

Administrative Rules for Courts

TABLE OF CONTENTS

1.0 FILING, DOCKETING, ASSIGNING AND DISPOSING OF CIVIL CASES

2.0 CRIMINAL CASE RULES

3.0 TRANSFER OF CASES AMONG COURTS

4.0 HOURS AND PLACES FOR HOLDING COURT

5.0 JUDICIAL VACATION, SICK LEAVE, ATTENDANCE AT EDUCATIONAL PROGRAMS AND OTHER ABSENCES

6.0 JUDICIAL MEETINGS AND COMMITTEE ASSIGNMENTS

7.0 LOCAL ADMINISTRATIVE JUDGE

8.0 OTHER RULES

9.0 EFFECTIVE DATE OF RULES

ADMINISTRATIVE RULES FOR THE COURTS WITHIN DENTON COUNTY

WHEREAS, there are more than three courts with any of the jurisdiction conferred on District courts by the Constitution and laws of the State of Texas; and

WHEREAS, rules of administration and uniform rules of practice and procedure are necessary for the efficient and effective administration of justice;

NOW, THEREFORE, the following rules of administration and procedure are adopted by the District and Statutory county courts of Denton County Texas.

UNIFORM ADMINISTRATIVE RULES:

1.0 FILING, DOCKETING, ASSIGNING AND DISPOSING OF CIVIL CASES IN THE DISTRICT AND STATUTORY COUNTY COURTS OF DENTON COUNTY

1.1 FILING CASES. Civil cases invoking district court jurisdiction shall be filed on a rotating basis among the district courts and cases invoking the jurisdiction of the statutory county courts shall be filed on a rotating basis among the statutory county courts

1.2 SETTING CASES. A request for a trial setting shall be made by any party in writing within ninety days after appearance date.

1.21 In the event a request for setting is not made; the clerk of the court shall set the matter for trial at the convenience of the court no later than 150 days after the appearance date in all civil cases other than those brought under the provisions of the Family Code.

1.22 In the event a request for setting is not made in a Family Code case, the clerk shall set the matter for final disposition no later than 75 days after the appearance date or within 75 days from the expiration of the waiting period provided by the Family Code where such is required, whichever is later unless a shorter period is required by law.

1.3 EFFECT OF CONTINUANCES, PASSES AND PRETRIAL SCHEDULING ORDERS. If a non Family code case is continued or passed from its first trial setting, the party obtaining the continuance or the parties agreeing to the pass shall file within two weeks from the date the pass or motion for continuance is granted a proposed order setting forth the following:

- a. Schedule for discovery
- b. Pretrial date or a statement that a pretrial will not be necessary
- c. Trial date
- d. A list of that party's proposed expert witnesses along with the witnesses addresses, telephone numbers and areas of expertise. Any expert not listed shall not be allowed to be called as a witness.

A copy of the proposed order shall be served upon all parties. Any party, may, within 10 days after service of the proposed order, request a hearing on the proposed order to be held upon reasonable notice to all parties.

Complex cases shall be exempted from this section if a pre-hearing conference is scheduled and held within thirty days after the appearance date. A determination of whether or not the case is complex shall be made by the court at the hearing.

1.4 PASSES, CONTINUANCES, CONFLICTING ENGAGEMENTS AND LAWYER VACATIONS:

1.41 A "continuance" is a delay of a trial or hearing charged against the requesting party.

1.42 A "pass" is a delay of a trial or hearing charged against all parties to the action.

1.43 A first continuance or pass will generally be granted only when required for a fair disposition of litigation or when a setting is in conflict with a setting having a higher priority under these rules.

A case passed or continued because of an attorney's vacation may not receive a setting less than 30 days from previous setting except upon agreement of the parties or upon

good cause shown. Substitution of counsel is ordinarily not good cause for a subsequent continuance.

1.44 A "conflicting engagement" exists when an attorney is already in trial in another court or an attorney is assigned to more than one court for the same date.

1.441 When an attorney is presently in trial, that attorney shall inform other courts of the court and cause number of the conflicting trial. This information will be verified upon request of opposing counsel. The case will be placed on "hold" or reset depending on when the attorney will be released. If the attorney is not actually in trial as represented by the attorney or his or her agent, the case will be tried without further notice.

1.442 It is the duty of an attorney to call the affected judges' attention to all multiple settings as soon as they are known. Insofar, as practicable, judges should attempt to agree on which case has priority, otherwise, the following priorities shall be observed by the judges on the respective courts:

- a. Criminal cases
- b. Cases given preference by statute
- c. Preferentially set cases
- d. Case with earliest filing date
- e. Case set at earliest date by court official
- f. The courts of Denton County will yield to courts in rural counties in an instance of conflicting settings where necessary to utilize a called jury panel.

1.5 FAILURE TO APPEAR. Failure of the Plaintiff or moving party to appear at any scheduled trial or hearing will result in the dismissal of the law suit or the waiver of the matters presented in the motion scheduled for hearing

1.6 CONCLUSION OF LITIGATION TO BE HEARD BY A JURY. Civil jury cases should be concluded within 18 months from appearance date.

1.7 CONCLUSION OF CIVIL NON JURY LITIGATION. Civil non jury cases should be concluded within 12 months from appearance date.

