

**LOCAL RULES FOR THE FOURTH DISTRICT COURT
AND THE COUNTY COURT-AT-LAW
RUSK COUNTY, TEXAS**

RULE 1.10 TIME STANDARDS FOR CASE PROCESSING

I. As far as reasonably possible, all cases should be brought to trial or final disposition in conformity with the time standards below.

A. Criminal cases.

1. One hundred eighty (180) days if the defendant is accused of a felony.
2. Ninety (90) days if the defendant is accused of a misdemeanor punishable by a sentence of imprisonment for more than 180 days.
3. Sixty (60) days if the defendant is accused of a misdemeanor punishable by a sentence of imprisonment for 180 days or less or punishable by a fine only.

B. Civil cases (other than Family Law cases).

1. Jury: within 18 months from appearance date.
2. Nonjury: within 12 months from appearance date.

C. Family Law cases.

1. Contested Family Law Cases: within 6 months from appearance or within 6 months from the expiration of the waiting period provided by the Family Code where such is required, whichever is later.
2. Uncontested Family Law Cases: 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.

D. Juvenile cases.

In addition to the requirements of Title 3, Texas Family Code:

1. Detention Hearings: On the next business day following admission to any detention facility.
2. Adjudicatory or Transfer (Waiver) Hearings:
 - a. Concerning a juvenile in a detention facility: Not later than 10 days following admission to such a facility, except for good cause shown of record.
 - b. Concerning a juvenile not in a detention facility: Not later than 30 days following the filing of the petition, except for good cause shown of record.
3. Disposition Hearings: Not later than 15 days following the adjudicatory hearing. The Court may grant additional time in exceptional cases that require more complex evaluation.
4. Nothing herein shall prevent a judge from recessing a juvenile hearing at any state of the proceeding where the parties are agreeable or when, in the opinion of the judge presiding in the case, the best interests of the child and of society shall be served.

II. It is recognized that in especially complex cases or special circumstance, it may not be possible to adhere to these standards.

RULE 1.11 COURT SESSIONS

I. District Court

A schedule of court sessions for each calendar year shall be posted in the offices of the District Judge and the District Clerk during the term of-court immediately preceding such calendar year. Copies of such schedule may be obtained from either of said offices.

II. County Court-at-Law

A schedule of court sessions for each calendar year shall be posted in the offices of the County Court-at-Law Judge, District Clerk and County Clerk during the two months immediately preceding such calendar year. Copies of such schedule may be obtained from any of said offices.

RULE 1.12 FILING AND ASSIGNMENT OF CASES

The concurrent jurisdiction prescribed by V.T.C.A., Government Code Section 25.2032(a)(2) is apportioned as follows:

I. To the District Court: All civil cases in which the matter in controversy exceeds \$500 excluding interest.

II. To the County Court-at-Law: All family law cases and proceedings.

RULE 1.13 TRANSFER OF CASES / DOCKET EXCHANGE / BENCH EXCHANGE

I. A case over which the District Court and the County Court-at-Law have concurrent jurisdiction may be transferred from one court to the other by order of the judge of the court in which the case is pending with the consent of the judge of the court to which it is transferred.

II. Docket exchange and bench exchange shall be in accordance with V.T.C.A., Government Code section 74.094.

RULE 1.14 REQUEST FOR SETTINGS - NON-JURY CASES

I. District Court

A. Criminal cases.

1. Requests may be made orally or in writing to the District Judge's secretary.
2. It is the responsibility of the requesting party to give notice of the setting to the other side.

B. Civil cases.

1. Contested.

a. Requests must be made in writing to the District Judge's secretary, with a copy served on all parties to the cause or their counsel of record.

b. Each request must contain an estimated time required for trial.

c. It is the responsibility of the requesting party to give notice of the setting to all other parties or their counsel of record.

2. Uncontested.

a. Requests may be made orally or in writing to the District Judge's secretary.

b. It is the responsibility of the requesting party to give notice of the setting to all other parties or their counsel of record.

II. County Court-at-Law

A. Criminal cases.

1. Requests may be made orally or in writing to the County Court-at-Law Judge's secretary.
2. It is the responsibility of the requesting party to give notice of the setting to the other side.

