

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 96- 9261

APPROVAL OF NUECES COUNTY LOCAL RULES OF ADMINISTRATION

ORDERED:

Pursuant to Rule 3a of the Texas Rules of Civil Procedure, the Supreme Court of Texas approves the following local rules:

Nueces County Local Rules of Administration, applicable to the District Courts and County Courts at Law of Nueces County.

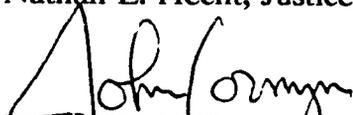
The approval of these rules is temporary, pending further orders of the Court.

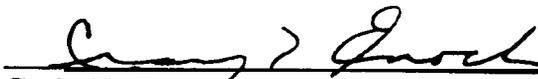
SIGNED AND ENTERED this 11th day of December, 1996

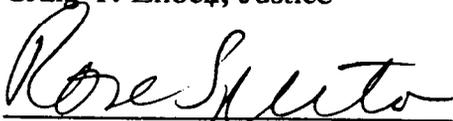

Thomas R. Phillips, Chief Justice


Raul A. Gonzalez, Justice


Nathan L. Hecht, Justice


John Cornyn, Justice


Craig T. Enoch, Justice


Rose Spector, Justice


Priscilla R. Owen, Justice


James A. Baker, Justice


Greg Abbott, Justice

NUECES COUNTY

LOCAL RULES OF ADMINISTRATION

RULE 1: APPLICATION:

These rules shall apply to civil and criminal cases pending before the courts of Nueces County and to District Courts and County Courts at Law.

It is not the intent of these rules to impinge on the authority or jurisdiction of any Judge or Court established by the Constitution or the Statutes of this State or the Supreme Court of Texas.

RULE 2: ASSIGNMENT OF CASES:

DISTRICT COURTS:

(A) District Court civil cases shall be assigned by the District Clerk at random in the following proportions: The 28th, 94th, 117th, 148th, 214th, 319th, and 347th District Courts shall each receive 2/15 of the cases and the 105th District Court shall receive 1/15 of the cases.

(B) District Court criminal cases shall be assigned by the District Clerk at random in the following proportions: The 28th, 94th, 105th, 117th, 148th, 214th, 319th, and 347th District Courts shall each receive 1/8 of the cases.

COUNTY COURTS AT LAW:

(C) County Court at Law civil cases not within the concurrent jurisdiction of the District Courts shall be assigned by the Court Clerk to County Courts at Law No's 1, 2, 3, and 4 at random and in equal numbers. The District Clerk shall assign only those cases styled "In the County Court at Law" of concurrent jurisdiction with the District Court to County Courts at Law No.'s 1, 2, 3, and 4 at random and in equal numbers.

(D) County Court at Law criminal cases shall be assigned by the County Clerk to County Courts at Law No.'s 1, 2, 3, and 4 at random and in equal numbers.

CONCURRENT JURISDICTION:

Civil cases within the concurrent jurisdiction of the District Courts and the County Courts-at-Law, as set out in Sec. **25.1802, TEXAS GOVERNMENT CODE**, as amended effective September 1,

1995, shall be filed with the District Clerk. At the time of filing, the pleadings shall state whether the case is to be filed in a District Court or County Court at Law. The District Clerk shall assign such cases to the courts in the proportions and in the manner set out herein. Only those cases styled "In the District Court" shall be assigned to the District Courts and only those cases styled "In the County Court at Law" shall be assigned to the County Courts at Law.

ELECTRONICALLY TRANSMITTED PLEADINGS AND DOCUMENTS

(F) Pleadings and documents may be filed by electronic transmission with the appropriate District or County Court Clerk, and shall be recognized and treated as originals, subject to 51.806 (b), TEXAS GOVERNMENT CODE.

The District and County Clerks shall separately maintain such pleadings and documents received, subject to transfer.

Filing with one Court Clerk does not effect filing with the other. Pleadings or documents electronically transmitted for filing must be addressed to the Clerk appropriate for the case or procedure. Neither the District nor the County Clerk nor their employees shall be responsible for the misfiling of such pleadings or documents, nor for incomplete transmissions.

It shall be incumbent upon the sender to personally review court and clerk's files to insure the integrity or existence of electronically transmitted pleadings or documents.

The Court Clerk shall file stamp such pleadings and documents in the same manner as original papers are handled, on the next business day, showing the actual time received.

Senders of electronically transmitted pleadings or documents must maintain or file the originals, as required by law.

A cover sheet shall accompany such transmissions, identifying the sender, the case in which the pleadings or documents are to be filed, the nature of the pleadings or documents, the number of pages being transmitted including the cover sheet, and any special filing, service or dispositional instructions.

Returns of service and bonds may not be filed electronically. The originals must be filed with the Clerk for placement in the Court file.

Court costs and fees for such filings are due when the pleading is received and may be paid in cash, (credit card), check or money order, or may be credited against court costs posted in advance by a party; but filing fees must be paid or accessed against a credit card not later than 7 days of the filing.

A plan for the filing of pleading and documents is adopted contemporaneous with this rule and is incorporated herein by reference for all purposes, subject to revision by these Courts.

RULE 3: TRANSFER OF CASES WITHIN THE COURTS:

(A) Whenever any pending case is related to another case pending, dismissed, non-suited, or disposed of by another Court the Judge of either Court, acting as judge of either Court shall, upon motion (including the Court's own motion) and notice, transfer the case to the Court in which the earlier case was filed to facilitate the orderly and efficient disposition of the litigation.

The following types of cases shall be subject to transfer under this rule, but this listing is not exclusive and is given by way of example only:

(1) Any case arising out of the same transaction or occurrence as did an earlier case, particularly if the earlier case was dismissed for want of prosecution or voluntarily dismissed by Plaintiff at any time before final judgment;

(2) Any case involving one or more of the same parties as an earlier filed case and requiring a determination of any of the same questions of fact or of law as those involved in the earlier case;

(3) Any case involving a plea that a judgment in the earlier filed case is conclusive of any of the issues of the later case by way of res judicata or estoppel by judgment, or any pleading that requires a construction of the earlier signed judgment or a determination of its effect;

(4) Any suit concerning the duty of an insurer to defend;

(5) Whenever a case is transferred to Nueces County by a court of another county, it shall be assigned in the manner specified by these Rules.

(6) Regardless of which case was filed first, any suit affecting the parent-child relationship shall be transferred to the Court in which a divorce action involving the parties named in the suit affecting the parent-child relationship is pending.

(B) Every motion for consolidation or joint hearing of two or more cases under Rules 39, 40, 41, and 174 (a), TEXAS RULES OF CIVIL PROCEDURE, shall be filed in the earliest case filed.

(C) No civil case may be transferred from a District Court to a County Court at Law, or from a County Court at Law to a District Court without the prior consent of the parties and receiving court.

RULE 4: PRE-TRIAL PROCEDURES:

Settings for any matter to be heard by the Court shall be obtained from the Court Coordinator.

Docket control conferences, pre-trial conferences, and hearings shall be attended by the attorney for the party who is authorized to act for the party in taking those actions listed in Rule 166, TEXAS RULES OF CIVIL PROCEDURE.

The Court Pre-Trial Order shall reflect action taken at any pre-trial conference which order shall control the proceedings until the matter is finally disposed of or modified by the Court.

