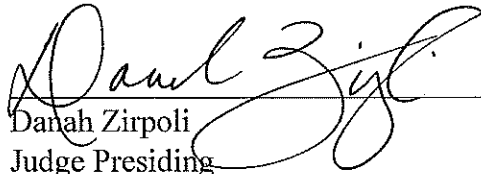
IN THE 64TH AND THE 242ND DISTRICT COURTS
OF CASTRO, HALE, AND SWISHER COUNTIES, TEXAS

MISCELLANEOUS ORDER

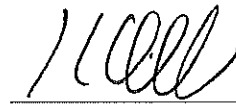
The Local Rules of Administration for the 64th and 242nd District Courts are revised as shown on the attached copy, effective May 11, 2023.

The Clerks of the Court shall provide to each attorney or pro se party a copy of such Rules upon request.

Signed this the 11th day of May, 2023



Danah Zirpoli
Judge Presiding
64th District Court



Kregg Hukill
Judge Presiding
242nd District Court

FILED
MAY 11 2023
CLERK OF DISTRICT COURT
CASTRO COUNTY TEXAS

LOCAL ADMINSTRATIVE RULES
of the
64th and 242nd DISTRICT COURTS
CASTRO, HALE, AND SWISHER COUNTIES, TEXAS
 Effective May 11, 2023

TABLE OF CONTENTS

RULE 1 – GENERAL RULES WITH RESPECT TO DISPOSITION OF CASES.....	4
1.01 Calendars and Holidays.....	4
1.02 Hours of Court Proceedings.....	4
1.03 Time Standards for Disposition of Cases.....	4
1.04 Continuances.....	4
1.05 Transfers and Bench Exchanges.....	4
1.06 Signing of Orders.....	4
1.07 Preferential Settings.....	4
1.08 Resettings.....	5
1.09 Submission of Orders, Judgments, Instruments.....	5
1.10 Counsel for Indigent Persons.....	5
 RULE 2 - LOCAL ADMINISTRATIVE JUDGE.....	 5
2.01 Local Administrative Judge.....	5
 RULE 3 – CIVIL CASES OTHER THAN FAMILY AND JUVENILE CASES.....	 5
3.01 Filing and Assignment.....	5
3.02 Consolidations.....	5
3.03 Appearances.....	5
3.04 Requests for Contested Non-Jury Settings.....	5
3.05 Settings for Uncontested Matters.....	6
3.06 Requests for Jury Trial Settings.....	6
3.07 Docket Calls and Announcements for Jury Trials.....	6
3.08 Assignment of Cases for Trial.....	6
3.09 Suspense Docket.....	6
3.10 Hearings on Pre-trial Pleas and Motions.....	6
3.11 Discovery Documents.....	7
3.12 Summary Judgments.....	7
3.13 Dismissals for Want of Prosecution.....	7
3.14 ADR.....	7
3.15 Jury Questions and Instructions.....	7
3.16 Juror Questionnaires.....	7
 RULE 4 – FAMILY LAW AND JUVENILE CASES.....	 7
4.01 Family Law Cases Generally.....	7
4.02 Inventories and Disposition Proposals in Property Cases.....	7
4.03 Conference Required in Family Law Cases.....	8
4.04 Children’s Interest Seminars.....	8

4.05	Filing of Certain Juvenile Cases.....	8
4.06	Settings in Juvenile Cases.....	8
RULE 5 – CRIMINAL CASES.....		8
5.01	Grand Juries.....	8
5.02	Filings/Return of Indictments.....	9
5.03	Appearance of Defendant and Counsel.....	9
5.04	Appearance at Court Proceedings.....	9
5.05	Bond and Bond Forfeiture.....	9
5.06	Docket Calls.....	9
5.07	Announcements.....	9
5.08	Continuances.....	10
5.09	Plea Bargains.....	10
5.10	Speedy Trial.....	10
5.11	Pre-Trial Matters.....	10
5.12	Preferential Settings.....	10
5.13	Juror Questionnaires.....	10
5.14	Interpreters.....	10
RULE 6 – JURY MATTERS.....		10
6.01	Management of Juries.....	10
RULE 7 – JUDICIAL VACATIONS.....		11
7.01	Judicial Vacations.....	11
7.02	Requests for Visiting Judge.....	11
RULE 8 – RULE AS TO RULES.....		11
8.01	Amendment.....	11
RULE 9 – LOCAL COURTS ADMINISTRATION.....		11
9.01	Local Courts Administration.....	11
RULE 10 – ATTORNEY MATTERS.....		11
10.01	Conflicting Settings.....	11
10.02	Substitutions.....	11
10.03	Withdrawal.....	12
RULE 11 – ATTORNEY VACATIONS.....		12
11.01	Attorney Vacations.....	12
RULE 12 – PROCEDURAL RULES.....		12
No Additional Local Rules.....		12
RULE 13 – COURTROOM DECORUM.....		12
13.01	Trial Witnesses and Exhibits.....	12
13.02	Conduct of Counsel.....	12