B. Family Law Cases and Proceedings - Requests for settings will not be necessary. The Court will set all such cases automatically.

C. Other civil cases.

1. Contested.

a. Requests must be made in writing to the County Court-at-Law Judge's secretary, with a copy served on all parties to the cause or their counsel of record.

b. Each request must contain an estimated time required for trial.

c. It is the responsibility of the requesting party to give notice of the setting to all other parties or their counsel of record.

2. Uncontested.

a. Requests may be made orally or in writing to the County court-at-Law Judge's secretary.

It is the responsibility of the requesting party to give notice of the setting to all other parties or their counsel of record.

RULE 1.15 REQUEST FOR SETTING - JURY CASES

I. District Court

A. Criminal cases.

1. Set by the County Attorney's Office in accordance with the schedules prescribed under Rule 1.11 herein without the necessity of a formal request.

2. Requests to the Court for settings may also be made by the defendant in writing filed with the District Clerk's office.

3. Notice of all settings by the County Attorney's Office shall be given by said office to the defendant or his sureties and the defendant's attorney of record, with a copy of such notice filed in the District Clerk's office.

4. Notice to the State of all settings by the Court on request of the defendant shall be given by the requesting defendant.

B. Civil cases.

1. Requests must be made in writing to the District Judge's secretary, with a copy served on all parties to the cause or their counsel of record.

2. Each request must contain an estimated time for trial.

3. Upon receipt of an initial request for setting, the District Judge's secretary shall set the case on a docket designated "A", "B" or "C", in accordance with the schedules prescribed under Rule 1.11 herein.

4. Notice of such settings shall be given under the direction of the Court to all parties to the cause or their counsel of record.

II. County Court-at-Law

A. Criminal cases.

1. Set by the County Attorney's Office in accordance with the schedule prescribed under Rule 1.11 herein without the necessity of a formal request.
2. Requests to the Court for settings may also be made by the defendant in writing filed with the County Clerk's Office.
3. Notice of all settings by the County Attorney's Office shall be given by said office to the defendant or his sureties and the defendant's attorney of record, with a copy of such notice filed in the County Clerk's Office.
4. Notice to the State of all settings by the Court on request of the defendant shall be given by the requesting defendant.

B. Family Law Cases and Proceedings - Requests for settings will not be necessary. The Court will set all cases automatically.

C. Other civil Cases.

1. Requests must be made in writing to the County Court-at-Law Judge's secretary, with a copy served on all parties to the cause or their counsel of record.
2. Each request must contain an estimated time for trial.
3. Upon receipt of an initial request for setting, the County Court-at-Law Judge's secretary shall set the case on a docket, in accordance with the schedule prescribed under Rule 1.11 herein.
4. Notice of such settings shall be given under the direction of the Court to all parties to the cause or their counsel of record.

RULE 1.16 REQUEST FOR PREFERENTIAL SETTING

I. The Court may, on its own motion, specially set any case for trial at any time upon due notice to all parties or their counsel of record.

II. The Court may grant a preferential setting upon written request by any party or their counsel of record filed with the Court. Such setting shall be granted only upon good cause shown or as provided by law.

RULE 1.17 EMERGENCY AND SPECIAL MEETINGS

No local rule under this subdivision.

RULE 1.18 DOCKET CALLS AND ANNOUNCEMENTS

I. District Court

A. Criminal cases.

1. The County Attorney's Office shall set the cases for arraignment and docket call in accordance with the schedules prescribed under Rule 1.11 herein.
2. The defendant and his attorney are excused from appearing at arraignment if a written waiver of arraignment, signed by the defendant and his attorney, has been filed in the cause and a copy served on the State's attorney.
3. Docket call is for the purpose of hearing announcements of "Ready" or "Not Ready" for trial and for the purpose of hearing contested motions for continuance.

4. The defendant and his attorney are excused from appearing at docket call if a written announcement, signed by the defendant or his attorney, has been filed in the cause and a copy served on the state's attorney, **and** neither side wishes to urge a contested motion for continuance.

B. Civil cases.

1. All cases in which written requests are made for a setting on the jury docket shall be set for docket call in accordance with the schedules prescribed under Rule 1.11 herein.