RULE 5: SEVERANCE:

Causes severed shall be assigned a new case number in the same Court in which the case was originally filed (or in the same Court where the severance was granted).

RULE 6: TEMPORARY, EMERGENCY, AND EX PARTE ORDERS:

(A) Except in emergencies when the Clerk's office is not open for business, no applications for immediate or temporary relief shall be presented to a Judge until it has been filed and assigned to a Court as provided in these Rules. If the Judge of the Court to which such case is assigned is absent or is occupied with other matters, such application may be assigned by the Local Administrative Judge to any Judge who may sit for the Judge of the Court in which the case is pending and shall make all orders, writs, and process returnable to that Court. Hearings on applications for temporary injunctions, temporary receiverships, and the like shall be set in the Court to which the case has been assigned.

(B) All applications for ex parte relief shall state, and it shall be brought to the attention of the Court, whether, within the knowledge of the applicant, the opposing party is represented by counsel, who shall be allowed to appear if practicable. The party requesting such temporary relief shall be present in Court at the time such relief is requested to offer testimony, if necessary, unless the Court finds that such presence is not necessary.

(C) Parties requesting ex parte temporary restraining orders in family law cases shall present evidence, under oath, by affidavit or live testimony, supporting each matter for which relief is requested.

(D) Whenever immediate action of a Judge is required in an emergency when the Clerk's Office is not open for business, the case shall, nevertheless, at the earliest practicable time be docketed and assigned to a Court as provided by these Rules and all writs and process shall be returnable to that Court: If the Judge of such Court is not available at the time set, the appropriate local Administrative Judge may designate any Judge having jurisdiction to hear the application for relief.

RULE 7: SETTLEMENT AND ALTERNATIVE DISPUTE RESOLUTION:

Counsel and litigants are urged to resolve their differences and to utilize alternative dispute resolution at the earliest opportunity in proceedings.

Non judicial resolutions shall not be used to delay scheduled proceedings. Parties may agree to such delays if there is a reasonable expectation the case will be settled.

The Court shall, at least once a year, set aside a period of time for the referral of cases to alternative dispute resolution, and shall refer by order such cases the Court believes may settle.

The Court Coordinator shall be advised as soon as practicable of any settlement, so that the case may be removed from the docket and that the attention of the Court may be turned to other cases.

Attorneys of record, in civil cases, shall timely notify their clients of the availability of alternative dispute resolution procedure as provided in Sec. 154.021, TEXAS CIVIL PRACTICE AND REMEDIES CODE.

The parties may agree upon a procedure and the name of the impartial third party or parties to implement the procedure; however, in the absence of such agreement the Court may, on its own motion, and upon notice and hearing, designate a procedure and name the impartial third party or parties.

RULE 8: UNCONTESTED CASES AND MOTIONS:

The settlement of cases and motions is encouraged.

Uncontested matters shall be given priority and heard first on the Court's docket each day.

RULE 9: BANKRUPTCY, SUGGESTION OF DEATH, ABATEMENT. SUSPENSE
DOCKET IN CIVIL CASES:

The Clerk is to immediately give actual notice to the Court Coordinator or the Judge of the Court of any suggestion of death or information concerning bankruptcy proceedings.

In situations where the Court determines there is a valid and compelling reason not to dismiss the case for want of prosecution, or it is necessary to abate the proceedings, the case may be transferred to the Suspense Docket of the Clerk's Office, subject to later assignment to the Court where it was originally assigned, when it becomes appropriate to set the case for trial.

RULE 10: FEES FOR INDIGENT REPRESENTATION:

Counsel appointed to represent indigents shall be paid a fee in accordance with the schedule adopted by the Judges of County Courts at Law and District Courts. Counsel shall complete and file such request for compensation on a standardized application form adopted by the County Courts-at-Law and District Courts.

RULE 11: CRIMINAL CASES; ASSIGNMENT OF RELATED PROSECUTIONS

(A) After random assignment, the Clerk shall reassign any new indictment or information in a Felony case to the Court having a lower pending cause number on the same defendant.

(B) After random assignment, the Clerk shall reassign any new complaint in a Misdemeanor case to the Court having a lower pending cause number on the same defendant.

(C) When an indictment or information in a Felony case is dismissed, the Clerk shall assign any subsequently filed indictment or information of the same cause against the same Defendant, to the Court in which the prior indictment or information was assigned.

(D) When a complaint in a Misdemeanor case is dismissed, the Clerk shall assign any subsequently filed information or complaint of the same cause against the same Defendant, to the Court in which the prior complaint was assigned.

RULE 12: ABATEMENT IN CRIMINAL CASES:

In situations where the Court determines that there is a compelling reason to abate the proceedings, the case may be transferred to the Suspense Docket of the Clerk's Office, subject to later reassignment to the Court where it was originally assigned.

RULE 13: SUBSTITUTION OF/WITHDRAWAL OF COUNSEL IN
CRIMINAL/CIVIL CASES:

Counsel wishing to substitute in, or withdraw from, representation in a civil or criminal case shall comply with TEXAS RULE OF COURT 10 and shall obtain the Court's written permission to do so. In the absence of good cause, such actions shall not be grounds for continuance nor delay of proceedings.

RULE 14: IMPANELING JURIES:

The Local Administrative District Judge of the County, or the District Judge Designate, shall preside over the qualifications of petit jurors and the assignment of jury panels to the various courts, pursuant to the plan on file with the District Clerk.

RULE 15: JUDICIAL VACATIONS/EDUCATIONAL EVENTS:

Judicial vacations and educational events will be scheduled in advance by each Judge, with due consideration for vacation and educational schedules of other Judges, subject to changed conditions, and when possible, notice thereof is to be filed with the appropriate Local Administrative Judge, to facilitate the scheduling of visiting Judges.

RULE 16: MEETINGS OF THE JUDGES OF THE COUNTY:

The Local Administrative District Judge and the Local Administrative County Court at Law Judge shall call meetings at least monthly for the purpose of transacting judicial business. These meetings may be held jointly.

RULE 17: COURT STAFF:

The Local Administrative District Judges (Presiding Judges) shall supervise the office of Court Administrator, and shall be responsible for administrative matters peculiar to the Courts, including case flow procedures and operations of the Court Administrator/coordinator management program.

Each Judge shall control the employees of the Court over which he or she presides, including those (adjunct employees/belonging to other departments), such as the clerk, rendering services directly to the particular court.

Court Staff includes the Court coordinator, bailiff, court reporter(s), and such other staff necessary to support the particular Court; and who shall serve at the pleasure of the Judge

of the particular Court. Court Staff shall perform duties assigned them by the Judge, or with the consent of the particular Judge, by the Court Administrator or Local Administrative Judge. Court Staff shall not perform judicial functions.

RULE 18: CONDUCT AND DECORUM OF ATTORNEYS BEFORE THE COURT:

Each Judge shall be responsible for maintaining proper decorum in his or her Court.

(A) In addressing the Court, counsel shall rise and remain standing at their positions at counsel table. They shall not approach the bench except with permission of or on request of the Court.

(B) Counsel or the parties shall not lean on the Bench, sit on rails or tables, or appear to engage the Court in a confidential **manner**.

(C) Counsel in attendance of Court shall dress in a dignified and professional manner.