1.8 CONCLUSION OF CONTESTED FAMILY CODE CASES. Contested Family Code cases should be concluded within six months from the appearance date or within six months from the expiration of the waiting period provided by the Family Code where such is required.

1.9 CONCLUSION OF UNCONTESTED FAMILY CODE CASES. Uncontested Family code cases should be concluded within 3 months from appearance date or within 3 months from the expiration of the waiting period provided by the Family Code where such is required whichever is later.

2.0 CRIMINAL CASE RULES

2.1 DOCKET CALLS, ARRAIGNMENTS AND PRETRIALS. The times for docket calls, arraignments and pretrial hearings on all cases shall be governed by the judge of the court in which the case is docketed

2.2 SPEEDY DISPOSITION OF CRIMINAL CASES. Justice demands the speedy disposition of all criminal cases

2.21 All felony cases should be set for trial no later than 45 day after indictment or arrest whichever period is longer

2.22 Misdemeanor cases shall be set for trial no later than 90 days after jurisdiction over the cases is acquired by the court

2.23 Cases not reached on the date set may be carried from day to day at the discretion of the trial judge.

2.24 The trial preference for docketed cases shall be as follows:

- a. The defendant is incarcerated in the Denton County jail.
 - b. A child is the victim
 - c. A crime of violence is alleged
- All other cases will be tried in order of their age. The oldest cases shall be tried first.

2.3 PASSES, CONTINUANCES, CONFLICTING ENGAGEMENTS AND LAWYER VACATIONS

2.31 A "continuance" is a delay of a trial or hearing charged against the requesting party

2.32 A "pass" is a delay of a trial or hearing charged against all parties to the action.

2.33 A first continuance or pass will generally be granted on or prior to announcement day. Subsequent continuances and passes may be granted only when required for a fair disposition of litigation or when a setting is in conflict with a setting having a higher priority under these rules.

Substitution of counsel is ordinarily not good cause for a subsequent continuance. A case passed or continued because of an attorney's vacation may not receive a setting less than 30 days from previous setting except upon agreement of the parties or upon good cause shown.

2.34 A "conflicting engagement" exists when an attorney is already in trial in another court or an attorney is assigned to more than one court for the same date.

2.341 When an attorney is presently in trial, that attorney shall inform other courts of the court and cause number of the conflicting trial. This information will be verified upon request of opposing counsel. The cases will be placed on "hold" or reset depending on when the attorney will be released.

2.342 It is the duty of an attorney to call the affected judges attention to all multiple settings as soon as they are known.

3.0 TRANSFER OF CASES AMONG COURTS

3.1 Any judge of a district court in Denton County may act as the judge of any other district court in Denton County without formal order. The authority of this subsection applies to an active or retired judge assigned to a court a provided by law.

3.2 Any judge of a statutory county court in Denton County may act as the judge of any other statutory county court in Denton County without formal order. The authority of this subsection applies to an active or retired judge assigned to a court as provided by law

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

3.4 The transfer of cases among statutory county courts, the constitutional county court, the justice courts and small claims courts of Denton county may be done by written order upon the consent of the judges of those courts participating in the transfer except that any cases transferred must be within the jurisdiction of the court which it is transferred to.

3.5 All transfers not specifically provided for in section 3.0 and its subsection shall be made only by the administrative judge of Denton County for the fair and equitable division of case loads. No case shall be transferred b the administrative judge unless the cases transferred are within the jurisdiction of the court to which the cases are transferred.

4.0 HOURS AND PLACES FOR HOLDING COURT

4.1 Court shall be held at such times as may be determined expedient by the judge of each court.

4.2 Court shall be held at the Carroll Courts Building and the Denton County Courthouse in Denton, Denton County, Texas and at such other places in Denton County ordered by the local administrative judge.

5.0 JUDICIAL VACATION, SICK LEAVE, ATTENDANCE AT EDUCATIONAL PROGRAMS AND OTHER ABSENCES

5.1 Judicial absences and vacations shall be reported to the local administrative judge.

5.2 Vacation dates should be reported as soon as they are known.

5.3 Requests for visiting judges should be made to the local administrative judge. The local administrative judge should make provision for visiting judges as required.

6.0 JUDICIAL MEETINGS AND COMMITTEE ASSIGNMENTS

6.1 The district and statutory county court judges shall meet the first Wednesday of every month at 5:00 p.m. for regular meetings or at such other time designated by the local administrative judge.

6.2 Committee assignments shall be made by the local administrative judge.

7.0 LOCAL ADMINISTRATIVE JUDGE

7.1 The local administrative judge of the District Courts and the local administrative judge of the Statutory county courts shall be selected as provided by law and shall serve terms of one year.

7.11 The terms of office shall be from October 1 of the year selected through September 30 of the following year or until successors are selected.

7.12 In the event a local administrative judge shall resign as local administrative judge, shall no longer serve as judge of the appropriate jurisdiction in Denton County or is disqualified from service as administrative judge in any manner, a successor shall be selected to complete the term of office.

8.0 EACH COURT MAY ADOPT SUCH OTHER RULES NOT IN CONFLICT WITH THESE RULES AS MAY BE DEEMED NECESSARY BY THE JUDGE OF THAT COURT FOR THE EFFICIENT ADMINISTRATION OF JUSTICE

9.0 EFFECTIVE DATE OF RULES

9.1 These rules shall be effective immediately upon their approval as required by law.