2. Docket call is for the purpose of hearing announcements of "Ready" or "Not Ready" for trial and for the purpose of hearing **contested** motions for continuance.

a. If no announcements are made in a case at docket call, that case will be removed from the active trial docket and will be set for trial again only in the same manner as prescribed under Rule 1.15 herein for initial settings or as directed by the Court.

b. If an announcement of "Ready" is made by any party, it shall be presumed that any party not announcing is also ready for trial.

c. An announcement of "Not Ready"; must be accompanied by a written motion for continuance unless there is an agreement by all parties to pass the case, which agreement is subject to the approval of the Court.

d. Parties and counsel are excused from appearing at docket call if all parties have agreed to continue or pass the case and the Court approves such agreement, OR the party desiring to be excused is ready for trial **and** there are no pre-trial motions or other preliminary matters to be heard.

II. County Court-at-Law

A. Criminal Cases.

1. The County Attorney's Office shall set the cases for arraignment and docket call in accordance with the schedules prescribed under Rule 1.11 herein.

2. The defendant and his attorney are excused from appearing at arraignment if a written waiver of arraignment, signed by the defendant and his attorney, has been filed in the cause and a copy served on the state's attorney.

3. Docket call is for the purpose of hearing announcements of "Ready" or "Not Ready" for trial and for the purpose of hearing **contested** motions for continuance.

4. The defendant and his attorney are excused from appearing at docket call if a written announcement, signed by the defendant or his attorney, has been filed in the cause and a copy served on the State's attorney **and** neither side wishes to urge a contested motion for continuance.

B. Family Law Cases and Proceedings.

1. All cases which have service perfected, a waiver of citation or answer filed will be automatically placed on the appropriate docket call by the County Court-at-Law Judge's secretary.

2. Docket call is for the purpose of hearing announcements of "Ready" or "Not Ready" for trial, for obtaining a setting for final disposition of a case and for the purpose of hearing all contested motions.

a. If no announcements are made in a case at the docket call, that case will be removed from the active docket and placed on the Dismissal Docket.

b. If an announcement of "Ready" is made by any party, it shall be presumed that any party not announcing is also ready for trial.

c. An announcement of "Not Ready" must be accompanied by a written motion for continuance unless there is an agreement by all parties to pass the case, which agreement is subject to the approval of the Court.

d. Parties and counsel are excused from appearing at docket call if all parties have agreed to continue or pass the case and the Court approves such agreement; or the party desiring to be excused is ready for trial, **and** there are no pre-trial motions or other preliminary matters to be heard; or the

parties have agreed on a setting for final disposition and have obtained a setting from the County Court-at-Law Judge's secretary.

RULE 1.19 RESETTING CASES

Once a case has been placed on the active jury docket in accordance with Rule 1.15 herein, such case is automatically set for trial from term to term until disposition and shall not be removed from such docket except for no announcements at docket call and except by Order of the Court on the motion of a party, for good cause, after notice and hearing, or on the Court's own motion, with or without hearing.

RULE 1.20 DISMISSAL DOCKET: INVOLUNTARY DISMISSAL

I. District Court: Periodically, but at least once each year, all civil cases in which no action has been taken by a party seeking affirmative relief within a period of eighteen months will be placed on a dismissal docket in accordance with Rule 165a, T.R.C.P.

II. County Court-at-Law: Periodically, but at least once each year, all civil cases which have not been disposed of within the time standard under Rule 1.10 herein, or which have been pending for longer than one year without action, or which no announcement has been made at docket call will be placed on a dismissal docket in accordance with Rule 165a, T.R.C.P.

RULE 1.21 SUSPENSE DOCKET

If a case has been stayed because it relates to a bankruptcy proceeding, such case is to be transferred to a "Suspense Docket" for suspension of further action.

RULE 2.10 INFORMATION TO LOCAL ADMINISTRATIVE JUDGE

No local rule under this subdivision.

RULE 3.10 PRESENTMENT OF PRE-TRIAL PLEAS AND MOTIONS

I. Criminal cases.

A. The County Attorney's Office shall set the cases pre-trial hearings and shall set the deadlines for filing pre-trial motions in accordance with schedules prescribed under Rule 1.11 herein.

B. The defendant and his attorney are excused from appearing at the pre-trial if there are no pre-trial motions to be heard.