(D) Counsel shall advise their clients and witnesses of the formalities of the Court and appropriate attire.

(E) Counsel, the Judge, and all other officers of the Court shall be prompt at all sessions and in the dispatch of all Court business.

(F) All counsel are admonished to respect the letter and the spirit of all applicable rules or codes of professional responsibility, including, particularly those dealing **with** discussion of cases with the Court outside the Courtroom and not in the presence of opposing counsel. The Court shall enforce the **same** by appropriate action.

(G) All remarks of counsel to the Court shall be addressed to the Court and not to the Judge as an individual.

(H) Once counsel has entered the Courtroom and appeared before the Court, he or she shall not leave without obtaining permission from the Court.

(I) While Court is in session, there shall be:

- (1) No smoking or use of other tobacco products;
- (2) No reading of newspapers or magazines;
- (3) No propping of feet on tables or chairs;

(4) No loud noises or talking;

(5) No gum chewing.

RULE 19: CAMERAS IN COURT

(A) Except for ceremonies and judicial investitures, cameras, televising, video transcriptions, recordings and broadcasting of proceedings are prohibited:

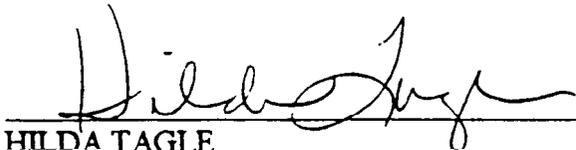
(1) in or near court spaces on the 3rd and 4th floors (Central Jury Room, Court Administrator's Office and Court Master's Court) ;

(2) in the halls and common spaces of the Courts on the 2nd, 7th, 8th and 9th floors of the Courthouse; and in or near premises of the Juvenile Justice Center.

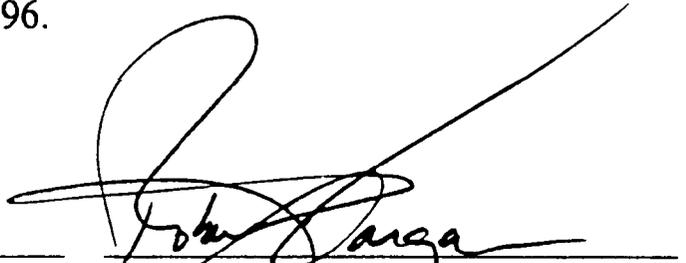
(B) The Judge of each trial court on the 7th, 8th and 9th floors shall determine whether proceedings in the courtroom shall be photographed, televised, video taped, recorded or broadcast, following Rule 18(c), and guidelines published by the Supreme Court of Texas, and including the consent of jurors, parties, witnesses, and attorneys.

ADOPTION OF RULES

These rules are adopted by the District Court and County Court at Law Judges of Nueces County, Texas, on the 3rd day of October, 1996, and forwarded to the Texas Supreme Court for approval on the d 8 y o f October, 1996.



HILDA TAGLE
NUECES COUNTY ADMNISTRATIVE DISTRICT
COURT JUDGE
148TH DISTRICT COURT
NUECES COUNTY, TEXAS



ROBERT VARGAS
NUECES COUNTY ADMINISTRATIVE
COUNTY COURT AT LAW JUDGE
NUECES COUNTY COURT AT LAW NO. 1
NUECES COUNTY, TEXAS

IN THE DISTRICT COURTS OF NUECES COUNTY, TEXAS

Misc. Order No. 98- _____

ORDER AMENDING RULE 11 OF THE NUECES COUNTY LOCAL RULES

At a duly convened meeting of the Local Council of Judges of Nueces County, Texas held on January 22, 1998, said Council amended Rule 11 of the Local Rules of Administration of Nueces County by adding subpart (E) providing for the assignment of related criminal cases in the same Court, as follows:

Section 1. Rule 11 is amended by adding subpart (E) to read as follows:

“RULE 11: CRIMINAL CASES: ASSIGNMENT OF RELATED PROSECUTIONS

...

(E) Subject to Rule 2, when an indictment or information is filed against one ore more defendants in a case that is related to another criminal case or cases involving one or more co-defendants and the same criminal episode, offense or event, upon motion, including the Court’s own motion, any Court to which any of said cases has been assigned may order that all such related cases be transferred to the Court having the lower cause number. "

Section 2. This Order is effective when approved by the Supreme Court.

Signed on January ,26 1998 for and in behalf of the Council of District Judges and County Court at Law Judges of Nueces County, Texas.



Hon. Robert Blackmon
Local Administrative District Judge



Hon. Hector De Peña, Jr.
Local Administrative County Court at Law Judge

ORDER OF THE SUPREME COURT OF TEXAS

Misc. Docket No. 99-9037

**Approval of Amendment to Rule 2 of
Nueces County Local Rules**

IT IS ORDERED that:

Pursuant to Texas Rule of Civil Procedure 3a, the Supreme Court of Texas approves the attached amendments to Rule 2 of the Local Rules of Administration of Nueces County, which concern the assignment of cases in the District Courts of Nueces County, Texas. The approval of these rules is temporary pending further orders of the Court.

**Nanette Hasette**28th **District** court Judge
Nueces County CourthouseLINDA MARIE HARRISON
COURT COORDINATOR
(512) 888-0508

January 29, 1999

NOTICE

Re: Amended Local Rules Concerning
Non-family Civil Cases and Criminal
Cases pending in the 117th Judicial District

Pursuant to Tcx. R. Civ. P. 3a, the attached Order Amending Rule 2 of the Nueces County Rules is being posted for the local bar for 30 days. This Rule will become effective after 30 days notice and approval by the Supreme Court.

The notice of the Order Amending Rule 2 of the Nueces County Rules will be posted at the Courthouse door, the District Clerk's Office located on the third floor and also at the door and bulletin board of each District Court



Nanette Hasette
Local Administrative District Judge

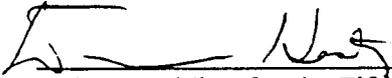
**IN THE FIFTH ADMINISTRATIVE
JUDICIAL DISTRICT OF TEXAS**

ORDER APPROVING AMENDMENT

A proposed amendment of Rule 2 of the Nueces County Local Rules having been submitted to me, as the Presiding Judge of the Fifth Administrative Judicial Region:

Such amendment having been approved by the Council of District Judges of Nueces County on January 28, 1999, should be, and it is hereby, approved.

Signed for entry this 5th day of February, 1999.