13.03	Conduct of Parties, Witnesses, and Spectators.....	12
RULE 14 –	BUDGET MATTERS.....	13
14.01	Budget Matters.....	13
14.02	Probation Department Budgets.....	13
RULE 15 –	PROBATION MATTERS.....	13
15.01	Community Supervision and Corrections Department.....	13
RULE 16 –	COUNTY AUDITOR MATTERS AND COUNTY PURCHASING MATTERS...	13
16.01	County Auditors.....	13
16.02	Meetings.....	13
16.03	County Purchasing Matters.....	13
RULE 17 –	RELATIONSHIPS WITH GOVERNMENT BODIES, THE PUBLIC AND NEWS MEDIA.....	13
17.01	Other Governmental Bodies.....	13
17.02	The Public.....	13
17.03	The News Media.....	13
RULE 18 –	COURT REPORTER AND RECORDS.....	14
18.01	Court Reporters.....	14
RULE 19 –	COURT RECORDERS, RULES GOVERNING THE PROCEDURE FOR MAKING A RECORD OF CIVIL AND CRIMINAL COURT PROCEEDINGS BY ELECTRONIC RECORDING IN THE 64TH AND 242ND JUDICIAL DISTRICT COURTS.....	14
19.01	Application.....	14
19.02	Duties of Court Recorders.....	14
19.03	Reporter’s Record.....	15
19.04	Time for Filing.....	15
19.05	Appendix.....	15
19.06	Presumption.....	15
19.07	Supplemental Appendix.....	16
19.08	Inability to Afford.....	16
19.09	Accuracy.....	16
19.10	Costs.....	16
19.11	Other Provisions.....	16
RULE 20 –	COURT ADMINISTRATORS.....	16
20.01	Court Administrators.....	16
20.02	Vacation and Sick Leave.....	17
RULE 21 –	BAILIFFS.....	17
21.01	Bailiffs.....	17

RULE 1 - GENERAL RULES WITH RESPECT TO DISPOSITION OF CASES

- Rule 1.01 **Calendars and Holiday.**
a. Each court shall annually publish a calendar setting out a schedule for jury and non-jury weeks. Copies of such calendars will be published on the Court's website, kept in the District Clerks' offices and will be furnished upon request.
b. The courts will observe those holidays recognized for county employees by the respective Commissioners Courts.
- Rule 1.02 **Hours of Court Proceedings.** The Judge of each Court shall determine the hours of operation for the Court.
- Rule 1.03 **Time Standards for Disposition of Cases.** Cases shall be brought to trial or final disposition within the time standards as prescribed by Rule 6, Rules of Judicial Administration and Rule 1, Regional Rules of Administration.
- Rule 1.04 **Continuances.** Continuances will not be granted except for good cause shown upon written Motion supported by affidavit. All Motions for continuance shall contain a certificate of conference that the request has been discussed with all opposing parties or counsel and that such Motion is agreed or opposed.
- Rule 1.05 **Transfers and Bench Exchanges.**
a. Any case may be transferred from one court to the other by written order of the judge from whom the case is transferred, provided the judge to whom the case is being transferred consents. Such consent shall be presumed upon the filing of a transfer order signed by the Judge of the Court from which the case is being transferred.
b. The Judges may exchange benches by agreement as needed to promote judicial efficiency.
- Rule 1.06 **Signing of Orders.** Either Judge may sign any judgment, decree or order for the other.
- Rule 1.07 **Preferential Settings.**
a. Preferential settings shall be made in accordance with Sections 23.101 and 23.102 of the Government Code.
b. Preferential settings may also be made if, because of unusual circumstances, more than ordinary difficulty would be encountered in having all counsel and witnesses available on the regular docket and a special setting will facilitate the orderly conduct of the court's business.