II. Civil cases.

A. All cases in which written requests are made for a setting on the jury docket shall be set for pre-trial in accordance with the schedules prescribed under Rule 1.11 herein.

B. Except for motions in limine and motions for continuance, all special exceptions, other pre-trial motions and pleas must be filed and copies served on opposing counsel for three (3) full days before the pre-trial hearing, unless a longer period for filing is otherwise required or a shorter period allowed for good cause.

C. When counsel for any party fails to appear at the pretrial, the Court may:

1. Rule on all special exceptions, motions or pleas in the absence of such counsel.
2. Declare any special exceptions, motions or pleas of such absent party waived.
3. Advance or delay the trial setting according to the convenience of the counsel present.

4. Pass and reset the pre-trial.

D. Counsel at the pre-trial shall either be the attorney who expects to try the case, or shall be familiar with the case and is fully authorized to state his party's positions on the law and facts, make stipulations and enter into settlement negotiations as trial counsel. If the Court finds counsel is not qualified, the Court may consider that no counsel has appeared and may take any of the procedures provided above.

E. All special exceptions and other pre-trial motions and pleas filed but not urged at the pre-trial hearing shall be deemed waived.

F. There shall be no further pleadings or discovery after the pre-trial hearing except in direct response to orders of the Court at the pre-trial hearing OR upon written motion for good cause after notice and hearing. An earlier cut-off date for pleadings and discovery may be set at a scheduling conference authorized by Rule 3.18 herein.

RULE 3.11 DISPOSITION OF MOTIONS AND OTHER PRELIMINARY MATTERS

I. Motions and other preliminary matters may be heard in advance of the pre-trial if, when filed, they are accompanied by an Order Setting Hearing to be completed by the Court. Otherwise, all such motions and other preliminary matters must be urged at the pre-trial, or they will be deemed waived.

II. It is the responsibility of the moving party to give notice of such settings to all other parties or their counsel of record.

RULE 3.12 MOTIONS FOR SEVERANCE

No local rule under this subdivision.

RULE 3.13 MOTIONS FOR CONTINUANCE

I. All contested motions for continuance must be in writing and filed before docket call.

II. Contested motions for continuance filed after docket call must be based on grounds that either did not exist or were not known and could not have been reasonably anticipated at the time of docket call.

RULE 3.14 MOTIONS FOR DEFAULT JUDGMENT

Requests for settings for default judgments may be made orally or in writing to the Judge's secretary who will set a date and time for hearing.

RULE 3.15 MOTIONS FOR SUMMARY JUDGMENT

Unless specifically set otherwise, all pending motions for summary judgment, which have been on file and a copy of which has been delivered to the opposite party or his counsel more than 21 days prior to the date set for pre-trial hearing, will be considered as set for hearing at the time of the pre-trial hearing just as if they were formally set on that date by written order.

RULE 3.16 MOTIONS FOR TREATMENT OF CASE AS A COMPLEX CASE

No local rule under this subdivision.

RULE 3.17 MOTIONS FOR REFERRAL OF DISPUTES AND ALTERNATIVES.

No local rule under this subdivision.

RULE 3.18 SCHEDULING CONFERENCE

I. In especially complex cases or special circumstances, a case may be set for a scheduling conference on an oral or written request made to the Judge's secretary or on the Court's own motion.

II. It is the responsibility of the requesting party to give notice of the setting to all other parties or their counsel of record.

III. The scheduling conference shall be for any or all the following purposes.

A. Establishing deadlines for joinder of additional parties, completion of discovery and amendment of pleadings.

B. Determining the probable length of time required for trial.

C. Setting dates and times for:

1. Pre-trial conference;

2. Jury selection; and

3. Trial on the merits.

D. Considering any other scheduling matter that will facilitate disposition of the case.

RULE 3.19 PRE-TRIAL CONFERENCE

I. In especially complex cases or special circumstances, a case may be set for a pre-trial conference.

II. The date and time for the pre-trial conference shall be set and notice given of such setting at the scheduling conference authorized by Rule 3.18 herein.

III. The pre-trial conference shall serve as the pre-trial authorized by Rule 3.10 herein and by Rule 166, T.R.C.P.

RULE 3.20 COMPLIANCE WITH CONFERENCE PROCEDURES

Procedures set out under Rule 3.10, II., B., C., D., E. and F. herein shall also apply to the pre-trial conference authorized by Rule 3.19 herein.

