

**REFUGIO COUNTY
LOCAL RULES OF PRACTICE**

TITLE 1. RULES GOVERNING ALL PROCEEDINGS

The primary purpose of the Local Rules of Practice is the management of the court dockets sensibly, efficiently and fairly. These rules are to be an aid to the just disposition of cases without unnecessary delay or expense.

The practice, procedure and administration of the courts will be governed by the Texas Rules of Civil Procedure, the Texas Code of Criminal Procedure, the Texas Rules of Appellate Procedure, the Court Administration Act, Rules of Judicial Administration, and other pertinent statutes. The word "Court" or "Courts" used in these rules refers to, the County Court of Refugio County, Texas.

Rule 1.1 CONDUCT AND COURTROOM DECORUM

A. Policy

- a. Judges and attorneys have a duty to uphold the highest standards of conduct and to earn and promote public respect for the judiciary, the legal profession and the American system of justice.

B. The Texas Lawyer's Creed

- a. The Standards of Professional Conduct in Section IV of the Texas Lawyer's Creed, as promulgated by the Texas Supreme Court and the Texas Court of Criminal Appeals are adopted and incorporated herein by reference as guidelines for participating in litigation in the Refugio County Court.

C. Conduct Required of Counsel

- a. Counsel shall timely appear before the Court at each setting until excused by the Court and communicate conflicts, including potential tardiness, with the Court Coordinator in advance of the setting.
- b. When Court is in session, confer quietly or outside of the courtroom.
- c. Counsel shall address all statements, requests and objections to the Court and not to opposing counsel.
- d. Counsel shall advise counsel's clients, witnesses and others subject to counsel's control of these rules of conduct and courtroom decorum.

D. Conduct Required of All Other Persons

- a. Be punctual/on time for court.
- b. Dress appropriately to maintain the dignity, integrity, decorum, and professional atmosphere of the Court and the justice system. Inappropriate clothing includes shorts, bandanas, hats, pajamas, costumes, flip flops, exposed undergarments, tank/halter/crop tops, excessively oversized clothing, and clothing/accessories that denote or reference gang affiliation, illegal or disruptive behavior.
- c. Beverages, *food*, gum and tobacco products are not permitted in the courtroom.
- d. Parties are to remain in attendance until cases are resolved or reset.

- e. Be attentive to the proceedings and refrain from any disruptive behavior.
- f. All electronic devices must be turned off or silenced prior to entering the courtroom. When court is in session, cell phone use is not allowed.
- g. When court is in session, it is expected that there will be minimal noise and movement in the courtroom.
- h. Rise when the Judge enters the courtroom and at other times as instructed by the bailiff. Stand when addressing the Court. Approach the bench only with permission.
- i. Purses, bags or backpacks are not to be brought to the bench.
- j. Spectators and witnesses are welcome in the courtroom. Spectators in the gallery shall refrain from any disrespectful or inappropriate behavior.
- k. Recording and photographing proceedings, during sessions and recesses, is prohibited.

E. Enforcement

- a. The bailiff(s) of the court shall enforce the rules of conduct and courtroom decorum.

RULE 1.2 GENERAL COURT ADMINISTRATION

A. Assignment of Cases

- a. The County Clerk is designated as filing clerk and it is their duty to assign to the courts all cases filed in the County Court of Refugio County. All cases shall be assigned based upon agreement and approval by the Judge. Civil, Criminal and Probate cases are filed in County Court. All petitions for writ of habeas corpus shall be filed in the Court where the underlying case is pending.

B. Times and Places for holding Court.

- a. Court shall be held at such times as determined by the Judge. Court calendars are posted on the County website.
- b. Court for criminal and civil cases shall be held at the Refugio County Courthouse in the District courtroom or other places as designated.
- c. Court for probate cases shall be held at the Refugio County Courthouse in the Commissioner's courtroom or other places as designated.