Rule 1.08 **Resettings.** Cases that have not been reached may be carried over to the next assignment period or reset for trial at the direction of the Judge.

Rule 1.09 **Submission of Orders, Judgments, Instruments.**
a. Agreed or approved judgments and orders should be submitted by E-File for submission to the Judge for signature.
b. In contested matters, orders and judgments which are not agreed or approved shall be submitted no sooner than 10 days after a copy has been mailed or delivered to opposing counsel or pro se party with instructions to opposing counsel or party to send written objections to the trial court before the proposed submission date.

Rule 1.10 **Counsel for Indigent Persons.** Counsel for indigent persons will be appointed as required by law and counsel will be compensated as provided in the Indigent Defense Plan published on the Court’s website, the Texas Indigent Defense Commission (TIDC) website, and on file in the offices of the respective District Clerks.

RULE 2- LOCAL ADMINISTRATIVE JUDGE

Rule 2.01 **Local Administrative Judge.** The Judges shall elect a local administrative Judge as required by Rule 9, Rules of Judicial Administration, who shall have the duties as prescribed in such Rule.

RULE 3 – CIVIL CASES OTHER THAN FAMILY AND JUVENILE CASES

Rule 3.01 **Filing and Assignment.** Cases shall be filed by the District Clerks in the courts on an alternating basis except for Judgment Nisi’s which shall be filed in the court with jurisdiction of the underlying criminal case.

Rule 3.02 **Consolidations.** A motion to consolidate cases shall be heard in the court where the lowest numbered case is pending. If the motion is granted, the consolidated case will be given the number of the lowest numbered case and assigned to that court.

Rule 3.03 **Appearances.** Appearances at Court proceedings shall comply with Texas Rules of Civil Procedure 21d.

Rule 3.04 **Request for Contested Non-Jury Settings.**
a. A request for non-jury setting for a contested case shall include a certification that all discovery is complete, or will be complete within no more than twenty (20) days after the request.
b. Such requests shall be addressed in writing to the appropriate administrator,

with notice to all counsel and pro se parties, and shall include an estimate of the time required for trial.

Rule 3.05 **Settings for Uncontested Matters.** Settings for uncontested matters, including default judgments, shall be by appointment through the respective court administrators using the Courts’ online “Request a Hearing” page or subsequent online procedure and need not be in writing.

Rule 3.06 **Request for Jury Trial Settings.**
a. Requests for settings for jury trials shall include a certification that all discovery is complete, or will be complete at least twenty (20) days prior to the first docket date, that the jury fee has been paid, and that a demand for jury has been filed.
b. Requests for settings for jury trial shall be made in writing addressed to the appropriate administrator, with notice to all counsel and pro se parties, and shall include an estimate of the time required for trial.

Rule 3.07 **Docket Calls and Announcements for Jury Trials.**
a. Each administrator shall send notices to attorneys or pro se parties of the time, date, and place of docket call.
b. The attorney who will try the case or an authorized attorney shall be present at the docket call unless the Judge of the respective court has allowed announcements by other means.

Rule 3.08 **Assignment of Cases for Trial.** Cases shall be assigned their order for trial at the docket call or by the Court if no docket call is held.

Rule 3.09 **Suspense Docket.**
a. If a case has been stayed because it relates to a bankruptcy proceeding or payout agreement, such case is to be transferred to a “Suspense Docket”.
b. Within one year of referral of a case to a Suspense Docket or the last status report, all attorneys in charge or pro se parties shall file with the clerk a report explaining the status of the case. If no such report is filed within said time, the case may be set for dismissal.