**Judge Presiding for the Fifth
Administrative Judicial Region**

**Nueces
County**
DISTRICT COURTS
COUNTY COURTS AT LAW



OSCAR SOLIZ / DISTRICT CLERK

P.O. BOX 2987 / CORPUS CHRISTI, TEXAS 78403
AREA CODE 512 888-0450 FAX: 512 888-0571

FILED FOR RECORD
FEB 1 4 38 PM '99
[Signature]
COUNTY CLERK, NUECES COUNTY, TX

NOTICE OF ORDER

**AMENDING RULE 2 OF THE
NUCES COUNTY LOCAL RULES.**

(ASSIGNMENT OF CASES)

[Handwritten Signature]

**Oscar Soliz, District Clerk
District and County Court-At-Law Courts**

THIS NOTICE WAS POSTED BY THE UNDERSIGNED ON _____
AT _____ O'CLOCK P.M. AT THE COURTHOUSE DOOR IN CORPUS
CHRISTI TEXAS



Nanette Hasette

28th **District** Court Judge
Nueces County Courthouse

LINDA MARIE HARRISON
COURT COORDINATOR
(512) 558-0505

February 8, 1999

Mr. John T. Adams, Clerk
Supreme Court of Texas
Supreme Court Building
201 W. 14th Street, Room 104.201
Austin, Texas 78701

Re: Proposed Amendment of Rule 2
of the Nueces County Local Rules

Dear Mr. Adams:

Under Rule 3a Texas Rules of Civil Procedure, submitted herewith is the proposed Amendment of Rule 2 of the Nueces County Local Rules and an Order Approving Amendment executed by Judge Darrell Hester, Judge Presiding for the Fifth Administrative Judicial Region.

Your cooperation in obtaining the approval of this Order is appreciated.

Sincerely,

A handwritten signature in black ink that reads "Nanette Hasette".

Nanette Hasette,
Local **Administrative** District Judge

Enclosures

NH/lmh

cc: Hon. Darrell Hester
Oscar Soliz, Nueces County District Clerk

✓ File

MAR 10 1999



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

TEL: (512) 463-1312

FAX: (512) 463-1365

JUSTICES
NATHAN L. HECHT
CRAIG T. ENOCH
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT
DEBORAH G. HANKINSON
HARRIET O'NEILL
ALBERTO R. GONZALES

WRK
JOHN T. ADAMS

EXECUTIVE ASST
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST
JIM HUTCHESON

ADMINISTRATIVE ASST
NADINE SCHNEIDER

March 9, 1999

Hon. Rose Vela
Admin. Judge and Judge
148th District Court
901 Leopard, Suite 903
Corpus Christi, Texas 78401-3688

Dear Judge Pate,

Please find enclosed, a copy of the order of the Supreme Court that approved amendments to Rule 2 of the Local Rules for Administration of Nueces County.

Sincerely,

SIGNED

John T. Adams
Clerk

Encl.

cc: Hon. Darrell Hester
5th Admin Judicial Rgn

Council of District Judges

District Clerk

County Clerk

Supreme Court Adv Committee

Mr. Jerry Benedict
Office of Court Admin

State Law Library

**IN THE DISTRICT COURTS
OF NUECES COUNTY, TEXAS**

Misc. Order No. 99-_____

**ORDER AMENDING RULE 2 OF THE
NUECES COUNTY LOCAL RULES**

At a duly convened meeting of the Local Council of District Judges of Nueces County, Texas held on January 2 1,1999, said Council adopted the following amendment to Rule 2 of the Local Rules of Administration of Nueces County providing for the assignment of cases in the District Courts of Nueces county, as follows:

Section 1. Rule 2 is amended to read as follows:

RULE 2: ASSIGNMENT OF CASES:

DISTRICT COURTS:

(A) (1) Non-Family Civil Cases

- (a) The District Clerk shall randomly assign all non-family civil cases filed on or after January 1, 1999, in the District Courts in the following proportions: Seven forty-fifths (7/45th) to each of the 28th, 94th, 3 19th, 148th, 214th and 347th District Court; three forty-fifths (3/45th) to the 105th District Court; and zero (0) to the 117th District Court.
- (b) The District Clerk shall reassign non-family civil cases from the 117th District Court to the District Courts in the following proportions: one-sixth (1/6th) to the 28th, 94th, 319th, 148th, 214th and 347th District Courts.

(2) Family Civil Cases

The District Court family civil cases shall be assigned by the District Clerk at random in the following proportions: two-fifteenths (2/15th) to each of the 28th, 94th, 117th, 319th, 148th, 214th and 347th; and one-fifteenth (1/15th) to the 105th District Court.

(B) Criminal Cases

(1) The District Clerk shall randomly assign all criminal cases filed on or after January 1, 1999, in the District Courts the following proportions: seven forty-eighths (7/48th) to each of the 28th, 94th, 319th, 148th, 214th and 347th District Courts; six forty-eighths (6/48) to the 105th District Court; and zero (0) to the 117th District Court

(2) The District Clerk shall randomly reassign all criminal cases pending in the 117th District Court in the following proportions: one-sixth (1/6th) to the 28th, 94th, 319th, 148th, 214th and 347th District Courts.

(C) Juvenile Cases

The 117th District Court shall hear all juvenile cases pending on or filed after January 1, 1999. Section 2. This Order is effective upon approval of the Supreme Court.

Signed on the 28th day of January, 1999. by the Council of District Judges of Nueces County,

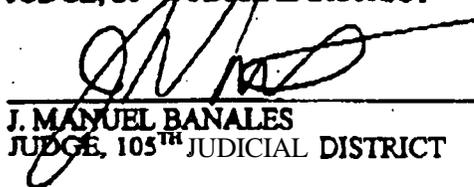
Texas.



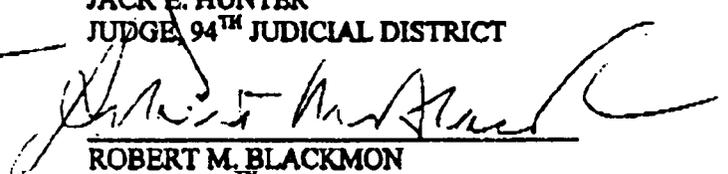
NANETTE HASETTE
JUDGE, 28TH JUDICIAL DISTRICT



JACK E. HUNTER
JUDGE, 94TH JUDICIAL DISTRICT



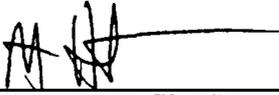
J. MANUEL BANALES
JUDGE, 105TH JUDICIAL DISTRICT



ROBERT M. BLACKMON
JUDGE, 117TH JUDICIAL DISTRICT



ROSE VELA
JUDGE, 148TH JUDICIAL DISTRICT



MARTHA HUERTA
JUDGE, 319TH JUDICIAL DISTRICT



MIKE WESTERGREN
JUDGE, 214TH JUDICIAL DISTRICT



JOAQUIN VILLARREAL, III
JUDGE, 347TH JUDICIAL DISTRICT



Nanette Hasette
28th District Court Judge
Nueces County Courthouse

LINDA MARIE HARRISON
COURT COORDINATOR
(512) 888-0506

TO: ALL DISTRICT COURT JUDGES

FROM: NANETTE HASETTE, 
LOCAL ADMINISTRATIVE DISTRICT JUDGE

DATE: M A R C H 26,1999

SUBJECT: AMENDED LOCAL RULES

MEMORANDUM

Pursuant to the notice from the Supreme Court of Texas, please be advised that as of April 1, 1999, the District Clerk will begin transferring the cases out of the 117th District Court and begin using the amended local rules for the filing of new cases.

cc: District Clerk
 Anne Hunkapiller, Court Administrator



Nanette Hasette

28th District Court Judge
Nueces County Courthouse

LINDA MARIE HARRISON
COURT COORDINATOR
(361) **888-0506**

August 12,1999

Honorable Darrell Hester
Fifth Administrative Judicial Region
Cameron County Courthouse
964 E. Harrison St., 4th Floor
Brownsville, Texas 78520

Re: Order Amending Nueces County Local Rules

Dear Judge Hester:

As Local Administrative District Judge of Nueces County, I am forwarding the original Order Amending Rule 2 of the Nueces County Local Rules and Proposed Amendment to Rule 4 of the Nueces County Local Rules for your review and approval.