RULE 3.21 NON-COMPLIANCE WITH CONFERENCE RULES

No additional local rule necessary under this subdivision.

RULE 3.22 DISCOVERY MOTIONS (CIVIL CASES)

I. Motions relating to discovery may be heard in advance of the pre-trial if, when filed, they are accompanied by an Order Setting Hearing to be completed by the Court. Otherwise, all such motions must be urged at the pre-trial, or they will be deemed waived.

II. It is the responsibility of the moving party to give notice of such settings to all other parties or their counsel of record.

RULE 3.23 SETTLEMENTS

No local rule under this subdivision.

RULE 3.24 CONFLICTING ENGAGEMENTS OF COUNSEL

No local rule under this subdivision.

RULE 3.25 WITNESSES / EXHIBITS

No local rule under this subdivision.

RULE 3.26 JURY VOIR DIRE / VENIRE

I. District Court

A. Juries for all cases set and ready for trial during a given week will be selected on the day designated for jury selection for that week in accordance with the schedules under Rule 1.11.

B. Prior to voir dire examination, counsel will be provided a copy of the completed jury panel personal data questionnaire of each panel member.

II. County Court-at-Law

A. Juries for all cases set and ready for trial during a given week will be selected on the day designated for jury selection for that week in accordance with the schedules under Rule 1.11.

B. Juries will be selected on that day for one week only and for as many cases as time permits to be tried during that week.

C. Prior to voir dire examination by counsel, all parties will be provided a copy of the completed jury panel questionnaire of each panel member.

RULE 3.27 JURY CHARGES

I. Requested definitions, instructions and questions should be furnished to the Court before or at the commencement of trial but may be furnished any time before the closing of the evidence, unless otherwise ordered by the Court.

II. Copies of requested definitions, instructions and questions need not be furnished to opposing counsel until the closing of all the evidence, unless otherwise ordered by the Court.

III. General or "boiler plate" instructions need not be submitted by counsel.

RULE 4.10 FAMILY LAW CASES

I. The Ancillary Docket.

A. The Ancillary Docket shall consist ONLY of matters subject to the entry of temporary orders, contempt motions, applications for writ of habeas corpus, motions to transfer and those motions governed by and arising from the Texas Rules of civil Procedure. After entry of a FINAL judgment, any motions to modify filed under the provisions of Section 14.08 of the Texas Family Code shall be set on the Contested Docket unless the Court, in its discretion based upon affidavit or verified pleadings setting out supportive facts, finds that the child's or children's present environment may endanger such child's or children's physical health or significantly impair such child's or children's emotional development whereupon the Court shall set any request for temporary relief for hearing on the Ancillary Docket at a time convenient to the Court with the final hearing set on the Contested Docket.

Any other matters of a temporary or ancillary nature will be set on the Ancillary Docket by written request at a time convenient to the Court.

B. On any order setting a hearing for the Ancillary Docket, the attorneys will use the following language dependent upon which is appropriate under the notice requirements of the Texas Family Code or the Texas Rules of civil Procedure:

1. "9:00 a.m. on the Wednesday next after the expiration of 3 days from the date of service."
2. "9:00 a.m. on the Wednesday next after the expiration of 10 days from the date of service."
3. "9:00 a.m. on the first Wednesday following the Monday next after the expiration of 20 days from the date of service."

II. Court Master

A. All cases filed pursuant to Title IV-D of 42 U.S.C., Sections 651, et seq., will, by direction of section 14.82(b) of the Family Code, be referred for hearing to the Master appointed by the presiding Judge of the First Administrative Judicial Region.

B. The duly appointed Master shall have the powers as provided by section 14.82, Family Code and Subchapter A, Chapter 54, Government Code.

C. All cases filed by the Texas Attorney General's Office shall be heard originally by the Master.

III. Child support

This Court adopts the Child Support Guidelines as promulgated and as they may, from time to time, be amended by the Supreme Court of Texas.

IV. Visitation and Access to Children

In accordance with section 14.03(b) of the Texas Family Code, the following schedules and guidelines are adopted by the Court.