Rule 3.10 **Hearings on Pre-Trial Pleas and Motions.** Requests for hearings on pre-trial motions including, but not limited to, temporary injunctions, discovery motions, protective orders, summary judgments, and contempt, shall be submitted to the administrator for setting. After setting is obtained, it is the responsibility of the moving party to obtain proper notice to or citation on all opposing parties entitled thereto.

- Rule 3.11 **Discovery Documents.** Discovery documents need not be filed with the Clerks unless filing is required by other rule or court order.
- Rule 3.12 **Summary Judgments.**
- a. Summary judgments are heard by submission only with briefs due by the submission date.
 - b. Any party may request oral argument by request made to the administrator prior to the submission date. The Judge will grant or deny the request at his/her discretion.
 - c. The Judge may request that the parties present oral arguments.
- Rule 3.13 **Dismissals for Want of Prosecution.** Each Judge shall annually set for dismissal hearing all cases which have not been set for trial or finally disposed of within the time standards set in Rule 1.03. At such hearing, the procedure prescribed by Rule 165a, Rules of Civil Procedure, shall be followed.
- Rule 3.14 **Alternative Dispute Resolution.** Each Judge may refer cases for Alternate Dispute Resolution.
- Rule 3.15 **Jury Questions and Instructions.**
In all jury cases, anticipated jury questions, definitions and instructions shall be submitted to the court in electronic medium, thumb drive, USB drive, or by email in Word format.
- Rule 3.16 **Juror Questionnaires.**
- a. Copies of juror questionnaires which have been returned will be made available by the Clerks to attorneys or pro se parties prior to Voir Dire unless otherwise ordered by the court.
 - b. Attorneys and pro se parties shall not copy juror questionnaires.
 - c. Attorneys and pro se parties shall return all juror questionnaires to the Clerk at the end of voir dire.
 - d. The Clerk shall keep juror questionnaires confidential except as provided herein and shall not include copies in any appellate record unless ordered to do so by the Court or Appellate Court.

RULE 4- FAMILY AND JUVENILE CASES

- Rule 4.01 **Family Law Cases Generally.** Procedures for Family Law cases shall be provided in Rule 3 as supplemented by this rule.
- Rule 4.02 **Inventories and Disposition Proposals in Property Cases.** In disputed property division cases, each attorney shall submit to the court and opposing counsel not later than the commencement of trial an inventory of property, with

values, and debts and a proposed property division including property claimed or recognized as separate property.

Rule 4.03 **Conference Required in Family Law cases.** Each attorney shall, prior to the day of trial, confer with opposing counsel, if any, regarding settlement, stipulations, estimated time of trial, the extent, description, character and value of property in question, amount of support, medical insurance for any children and the cost thereof, conservatorship, periods of possession and/or access, rights, duties and powers of conservators and other relevant issues.

Rule 4.04 **Children's Interest Seminars.** In any suit involving the parent-child relationship, except uncontested adoptions and terminations, all parties shall successfully complete the children's interest seminar, "For Kids Sake", file their certificate of completion with the Clerk, and require children in their custody between the ages of six and seventeen to attend the "Sandcastles" program. Each party will be responsible for payment of the appropriate fees. Such seminars shall be completed prior to the final hearing. Failure to successfully complete the seminars may result in sanctions under Rule 215, Texas Rules of Civil Procedure, contempt of Court, or delay of the final hearing. For good cause shown, the Judge may waive the requirement of completion of the seminars. If such seminars have been completed, no additional attendance is required in the event of motions to modify or enforce.

Rule 4.05 **Filing of Certain Juvenile Cases.** The prosecuting attorney will cause juvenile cases to be filed in alternating order except where juveniles are involved in the same incident, in which event all such cases will be filed in the same court. Where the juvenile has or will have a pending motion to modify filed in an existing case, new cases involving the same juvenile will be filed in the court with the existing case.

Rule 4.06 **Settings in Juvenile cases.**
a. Juvenile cases will be set by the administrator.
b. Counsel in juvenile cases where the right to jury trial is not going to be waived shall notify the administrator of such fact as soon as possible.