Please do not hesitate to call me regarding questions involving these Orders.

Notice of approval or denial may be sent to my office via the enclosed Federal Express form.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Nanette Hasette".

Nanette Hasette
Local Administrative District Judge

cc: File

IN THE DISTRICT COURTS
AND COUNTY COURTS AT LAW
OF NUECES COUNTY, TEXAS
Misc. Order No. 99-_____
ORDER AMENDING
NUECES COUNTY LOCAL RULES

At a duly convened meeting of the Local Council of Judges, consisting of the Judges of the District Courts and the County Courts at Law of Nueces County, Texas held on July 28, 1999, said Council, by majority vote duly recorded in the minutes of the Council, amended Rule 2 of the Local Rules of Administration of Nueces County providing for the reassignment of cases in the District Courts and County Courts at Law of Nueces County, as follows:

Section 1. Rule 2 is amended to read as follows:

"RULE 2: ASSIGNMENT OF CASES:

A. DISTRICT COURTS

(1) The District Clerk, Clerk of all Courts, shall randomly assign all District Court nonfamily civil cases filed on or after September 1, 1999 to the District Courts in the following proportions: two-fifteenth (2/15) to each of the 28th, 94th, 117th, 148th, 214th, 319th and 347th District Courts, and one-fifteenth (1/15) to the 105th District Court.

(2) The District Clerk, Clerk of all Courts, shall randomly assign all family cases, other than Juvenile or child protective services cases, filed on or after September 1, 1999 to the District Courts in the following proportions: two-fifteenth (2/15) to each of the 28th, 94th, 117th, 148th, 214th, 319th and 347th District Courts, and one-fifteenth (1/15) to the 105th District Court.

(3) The District Clerk, Clerk of all Courts, shall randomly assign all District Court criminal cases filed on or after September 1, 1999 to the District Courts in equal proportions of one-eighth (1/8) each.

B. COUNTY COURTS AT LAW OTHER THAN COUNTY COURT AT LAW NO. 5

(1) The District Clerk, Clerk of all courts, shall randomly assign all County Courts at Law probate, civil, and criminal cases filed on or after September 1, 1999 to the County Courts at Law 1, 2, 3, and 4 in equal portions of one-fourth (1/4) each, except appeals from the Justice of the Peace Courts, Municipal Courts, and all past, pending, and future filed guardianships.

(2) The District Clerk, Clerk of all Courts, shall transfer all past, pending, and future criminal and civil appeals from Justice of the Peace Courts, Municipal Courts, and guardianship cases to the County Court at Law No. 5 on September 1, 1999, and thereafter file all such cases in this Court to be adjudicated and administered.

(3) The District Clerk, Clerk of all Courts, shall maintain a separate docket for all mental health cases pending or filed after September 1, 1999. Each of the County Courts at Law 1, 2, 3, 4, and 5 shall preside over the mental health case docket on a monthly rotation, beginning September 1, 1999.

(C) COUNTY COURT AT LAW NO. 5

(1) The District Clerk, Clerk of all Courts, shall transfer all juvenile cases to County Court at Law No., 5 pursuant to Section 5 (a) of H-B. 3780 on September 1, 1999, and thereafter shall file all such cases in this Court to be adjudicated and administered.

The County Court at Law No. 5 is designated and serve as the juvenile court on and after September 1, 1999. During the absence or inability of the Judge of the County Court at Law No. 5 to temporarily preside in a particular case the Local Administrative District Judge shall assign a District Judge to preside in juvenile court, otherwise V.T.C.A. Government Code subsection 25.0009 will apply.

(2) The District Clerk, Clerk of all Courts, shall transfer all pending child protective services cases to County Court at Law No. 5 on September 1, 1999, and thereafter shall file all such cases in this Court to be adjudicated.

(3) On September 1, 1999, the District Clerk, Clerk of all Courts, shall transfer all past and pending civil and criminal appeals from the Municipal Courts, and the Justice of the Peace Courts, as well as, all past and pending guardianships to County Court at Law No. 5. Thereafter all such cases are to be filed and docketed to this Court for adjudication and administration.

D. TRANSFER OF CASES PENDING ON AUGUST 31, 1999.

(1) The Local Administrative District Judge shall transfer and assign all Juvenile cases pending in the Juvenile Court on August 31, 1999 to County Court at Law No. 5.

(2) The Local Administrative District Judge shall transfer all child protective services cases pending in the 28th, 94th, 105th, 117th, 148th, 214th 319th and 347th District Courts on August 31, 1999 to County Court at Law No. 5.

(3) The Local Administrative County Court at Law Judge shall transfer, and assign all criminal and civil appeals from Municipal

Courts, Justice of the Peace Courts and guardianship cases, past and pending in the County Courts at Law Nos. 1, 2, 3, and 4 on September 1, 1999 to County Court at Law No. 5.

E. ASSIGNMENT OF CASES PENDING APPOINTMENT OF JUDGE OF THE COUNTY COURT AT LAW NO. 5.

(1) Pending the appointment of a Judge of the County Court at Law No. 5, the Local Administrative District Judge may assign one or more District Judges to preside over Juvenile Court on a month to month basis or as necessary.

(2) Pending the appointment of a Judge of the County Court at Law No. 5, the Local Administrative District Judge shall assign the child protective services cases to the District Courts from which said cases were transferred to the County Court at Law No. 5.

(3) Pending the appointment of a Judge of the County Court at Law No. 5, the Local Administrative District Judge shall randomly assign the District Courts to all child protective services cases filed on or after September 1, 1999.

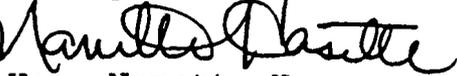
(4) Pending the appointment of a Judge of the County Court at Law No. 5, the Local Administrative County Court at Law Judge shall randomly assign the County Courts at Law to all guardianship cases filed on or after September 1, 1999.

(5) After the appointment of a Judge of the County Court at Law No. 5, the Local Administrative District Judge and the Local Administrative County Court at Law Judge shall reassign or retransfer to the County Court at Law No. 5 all cases described in this sub-rule previously assigned to a District Judge or County Court at Law Judge during the vacancy of the County Court at Law No. 5, unless the assigned District Judge or County Court at Law

Judge elects to retain a particular case in the interest of justice.

Section 2. The amendments are effective September 1, 1999 or upon approval of the Supreme Court, whichever occurs first.

Signed on August 12, 1999 for and in behalf of the Local Council of District Judges and County Court at Law Judges of **Nueces** County, Texas.



Hon. Nanette Hasette
Local Administrative District Judge



Hon. Marisela Saldana
Local Administrative County
Court at Law Judge



Nanette Hasette
28th District Court Judge
Nueces County Courthouse

LINDA MARIE HARRISON
COURT COORDINATOR
(361) 888-0506

August 16, 1999

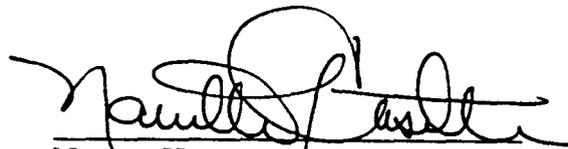
NOTICE

Re: Amended Local Rules

Pursuant to Tex. R. Civ. P. 3a, the attached Order Amending Nueces County Local Rules and Proposed Amendment to Rule 4 of the Nueces County Local Rules are being posted for the local bar for 30 days. This Rule will become effective after 30 days notice and approval by the Supreme Court.