A. When a Managing Conservator and Possessory Conservator are appointed and they live less than 200 miles from each other, the Possessory Conservator shall have possession of the child(ren) as follows:

On the weekends of the 1st and 3rd Sundays of each month beginning at 6:00 p.m. on the Friday immediately preceding and ending at 6:00 p.m. on Sunday.

In odd-numbered years for a period at Christmas time, said period to begin at 6:00 p.m. on the first day that the school in the school district in which the child resides lets out and to end at 12:00 noon on December 25.

In even-numbered years for a period at Christmas time, said period to begin at 12:00 noon on December 25th and to end at 6:00 p.m. on the day before school is to reconvene in the school district in which the child resides.

In odd-numbered years during the spring break in the school district in which the child resides, beginning at 6:00 p.m. on the first day school lets out for spring break and ending at 6:00 p.m. on the day before school is to reconvene.

In even-numbered years at Thanksgiving, beginning at 6:00 p.m. on the Wednesday before Thanksgiving and ending at 6:00 p.m. on the Sunday following Thanksgiving.

In odd-numbered years at Easter, beginning at 6:00 p.m. on the Friday preceding Easter Sunday and ending at 6:00 p.m. on Easter Sunday.

During the summer for 2-two week periods to be separated by at least 2 weeks, and the possessory conservator shall designate in writing before April 1st of each year the periods of visitation for the summer of the same year. If the possessory conservator fails to designate the summer visitation by April 1, the two periods shall be the 2 weeks between the possessory conservator's regular 1st and 3rd weekend visitations in the months of June and August.

On the child's birthday, the parent not having custody shall have the right to visit with the child from 2:00

p.m. until 8:00 p.m.

In the event the person having visitation rights with the child or children elects not to visit, said person shall give forty-eight (48) hours notice to the person having possession of the child or children that said visitation period will not be exercised. Said notice shall be received not less than forty-eight (48) hours prior to the start of the visitation.

All visitation days missed by the possessory conservator because of sickness of the child or children shall be added to the end of the first two weeks summer visitation.

At all other reasonable times and places that may be agreed upon by the parties.

B. When a Managing Conservator and Possessory Conservator are appointed and they live more than 200 miles from each other, the Possessory Conservator shall have possession of the child(ren) as follows:

Summer. For a period of sixty days each year during the months of June, July and August, beginning in 19 not to conflict with the regularly scheduled schooling of the child(ren) in the school district where the child(ren) reside(s) upon 15 days advance written notice by Possessory Conservator to Managing Conservator.

Easter or Spring Break. Each year beginning in 19 for a period beginning at 6:00 p.m. on the day school recesses for the Easter holidays or spring break, whichever is longer, and ending at 6:00 p.m. on the day before school is to resume, upon 15 days advance written notice by the Possessory Conservator to the Managing Conservator.

Thanksgiving. Each year beginning in 19 for a period beginning at 6:00 p.m. on the Wednesday before Thanksgiving Day and ending at 6:00 p.m. on the Sunday immediately following upon 15 days advance written notice by Possessory Conservator to Managing Conservator.

Christmas and New Year. Each year beginning in 19 for a period beginning at 9:00 a.m. on December 25 and ending at 6:00 p.m. on the day before school is to resume following New Year's Day.

Other Visitation. When Possessory Conservator is going to be within a reasonable distance of the residence of the child(ren), upon 24-hour notice by Possessory Conservator to Managing Conservator, for periods of not more than three days each and not more than two times per month.

At All Other Times. As the parties may mutually agree.

RULE 5.10 LIQUIDATED MONETARY CLAIMS

No local rule under this subdivision.

RULE 6.10 FELONY AND MISDEMEANOR CASES

I. See other local rules herein affecting the trial of criminal cases, namely Rules 1.10, 1.11, 1.14, 1.15, 1.18, 3.10, 3.13 and 3.26.

II. Compensation of counsel appointed to represent a defendant in a criminal proceeding shall be according to a written schedule of fees adopted by the county and district criminal court judges within Rusk County. A copy of such schedule may be obtained from the Judge's secretary.

III. Counsel appointed to represent a defendant in a criminal proceeding should submit a Report of Services Performed and an Order for Payment (on forms available from the Judge's secretary) when a case is resolved but **before** the judgment or other dispositive order is signed.