RULE 5 - CRIMINAL CASES

Rule 5.01 **Grand Juries.**
a. Terms for grand juries for the 64th District Court shall be July- December in Hale County and January- June in Castro and Swisher Counties.
b. Terms for grand juries for the 242nd District Court shall be July- December in Castro and Swisher Counties and January- June in Hale County.

- Rule 5.02 **Filings/Return of Indictments.**
a. All indictments shall be returned to the court that has empaneled the grand jury. Either Judge may set bonds.
b. Cases shall be transferred where the case is a re-indictment of a charge previously indicted in the other court, or where the Defendant is on felony probation or has a felony case pending in the other Court.
- Rule 5.03 **Appearance of Defendant and Counsel.** Immediately upon employment, the defense attorney shall give written notice thereof to the district attorney and to the respective administrator. Any Appearance at court for the defendant, including, but not limited to, getting a bond set or reduced, shall constitute the attorney as attorney of record for the defendant.
- Rule 5.04 **Appearance at Court Proceedings.** Appearances at Court proceedings shall be by physical presence in the courtroom except by notice from the Court or by agreement of the parties.
- Rule 5.05 **Bond and Bond Forfeiture.**
a. Bond shall be set immediately after indictment.
b. Bond forfeiture will be promptly initiated upon any failure of the Defendant to appear after proper notice had been given.
- Rule 5.06 **Docket calls.**
a. Each administrator shall send notices to attorneys, bondsmen and pro-se parties of the time, date, and place of docket call.
b. The attorney who will try the case or an authorized attorney shall be present at the docket call unless the Judge has allowed announcements by other means.
c. Defendants without attorneys shall be required to be present at docket call or bond will be forfeited.
- Rule 5.07 **Announcements.**
a. An announcement of “ready” by the attorney for the State is a certification that all witnesses are available and that counsel for the State is ready for trial.
b. An announcement of “ready” by Defense counsel is a certification that the Defendant and all witnesses are available, and that counsel is ready for trial.
c. Announcements by Defense counsel that a case will be a guilty plea is a certification that a plea bargain agreement has been reached with the State and has been agreed to by the Defendant.
d. Cases for which Defense counsel announces a guilty plea will be set for hearing on a guilty plea docket or may be set by request made to the administrator.

- Rule 5.08 **Continuances.** There will be no summary or automatic “first” continuances. All continuances shall comply with these rules.
- Rule 5.09 **Plea Bargains.**
a. Unless good cause is shown, plea bargains will not be approved for cases which have previously been announced by Defense Counsel for disposition by a plea of guilty, set for guilty plea hearing and subsequently not disposed by guilty plea.
b. Unless good cause is shown, plea bargains, except for first degree felonies, must be announced to the court in person at docket call or in writing received by the Court not later than 5:00 P.M. on the Tuesday prior to trial week or will not be approved.
- Rule 5.10 **Speedy Trial.** All cases will be set for trial as expeditiously as possible.
- Rule 5.11 **Pre-Trial Matters.** Each Judge shall determine settings for pre-trial hearings. The defendant shall appear at each pre-trial hearing unless excused by the Court.
- Rule 5.12 **Preferential Settings.** Preferential settings shall be made as required by statute and as deemed necessary for judicial efficiency by the Judge.
- Rule 5.13 **Juror Questionnaires.**
a. Copies of juror questionnaires which have been returned will be made available by the Clerk to attorneys or pro se parties prior to Voir Dire unless otherwise ordered by the court.
b. Attorneys and pro se parties shall not copy juror questionnaires.
c. Attorneys and pro se parties shall return all juror questionnaires to the Clerk at the end of voir dire.
d. The Clerk shall keep juror questionnaires confidential except as provided herein and shall not include copies in any appellate record unless ordered to do so by the Court or Appellate Court.
- Rule 5.14 **Interpreters.** Where interpreters are needed for a party or witness, counsel for the party calling the witness shall notify the appropriate administrator as soon as possible.

RULE 6- JURY MATTERS

- Rule 6.01 **Management of Juries.** The Judges will adopt and file with the District Clerk a jury plan for each county.