The notice of the Order Amending Nueces County Local Rules and Proposed Amendment to Rule 4 of the Nueces County Local Rules will be posted by the District Clerk's Office at the Courthouse door, the County Clerk's Office, the District Clerk's Office, and at the door and bulletin board of each County Court at Law and District court.

Signed this 16 day of August, 1999.


Nanette Hasette
Local Administrative District Judge

**IN THE DISTRICT COURTS
OF NUECES COUNTY, TEXAS**

Misc. Order No. 99-_____

**PROPOSED AMENDMENT TO RULE 4 OF THE
NUECES COUNTY LOCAL RULES**

At a duly convened meeting of the **Local Council** of Judges of Nueces County, Texas held on February 10, 1999, said Council adopted the following amendment to Rule 4 of the Local Rules of Administration of Nueces County providing for **the additional pre-trial procedures**.

Section I. Rule 4 is amended to read as follows:

"RULE 4: PRE-TRIAL PROCEDURES:

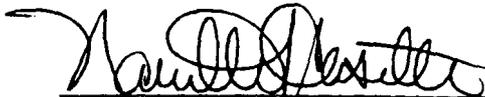
Settings for any matter to be heard by the Court may be obtained from the Court Coordinator.

Docket control conferences, pre-trial conferences, and hearings shall be attended by the attorney for the party who is authorized to act for the party in taking those actions listed in Rule 166, TEXAS RULES OF CIVIL PROCEDURE.

Each case filed in Nueces County Courts at Law and District Courts shall be governed by a discovery control plan and scheduling order, **except** for Attorney General Title IV-D cases. Such plan will be determined by the filing of a Case Information Sheet provided by the District Clerk. The Case Information Sheet must be filed within 10 days of the filing of any original petition. A discovery control plan and scheduling order will not be implemented without the Case Information Sheet.

Section 2. This Order is effective upon approval of the Texas Supreme Court.

Signed on the 11th o f August, 1999 for and in behalf of the Local Council of District Judges and County Court at Law Judges of Nueces County, Texas.



HON. NANETTE HASETTE
LOCAL ADMINISTRATIVE
DISTRICT JUDGE



HON. MARISELA SALDANA
LOCAL ADMINISTRATIVE COUNTY
COURT AT LAW JUDGE



Nanette Hasette
28th District Court Judge
Nueces County Courthouse

LINDA MARIE HARRISON
COURT COORDINATOR
(512) 888-0506

August 27, 1999

Mr. John T. Adams, Clerk
Supreme Court of Texas
Supreme Court Building
201 W. 14th Street, Room 104.201
Austin, Texas 78701

Re: Proposed Amendment of Rule 2 and Rule 4
of the Nueces County Local Rules

Dear Mr. Adams:

Under Rule 3a Texas Rules of Civil Procedure, submitted are the following three documents: (1) Order Amending Nueces County Local Rules. (2) Proposed Amendment to Rule 4 of the Nueces County Local Rules, and (3) Letter approving amendments from Judge Darrell Hester, Judge Presiding for the Fifth Administrative Judicial Region.

Your cooperation in obtaining the approval of these Orders is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Nanette Hasette".

Nanette Hasette,
Local Administrative District Judge

Enclosures

NH/lmh

cc: Hon. Darrell Hester
Oscar Soliz, Nueces County District Clerk
File



THE SUPREME COURT OF TEXAS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

TEL: (512) 463-1312

FAX: (512) 463-1365

CHIEF JUSTICE
THOMAS R PHILLIPS

JUSTICES
NATHAN L. HECHT
CRAIG T ENOCH
PRISCILLA R. OWEN
JAMES A BAKER
GREG ABBOTT
DEBORAH G. HANKINSON
HARRIET O'NEILL
ALBERTO R. GONZALES

CLERK
JOHN T ADAMS

EXECUTIVE ASS'T
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T
JIM HUTCHESON

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

September 14, 1999

Hon. Nanette Hasette
Admin. Judge and Judge
28th District Court
901 Leopard, Suite 803
Corpus Christi, Texas 78401

Dear Judge Hasette,

Please find enclosed, a copy of the order of the Supreme Court that temporarily approved, amendments to the local rules for Nueces County.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Adams".

John T. Adams
Clerk

Encl.

cc: Hon. Darrell Hester
5th Admin Judicial Rgn

District Clerk

County Clerk

Supreme Court Adv Committee

Mr. Jerry Benedict
Office of Court Admin

State Law Library

ORDER OF THE SUPREME COURT OF TEXAS

Misc. Docket No. 99- 9161

Approval of Amendments to Nueces County Local Rules

IT IS ORDERED that:

Pursuant to Texas Rule of Civil Procedure 3a, the Supreme Court of Texas approves the attached amendments to the Nueces County Local Rules, Nueces County, Texas. This order is temporary pending further orders of this Court.

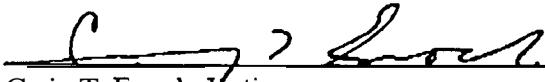
By the Court, en banc, in chambers, this 13th day of September 1999.



Thomas R. Phillips, Chief Justice



Nathan L. Hecht, Justice



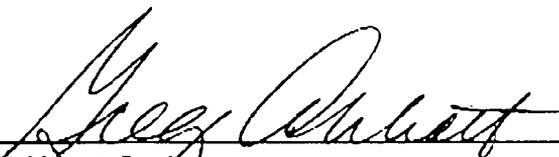
Craig T. Enoch, Justice



Priscilla R. Owen, Justice



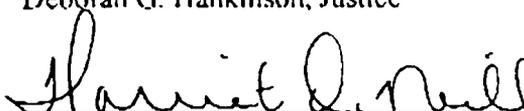
James A. Baker, Justice



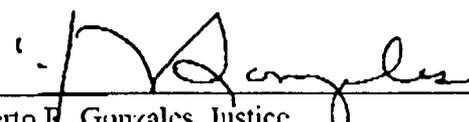
Greg Abbott, Justice



Deborah G. Hankinson, Justice



Harriet O'Neill, Justice



Alberto B. Gonzales, Justice



FIFTH ADMINISTRATIVE JUDICIAL REGION

DARRELL HESTER, PRESIDING JUDGE
CAMERON COUNTY COURTHOUSE
964 EAST HARRISON STREET
BROWNSVILLE, TEXAS 78520

RAUL MARINEZ, JR.
ADMINISTRATIVE ASSISTANT
(956) 574-8160
(956) 546-0724
FAX (956) 544-0879

January 13, 2000



The Honorable Thomas R. Phillips
Chief Justice
Texas Supreme Court
P.O. Box 12248
Austin, Texas 78711

Dear Mr. Chief Justice:

I have received and reviewed proposed Local Rule 20 of Nueces County implementing judicial by-pass procedure.

I approve Local Rule 20 of Nueces County and its submission to the Supreme Court for its approval.