RULE 7.10 JURY MANAGEMENT

No local rule under this subdivision.

RULE 8.10 JUDICIAL VACATION AND SICK LEAVE

I. Judicial vacation and sick leave for the judges of the courts subject to these rules shall conform to the vacation and sick leave policies adopted by the Commissioners Court of Rusk County for full time permanent county employees.

II. Said judges shall not I so far as possible I schedule their respective vacations to occur at the same time.

RULE 8.11 REQUESTS FOR VISTING JUDGES

No local rule under this subdivision.

RULE 9.10 NON-JUDICIAL PERSONNEL

No local rule under this subdivision.

RULE 9.11 CONDUCT OF NON-JUDICIAL PERSONNEL

No local rule under this subdivision.

RULE 10.10 ATTORNEY VACATIONS

I. Continuances based on attorney vacations shall be granted only by agreement of all parties OR on written motion after notice and a hearing.

II. Continuances will not be automatically granted solely on the basis of a vacation letter from an attorney to the Court or opposing counsel.

RULE 10.11 APPEARANCE OF COUNSEL, ETC.

No local rule under this subdivision.

RULE 10.12 ATTORNEY WITHDRAWAL

No local rule under this subdivision.

RULE 10.13 CONDUCT/DECORUM OF COUNSEL

I. All persons entering the courtroom shall dress and conduct themselves in keeping with proper courtroom decorum.

II. No smoking or other use of tobacco products shall be permitted in the courtroom.

III. No bottles, cans, cups or other beverage containers shall be allowed in the courtroom except for the water pitchers and cups furnished by the court.

IV. No edibles shall be allowed in the courtroom.

V. No chewing gum shall be used by a witness while testifying or by an attorney while interrogating a witness or addressing the judge or jury.

VI. In addressing the Court, counsel shall at all times rise and remain standing and address the Court from their position at counsel table.

VII. Counsel shall remain seated at counsel table while interrogating a witness except when handling exhibits or other demonstrative evidence and except when necessary to approach a friendly or neutral witness. Leave of court must be obtained to approach an adverse or hostile witness.

VIII. The party with the burden of proof shall use the counsel table nearest the jury box or as directed by the Court.

IX. Jurors shall not be permitted to take notes during a trial.

X. Attorneys should advise their clients and witnesses of the local Rules of Decorum that may be applicable.

RULES 11 AND 12: ADOPTION OF RULES, LOCAL ADMINISTRATION

I. Terms of court.

A. The terms of the **District Court** begin on the first Mondays in January, March, May, July, September and November.

B. The terms of the **County Court-at-Law** begin on the first Monday in January and the first Monday in July of each year. Each term of court continues until the next succeeding term begins.

II. Rules of Administration promulgated pursuant to V.T.C.A., Government Code, Section 74.093:

A. The assignment, docketing, transfer and hearing of all cases shall be governed by the other relevant rules herein, namely Rules 1.10, 1.11, 1.12, 1.13, 1.14, 1.15, 1.16, 1.18, 1.19, 3.10, 3.11, 3.26 and 4.10.

B. The Courts subject to these rules shall be responsible for all matters assigned to them by law or these rules and shall function without designation of court divisions or branches responsible for certain matters, such designation being deemed to be impractical and unnecessary.

C. The Courts subject to these rules shall hold court at, least once a week in the county unless in the opinion of the local administrative judge sessions at other intervals will result in more efficient court administration.

D. The apportionment of cases provided for in Rule 1.12 herein is deemed to be a fair and equitable division of the concurrent jurisdiction of the Courts subject to these rules.

E. Plans for judicial vacation and sick leave for the judges of the Courts subject to these rules shall be governed by Rule 8.10 herein. Said judges shall attend the following annual events, unless prevented from such attendance for good cause: The North East Texas Regional Judicial Conference, the Criminal Justice Conference and the State Bar Judicial Section Conference.

RULE 13.10 MISCELLANEOUS

Filing record of court costs to be adjudicated in the "judgment:

All records of costs, INCLUDING FEES OF THE COURT REPORTER FOR THE ORIGINAL OF STENOGRAPHIC TRANSCRIPTS, must be filed with the Clerk before or at the time of the signing of the judgment if such judgment provides for the adjudication of those costs.