RULE 1.3 REQUESTS FOR CONTINUANCE, RESET, OR POSTPONEMENT

A. Consent or Notice Required

- a. No request for a continuance, to pass, postpone or reset any trial, pretrial, or other hearing or appearance shall be granted without a hearing unless counsel for all parties, including the State of Texas, as applicable, consent.
- b. Any request for a continuance, to pass, postpone or reset any trial, pretrial, or other hearing or appearance that is not agreed to by all parties, including the State of Texas, as applicable, must be set for hearing.
- c. Agreement by counsel for all parties to a continuance does not mean automatic approval by the Court, and the Court reserves the right to deny or require a hearing.

- d. The second Motion for Continuance filed in a case must include a certification signed by the attorney or attorneys (in the case of an Agreed Motion for Continuance) which says: "I certify to the Court that my client is aware of and agrees to the requested continuance" or other language that is substantively similar.
 - e. Any subsequent Motions for Continuance (third or more) must include the client's signature on the Motion with the notation "AGREED" above that signature.
- B. Contents of Motion
- a. Any request for a continuance, to pass, postpone or reset any trial, pretrial, or other hearing or appearance that is not agreed to by all parties, including the State of Texas, as applicable, must be filed and accompanied by an order setting the motion for a hearing.
- C. Attorney Vacation/Continuing Legal Education
- a. An attorney may designate days for vacation or CLE during which time the attorney will not be assigned to pre-trial or trial settings. All designations must be in writing and filed with the appropriate Clerk and Court Coordinator, as well as opposing counsel. Designations should be made at sixty (60) days prior to the first day of the period designated with not more than two (2) consecutive weeks designated.

RULE 1.4 WITHDRAWAL OF COUNSEL

- A. Notice to Client
- a. If another attorney is not to be substituted as attorney for the party, or if the party does not consent to the motion to withdraw, the withdrawing attorney shall notify the client in writing that the Court will be requested to sign an order granting the withdrawal on or after ten (10) days following the date of such notice. Notice shall be sent by certified mail, return receipt requested. Unless allowed in the discretion of the Court, no motion to withdraw shall be granted that does not conform with this section.
- B. No Delay of Trial
- a. Unless allowed in the discretion of the Court, no motion to withdraw shall be granted that is presented within thirty (30) days of the trial date or at such time as to require a delay in trial.

RULE 1.5 SETTINGS

- A. All matters to be heard on regular non-jury days shall be set with the Court's Coordinator.
- a. Except where provided by statute or permission of Court, all non-jury settings shall be given at least ten (10) days' notice to opposing counsel and/or parties.
- B. All parties shall be responsible for notifying the Court Coordinator as soon as practical of settlement, cancellations of trial and/or settings.

- C. Requests for civil jury trial settings shall be in writing and filed with the Clerk and a copy shall be delivered to the Court Coordinator and opposing counsel. Except upon order of the Court, or where otherwise required by law, such request shall be filed by the date of the docket call two (2) months prior to the date of the requested jury trial. The Courts may on their own motion; and shall upon the timely request of any party, issue a Docket Control Order which shall set the appropriate deadlines for the case and shall include a trial setting.
- D. Criminal jury trial settings will be set in conjunction with an Announcement/Motions setting at the request of the defense attorney or after an allotted number of pre-trial settings as determined by the Court.
- E. At least thirty (30) minutes prior to the time designated for trial or hearing, all counsel and parties shall be present and ready, with witnesses, except with the Court's permission.
- F. Prior to requesting a setting, counsel shall attempt to coordinate a setting with opposing counsel.
- G. Summary judgment shall be by submission only, except with permission of the Court for good cause shown.

RULE 1.6 CONFLICTS IN SETTINGS

- A. Duty of Counsel to Notify Court
 - a. Whenever an attorney has two or more cases on trial dockets for trial at the same time, it shall be the duty of the attorney to bring the matter to the attention of the courts concerned immediately upon learning of the conflicting settings.
- B. Priority of Cases
 - a. Jury trials take priority over non-jury settings, except as provided in Article 21A.01 of the Texas Code of Criminal Procedure.
 - b. During non-jury weeks, the courts shall give priority to hearings based on the court structure's designated hierarchy and as designated by statute with regards to the case type.
 - c. Secondary priorities include matters where delay will cause physical or economic injury to either of the parties or the public; matters involving substantial substantive or constitutional rights; matters involving important issues that greatly concern the public or materially affect the public welfare; and matters involving complete restoration of a ward's capacity or modification of a ward's guardianship.
 - d. The affected courts shall attempt to resolve the conflict by agreement. Absent agreement, the setting which was obtained first will take priority. It is understood for non-jury criminal case settings, attorneys may schedule multiple courts for the same day and will prioritize cases based on court structure, keeping the Court Coordinator informed.