Yours truly,

A handwritten signature in black ink, appearing to read "Darrell Hester".

Darrell Hester

dbh/rm

cc: Judge Nanette. Hasette
Local Administrative Judge

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 00- 9617

ORDER APPROVING NUKES COUNTY LOCAL RULES
IMPLEMENTING JUDICIAL BYPASS PROCEDURES
UNDER CHAPTER 33, TEXAS FAMILY CODE

ORDERED that:

1. Pursuant to Rule 3a of the Texas Rules of Civil Procedure, the following amendments to the Local Rules of the District Courts and the County Courts at Law of Nueces County, **Texas**, which implement the procedures regarding applications for waiver of parental notification under Chapter 33, Texas **Family** Code, are approved.

2. In view of the urgency that procedures be adopted for handling applications under Chapter **33**, Family Code, the requirement of Rule 3a(4) is suspended, and these amendments may take effect immediately.

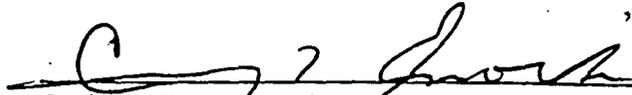
BY THE COURT, IN CHAMBERS this 26th day of January, 2000.



Thomas R Phillips, Chief Justice



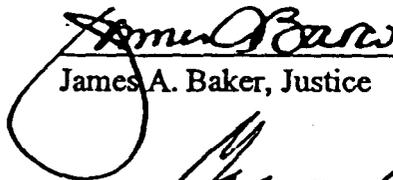
Nathan L. Hecht, Justice



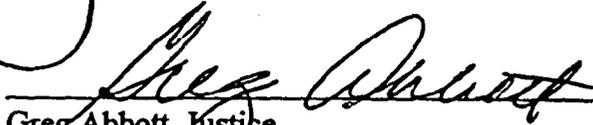
Craig T. Enoch, Justice



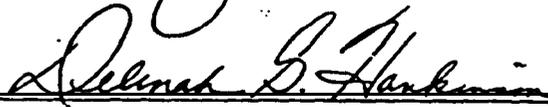
Priscilla R. Owen, Justice



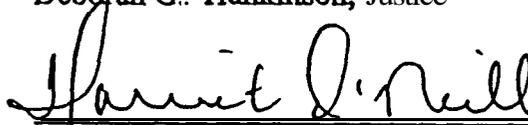
James A. Baker, Justice



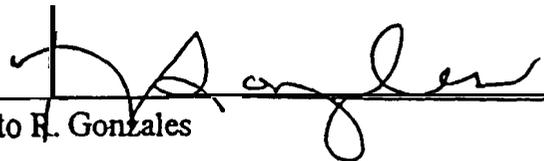
Greg Abbott, Justice



Deborah G. Hankinson, Justice



Harriet O'Neill



Alberto R. Gonzales

IN THE DISTRICT COURTS AND COUNTY COURTS AT LAW
OF NUECES COUNTY, TEXAS

MISC. NO. 99-_____

**ORDER ADOPTING LOCAL RULES
IMPLEMENTING JUDICIAL BYPASS PROCEDURES
UNDER CHAPTER 33, TEXAS FAMILY CODE**

IT IS ORDERED that the Local Rules of the District Courts and the County Courts at Law of Nueces County are amended in order to implement the Judicial Bypass Procedures of Chapter 33, Texas Family Code as follows:

SECTION 1. The Local Rules are amended by added Rule 20 as follows:

RULE 20. Judicial Bypass Procedures under Chapter 33, Family Code.

Rule 20.01. Definitions

- a. "Court" or "courts" means and includes the District Courts and the County Courts at Law of Nueces County.
- b. "Judge" means the Judge of any of the District Courts and the County Courts at Law of Nueces County.
- c. "Application" means an application for a court order authorizing a minor to consent to the performance of an abortion without notification to either of her parents or a managing conservator or guardian.

Rule 20.02. Filing of Application

- a. An application shall be filed with the District Clerk during business hours.
- b. The Clerk shall assign a cause number to an application as follows: the first number shall note the the year in which the application is filed, followed by the letters "MA," followed by a four digit number given sequentially each year, and concluding with the letter or number designating the court to which the application is assigned.

Rule 20.03. Assignment to a Court

- a. The Clerk shall randomly assign the application among the courts in equal proportions.
- b. After a court is assigned an application, that Court shall not be assigned another application until all thirteen courts have been assigned an application.

Rule 20.04. Delivery of Application to Court

- a. After assignment of an application to a court, the Clerk shall immediately personally deliver the application to the assigned Judge and a copy of the application to the Local Administrative District Judge. The Clerk shall note the time of delivery to each Judge..
- b. If the assigned Judge is not immediately available, the Clerk shall wait for the Judge to become available; however, the Clerk shall not wait for more than one hour.
- c. If the assigned Judge is not available after an hour from the time that the Clerk attempted to personally deliver the application or if the assigned Judge is otherwise absent, the Clerk shall immediately inform the Local Administrative District Judge of that fact. The Local Administrative District Judge shall then direct the Clerk to randomly reassign the cause.
- d. The District Clerk shall designate a particular Clerk to handle and dispose of all applications.

Rule 20.05. Appointment of Guardian ad Litem and Attorney for Minor

- a. Upon receipt of the application, the Judge shall appoint a guardian ad Litem for the minor.
- b. If the minor has not retained an attorney, the Judge shall appoint an attorney to represent the minor.
- c. The Local Administrative District Judge shall maintain a list of persons and attorneys who have indicated an interest in being appointed and in serving as guardians ad litem and/or appointed counsel in these proceedings. Said Judge shall make the list available to all Judges.

Rule 20.06. Hearing

- a. The Court shall promptly set the cause for hearing.
- b. The Court shall give precedence to proceedings on the application over all other pending matters to the extent necessary to assure that the Court reaches a decision promptly
- c. All proceedings shall be recorded by the Reporter.

- d. All proceedings shall be closed to the public to assure the confidentiality of the minor.
- e. The Court may conduct all proceedings in chambers.

Rule 20.07. Court's Ruling.

- a. The Court shall rule — issue an order granting or denying the application, as well as findings of fact and conclusions of law — immediately after the hearing is concluded and not later than 5:00 p.m. on the second business day after the date the application is filed with the Court.

Rule 20.08. Reporter's Record

- a. At the conclusion of the hearing on an application the Reporter shall file the original notes, including any computer disks containing Such notes, Of the hearing in the file of **the cause.**
- b. In the event of an appeal, the Reporter shall prepare the record according to the designation of record notice, shall file the record on appeal in a sealed envelope as in other appeals, and shall provide a copy thereof to the Clerk who shall place the copy in the sealed file of the cause. On a separate sheet attached to the sealed envelope, the Reporter shall give notice to the Cleric of the **Court of Appeals that the envelope** contains the record of a Chapter 33, Family Code proceeding

Rule 20.09. Confidentiality of Order

- a. An Order of the Court regarding an application is confidential and privileged and is not **subject to disclosure.**
- b. **The order may not be released to any person, except the following:**
 - 1. the pregnant minor;
 - 2. the pregnant minor's guardian ad litem;
 - 3. the pregnant minor's attorney;
 - 4. another person designated by the minor to receive the Order; or,
 - 5. a governmental agency or attorney in a criminal or administrative action seeking to assert or protect the interest of the minor.