RULE 7- JUDICIAL VACATIONS

- Rule 7.01 **Judicial Vacations.** The Judge of each court shall ensure vacation days do not materially delay the business of the court. The Judges will coordinate their vacation time to ensure that one Judge will be present within the District during each business day.
- Rule 7.02 **Requests for Visiting Judge.** Each Judge may advise the Regional Administrative Judge of the need for the assignment of a visiting Judge to the respective Court.

RULE 8 - RULE AS TO RULES

- Rule 8.01 **Amendments.** These rules may be amended by consent of the Judges and shall be effective upon approval of such amendment by the Judges.

RULE 9 – LOCAL COURTS ADMINISTRATION

- Rule 9.01 **Local Courts Administration.** Each Judge may adopt additional rules of administration and practice for the respective Court provided such rules are consistent with these Rules, the Regional Rules of Administration, the Rules of Judicial Administration and other requirements of law.

RULE 10 – ATTORNEY MATTERS

- Rule 10.01 **Conflicting Settings.**
- a. An attorney seeking to have a case continued on the grounds that the attorney is to go to trial in another court, shall furnish the court and opposing counsel with a Motion for Continuance, which shall disclose the name of the court in which such other case is filed, the style of the case, the time for which such case is set, and the date on which the conflicting setting was made. A copy of the setting notice of the conflicting case shall be attached to the motion. In the event the conflicting case is passed, continued or disposed of prior to or during the week in which the case is set for trial under these Rules, the attorney shall immediately notify the Judge and opposing counsel of such fact.
 - b. Rule 10(b) of the Regional Rules of Administration shall establish the priority of cases in the event of conflict between courts.
- Rule 10.02 **Substitutions.** Any attorney substituting for another attorney of record shall file with the Clerk a written Notice of Substitution signed by the client. At the time of filing, such attorney shall furnish a copy of the notice to the Judge, the attorney for whom substitution is being made, and all other attorneys of record or pro-se parties.

Rule 10.03 **Withdrawal.** If there is no substitution of counsel as provided in Rule 10.02, no attorney of record shall attempt to withdraw without presenting a motion and obtaining from the court an order granting leave to withdraw. Such motion shall be accompanied by the client's written consent to such withdrawal or a certification that a copy of such motion has been mailed to the client at his/her last known address, with notice advising the client that the motion will be presented to the court at a date not less than 10 days after mailing, and that any objection to such withdrawal should be made to the court in writing before such date. Such notice shall be included within the Motion or a copy of the letter attached to the motion. A copy of the motion shall also be delivered or mailed to opposing counsel. Such leave may be denied if withdrawal will delay trial. If leave is granted, the attorney shall notify the party and all other attorneys or pro se parties of such action by certified mail, email, or E-File notification.

RULE 11 – ATTORNEY VACATIONS

Rule 11.01 **Attorney Vacations.** Attorneys may notify the courts of scheduled vacations. Each Judge will attempt to avoid any settings for such attorney during such vacations provided such times do not exceed 30 days annually.

RULE 12 – PROCEDURAL RULES

No additional local rules.

RULE 13 – COURTROOM DECORUM

Rule 13.01 **Trial Witnesses and Exhibits.**
a. Counsel shall examine witnesses while seated at counsel table. If counsel needs to approach the witness, counsel may do so without asking leave of Court unless instructed otherwise.
b. No physical evidence shall be published to the jury without leave requested and granted by the trial judge. Exhibits handed to the jury shall be retrieved by the bailiff.

Rule 13.02 **Conduct of Counsel.**
Counsel shall conduct themselves in accordance with the standards of professionalism set out in the TEXAS LAWYERS CREED-A MANDATE FOR PROFESSIONALISM.

Rule 13.03 **Conduct of Parties, Witnesses and Spectators.**
All parties, witnesses, and spectators shall wear appropriate attire whether appearing in person or by video conference and conduct themselves in a dignified and courteous manner. Each Court may post Standards of Conduct in

or near its Courtroom.

RULE 14 – BUDGET MATTERS

- Rule 14.01 **Budget Matters.** The Judges shall timely submit budgets to the Hale County Commissioners Court for all departments under their jurisdiction.
- Rule 14.02 **Probation Department Budgets.** The Judges shall consult with the Hale County Commissioners Court regarding the budget of the Community Supervision and Corrections Department as provided by law.