RULE 1.7 APPOINTMENT OF ATTORNEYS AD LITEM, GUARDIANS AD LITEM, MEDIATORS, AND GUARDIANS

- A. The appointment of Attorneys ad Litem, Guardians ad Litem, Mediators and Guardians shall be made pursuant to the provisions of Chapter 37 of the Government Code.

RULE 1.8 PROBATE COURTS

- A. Probate Court
 - a. Contested and uncontested probate cases are handled in Refugio County Court by the County Judge.
 - b. The Court must receive all documents required for an uncontested docket hearing before a setting date may be provided. Compliance with this rule allows the Court to review the file and contact the attorney should any deficiencies be present. A death certificate should be brought to the hearing to be reviewed for accuracy and will be returned at the hearing.
 - c. Requests for remote access to probate hearings shall be in writing, duly filed with the County Clerk, accompanied by an order, and will be considered on a case-by-case basis.

RULE 1.9 ORDERS SENT TO THE JUDGE

- A. Except in response to a ruling or order entered by the Court, no order shall be filed without an accompanying motion clearly setting forth the relief sought and the specific grounds in support of the relief and a notice of hearing, if applicable. Any order submitted to the Court shall be signed by the attorney submitting the Order, approving the order as to form, unless it is submitted as a Rule 11 Agreement, in which case the attorneys shall sign the order, approving it as to form and content. In all cases, the attorney submitting the order shall provide to all opposing counsel and/or *pro se* parties a copy of the Order bearing the Clerk's file stamp.

TITLE 2. MISCELLANEOUS ADMINISTRATIVE RULES

RULE 2.1 AUTHORITY FOR RULES

- A. These rules are adopted pursuant to the Texas Government Code, Section 74.093 and the constitutional, statutory and inherent powers of the Court to regulate proceedings before them and to provide for the orderly and efficient dispatch of cases.

RULE 2.2 TITLE AND CITATION

- A. These rules shall be known as and may be recited as the "Refugio County Local Rules of the Constitutional County Court," or the "Refugio County Local Rules of Practice."

RULE 2.3 PARTIAL CIVIL INVALIDITY

- A. In the event any of the foregoing rules or any part thereof is held to be invalid for any reason, such invalidity shall not affect the validity of the remaining rules and parts of rules, all of which have been separately numbered and adopted.

RULE 2.4 TERMS AND CONSTRUCTION OF RULES

- A. The terms counsel, lawyer, and attorney of record as used in these rules shall apply to an individual litigant in the event a party appears *pro se*. Unless otherwise expressly provided, the past, present or future tense shall each include the other; the masculine, feminine, or neutral gender shall each include the other; and the singular and plural shall each include the other.

RULE 2.5 APPLICATION OF RULES


- A. These rules supersede any prior local rules or practice. These rules have been adopted, by the Constitutional County Court of Refugio County.

RULE 2.6 COURT CALENDARS

- A. Court calendars are available on the court's website.

These rules shall become effective May 1, 2024 and so long thereafter until amended, repealed or modified by order of the County Court. All existing Local Rules previously governing the management of the Court dockets shall be repealed on the effective date of these rules. Each numbered or lettered paragraph of these rules shall be considered to be separate and distinct from all other portions hereof, and if any portion should be declared improper or inconsistent with state or federal law or rules adopted by the Supreme Court of Texas. Such declaration will not affect any other portion not so declared to be improper or inconsistent.

Adopted this the 6 of March, 2024 to become effective May 1, 2024.



Jhiela "Gigi" Poynter
Refugio County Judge