RULE 15 - PROBATION MATTERS

- Rule 15.01 **Community Supervision and Corrections Department.**
The Judges shall maintain a Community Supervision and Corrections Department as required by law.

RULE 16 – COUNTY AUDITOR AND COUNTY PURCHASING MATTERS

- Rule 16.01 **County Auditors.** The Judges will comply with Chapter 84 of the Local Government Code in all county auditor matters.
- Rule 16.02 **Meetings.** The Judges will meet regularly with the County Auditors to review county financial matters.
- Rule 16.03 **County Purchasing Matters.** With the assistance of the County Auditors, the Judges shall have general oversight of county purchasing practices as provided by law.

RULE 17 – RELATIONSHIPS WITH GOVERNMENTAL BODIES, THE PUBLIC AND NEWS MEDIA

- Rule 17.01 **Other governmental bodies.** The Judges shall at least once each year review their practices in regard to other governmental bodies in order to promote cooperation between the branches of government in accordance with law.
- Rule 17.02 **The Public.** The Judges shall at least once each year review their practices in regard to the public in order to promote confidence in the integrity, competence and impartiality of the judiciary.
- Rule 17.03 **The News Media.** The Judges shall at least once each year review their practices in regard to the news media in order to promote the public administration of justice while insuring all litigants a fair trial.

RULE 18 – COURT REPORTERS AND RECORDS

Rule 18.01 Court Reporters.

- a. Each Judge shall comply with Chapter 52 of the Government Code in the appointment and compensation of the court reporter for the respective Court.
- b. Each Judge shall monitor the work load of the court reporter and insure timely preparation of records so far as possible.
- c. Reporters shall be entitled to vacation and sick leave as provided in Rule 20.02.

RULE 19 – COURT RECORDERS, RULES GOVERNING THE PROCEDURE FOR MAKING A RECORD OF CIVIL AND CRIMINAL COURT PROCEEDINGS BY ELECTRONIC RECORDING IN THE 64TH AND 242ND JUDICIAL DISTRICT COURTS

Rule 19.01 Application. The following rules govern the procedures in the 64th and 242nd Judicial District Courts, in proceedings – both criminal and civil matters – in which a record is made by electronic audio or audio-visual recording, as well as appellate records prepared from such proceedings.

Rule 19.02 Duties of Court Recorders. No stenographic record shall be required of any proceedings that are electronically recorded. The Court shall designate one or more persons as court recorders, whose duties shall include:

- a. Ensuring that the recording system is functioning properly throughout the proceeding and that a complete, distinct, clear and transcribable recording is made;
- b. Making a detailed, legible log for all proceedings recorded, indexed by the date and location of each event recorded, and showing the number and style of the proceeding before the court, the correct name of each person speaking, the nature of the proceeding (e.g. voir dire, opening, examination of witnesses, cross-examination, argument, bench conferences, whether in the presence of the jury, etc.), the time of the day of each event and, the offer, admission or exclusion of all exhibits;
- c. Filing with the clerk the original log and exhibits after a proceeding ends, and within ten days, delivering to the court a certified copy of the recording of the proceeding that is appropriately labeled as required herein, to be stored at the court;
- d. Storing or providing for storing of the electronic audio or audio-visual recording to ensure it is preserved as required by law and accessible;
- e. Prohibiting or providing for prohibition of access by any person to the original recording without written order of the presiding judge of the court;
- f. Preparing or obtaining a certified copy of the original recording of any proceeding, any of the exhibits the parties to the appeal designate, and certified

copies of the original log, upon full payment of the charge imposed therefor, at the request of any person entitled to such recording, or at the direction of the judge of the court, or at the direction of any appellate judge who is presiding over any matter involving the same proceeding, subject to the laws of this state, rules of procedure and the instructions of the presiding Judge of the court; and g. Performing such duties as may be directed by the presiding judge or the appellate court presiding over the case and prescribed by the Texas Rules of Appellate Procedure and the Uniform Format Manual for Texas Reporters' Records.

- Rule 19.03 **Reporter's Record.** The reporter's record on appeal from any proceeding of which an electronic recording has been made shall be labeled to reflect clearly the numbered contents certified by the court recorder to be a clear and accurate copy of the original recording of the entire proceedings; any exhibits designated by the parties for inclusion in the reporter's record shall be arranged in numerical order and firmly bound together so far as practicable, together with an index consisting of a brief description identifying each exhibit; and certified copies of the logs prepared by the court recorder under Rule 13.2, Texas Rules of Appellate Procedure shall be included.
- Rule 19.04 **Time for Filing.** The court recorder shall file the reporter's record with the court of appeals within fifteen days after the perfection of an appeal. No other filing deadlines as set in the Texas Rules of Appellate Procedure are changed.
- Rule 19.05 **Appendix.** Each party shall file with its brief an appendix containing a written transcription of all portions of the recorded reporter's record and a copy of all exhibits relevant to the issues raised on appeal. In the event the parties cannot agree upon a person or entity to perform and provide such transcription of the recorded reporter's record, the presiding Judge of the court shall make such appointment. If the presiding judge of the court orders that a party is entitled to a transcription of any portion of the reporter's record without charge pursuant to Rules 20.1 or 20.2, TRAP, or Rule 145, Texas Rules of Civil Procedure, the judge shall designate the person or entity to perform the transcription for payment by the County in which the case was tried. Transcriptions shall be presumed to be accurate unless objection is made. The form of the appendix and transcription shall conform to any specifications of the Supreme Court and/or the Court of Criminal Appeals and comply with the Order Directing the Form of the Appellate Record and the Uniform Format Manual for Texas Reporter's Records.
- Rule 19.06 **Presumption.** The appellate court shall have no duty to review any part of an electronic audio or audio-visual recording and may presume that nothing omitted from the transcriptions in the appendices is relevant to any issues raised

or to the disposition of the appeal.

- Rule 19.07 **Supplemental Appendix.** The appellate court may direct a party to file a supplemental appendix containing a written transcription of additional portions of the recorded reporter's record.
- Rule 19.08 **Inability to Afford.** If a party is unable to afford costs, the court recorder must transcribe or have transcribed the recorded reporter's record and file the transcription as that party's appendix, along with all exhibits. The presiding Judge of the court that orders transcription of any portion of the reporter's record without charge pursuant to Rules 20.1 or 20.2, TRAP, or Rule 145, Texas Rules of Civil Procedure, shall designate the person or entity to perform the transcription for payment by the County in which the case was tried.
- Rule 19.09 **Accuracy.** Any inaccuracies in the transcriptions of the recorded reporter's record may be corrected by agreement of the parties. Should any dispute arise after the reporter's record or appendices are filed as to whether an electronic audio or audio-visual recording or any transcription of it accurately disclosed what occurred in the trial court, the appellate court may resolve the dispute by reviewing the audio or audio-visual recording, or submit the matter to the trial court which shall, after notice to the parties and hearing, settle the dispute and make the reporter's record or transcription conform to what occurred in the trial court.
- Rule 19.10 **Costs.** The expense of appendices shall be taxed as costs at the rate prescribed by law. The appellate court may disallow the cost of portions of appendices that it considers surplusage or that does not conform to any specifications prescribed by the Supreme Court and/or Court of Criminal Appeals.
- Rule 19.11 **Other Provision.** Except to the extent inconsistent with these rules, all other statutes and rules governing the procedures in civil and criminal actions shall continue to apply to those proceedings of which a record is made by electronic audio or audio-visual recording.

RULE 20 – COURT ADMINISTRATORS

- Rule 20.01 **Court Administrators.** Each Judge shall appoint a Court Administrator as provided by Chapter 74, Subchapter E, Government Code, who shall have the duties as set out in the Job Description on file with Hale County.

Rule 20.02 **Vacation and Sick Leave**

- a. Administrators and Reporters shall be entitled to three weeks paid vacation and to twelve days paid sick leave each year.
- b. Requests for vacation pay and sick leave under this Rule shall be submitted to the Judge of the respective court.

RULE 21 – BAILIFFS

Rule 21.01 **Bailiffs**

The Sheriff of Hale County shall furnish each court with a qualified Bailiff who shall have such duties as directed by the Judge of each Court.