- d. All proceedings shall be closed to the public to assure the confidentiality of the minor.
- e. The Court may conduct all proceedings in chambers.

Rule 20.07. Court's Ruling.

- a. The Court shall rule — issue an order granting or denying the application, as well as findings of fact and conclusions of law — immediately ~~after~~ the hearing is concluded and not later than 5:00 p.m. on the second business day after the date the application is filed with the Court.

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- b. The Order may not be released to any person, except the following:
 - 1. the pregnant minor;
 - 2. the pregnant minor's guardian ad litem;
 - 3. the pregnant minor's attorney;
 - 4. another person designated by the minor to receive the Order, or,
 - 5. a governmental agency or attorney in a criminal or administrative action seeking to assert or protect the interest of the minor.

- c. Before the Clerk may release a copy of the Order, the Clerk shall require the person to sign a statement showing receipt of the Order. The Clerk shall file the signed statement in the file. .

Rule 20.10. Confidentiality of Records

- a. The Clerk shall establish and maintain a separate and secure filing and numbering system for all applications.
- b. The Clerk shall deny access, including computer access, to all records of applications filed under Chapter 33, Fam.C.
- c. The Clerk shall keep all final and closed applications in a place separate from all other files kept in storage.
- d. The Clerk may destroy an application in the time and manner provided by law.

Rule 20.11. Sealed Records

- a. Notwithstanding the provisions of Rule 76a, Tx.R.Civ.P., and pursuant to the legislative directive that all Chapter 33 proceedings are confidential and privileged and not subject to disclosure or to discovery, subpoena or other legal process, the Clerk shall keep the application, all pleadings, exhibits, written findings and conclusions, Orders and all other documents in the cause in a sealed envelop at all times, except when the cause is in the possession of the Judge.
- b. No person shall unseal or open a sealed cause other than the assigned Judge or a person authorized by the Judge.
- c. The Judge or a person authorized to unseal or open a sealed cause shall sign a statement on the file that the person unsealed or opened the file.

Rule 20.12. Duties of Local Administrative District Judge

- a. The Local Administrative District Judge shall supervise the filing, assignment and confidentiality of all applications filed pursuant to Chapter 33, Fam.C.
- b. In the absence of the Local Administrative District Judge, the Local Administrative County Court at Law Judge shall act as provided in these Rules. In the absence of both

the Local Administrative District Judge and Local Administrative County Court at Law Judge, their respective designees shall act as provided in these Rules.

Rule 20.13. Standard Forms

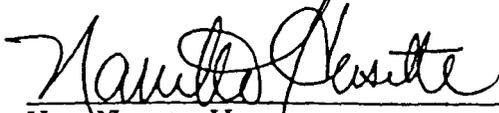
- a. The Courts shall adopt standard forms either as promulgated by the Supreme Court of Texas or as prepared locally.
- b. The forms may provide for orders to reassign a case, appointment of guardian ad litem and/or attorney for the minor, setting the cause for hearing, findings of fact and conclusions of law, the final Order, compensation of guardian ad litem and/or attorney for minor, and any other written document deemed necessary in any proceeding.
- c. Notwithstanding the preceding Rule, a Court may use non-standard forms or Orders in any proceeding.

Rule 20.14. Statistical Information

- a. The Clerk shall maintain statistical records of all applications containing the following information, without identifying the applicants or any person named in an application:
 1. the number of applications filed;
 2. the assignment of applications among the Courts;
 3. the number of applications granted;
 4. the number of applications denied;
 5. the number of applications in which the Court failed to timely rule;
 6. the number of cases in which a Judge refused to consider the application; and,
 7. the number of cases in which notice of appeal was filed.
- b. The Clerk shall distribute of copies of report on monthly and annual bases to the Local Administrative District Judge.

SECTION 2. The foregoing Rules are effective January 1, 2000, or upon approval by the Supreme Court of Texas.

Approved and adopted by the Council of Judges on November 16, 1999 by a **majority of** the Judges present and voting at a meeting on said date.



Hon. Nanette Hasette
Local Administrative District Judge



Hon. Marisela Saldaña
Local Administrative County Court at Law Judge

NUECES COUNTY DISTRICT COURTS GENERAL ORDERS

NUECES COUNTY STANDING ORDER REGARDING CHILDREN, PROPERTY AND CONDUCT OF THE PARTIES

No parties to this lawsuit has requested this order. Rather, this order is a standing order of the Nueces County District Courts that applies in every divorce suit and every suit affecting the parent-child relationship filed in Nueces County. The District Courts of Nueces County have adopted this order because the parties and their children should be protected and their property preserved while the lawsuit is pending before the court. Therefore, it is ORDERED:

1. **NO DISRUPTION OF CHILDREN.** Both parties are ORDERED to refrain from doing the following acts concerning any children who are subject of this case:
 - 1.1 Removing the children from the State of Texas, acting directly or in concert with others, without the written agreement of both parties, unless by previous court order the children are already residing outside of Texas.
 - 1.2 Disrupting or withdrawing the children from the school or day-care facility where the children are presently enrolled, without the written agreement of both parents or an order of this Court.
 - 1.3 Hiding or secreting the children from the other parent or changing the children's current place of abode, without the written agreement of both parties or an order of this Court.
 - 1.4 Disturbing the peace of the children.

2. **CONDUCT OF THE PARTIES DURING THE CASE.** Both parties are ORDERED to refrain from doing the following acts:
 - 2.1 Using vulgar, profane, obscene, or indecent language, or a coarse or offensive manner to communicate with the other party, whether in person, by telephone, or in writing.
 - 2.2 Threatening the other party in person, by telephone, or in writing to take unlawful action against any person.
 - 2.3 Placing one or more telephone calls, at an unreasonable hour, in an offensive or repetitious manner, without a legitimate purpose of communication, or anonymously.

FILED

3. **PRESERVATION OF PROPERTY AND USE OF FUNDS
DURING DIVORCE CASE.**

If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following acts:

- 3.1 Destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties.
- 3.2 Misrepresenting or refusing to disclose to the other party or to the other party or to the Court, on proper request, the existence, amount or location of any property of one or both of the parties.
- 3.3 Damaging or destroying the tangible property of one or both of the parties, including any document that represents or embodies anything of value, and causing pecuniary loss to the other party.
- 3.4 Tampering with the tangible property of one or both of the parties, including any document that represents or embodies anything of value, and causing pecuniary loss to the other party.
- 3.5 Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of either party, whether personal property or real estate property, and whether separate or community, except as specifically authorized by this order.
- 3.6 Incurring any indebtedness, other than legal expenses in connection with this suit, except as specifically authorized by this order.
- 3.7 Making withdrawals from any checking or savings account in any financial institution for any purpose, except as specifically authorized by this order.
- 3.8 Spending any sum of cash in either party's possession or subject to either party's control for any purpose, except as specifically authorized by this order.
- 3.9 Withdrawing, or borrowing in any manner for any purpose from any retirement, profit-sharing, pension, death or other employee benefit plan or employee savings plan or from any individual retirement account or Keogh account, except as specifically authorized by this order.
- 3.10 Signing or endorsing the other party's name on any negotiable instrument, check, or draft, such as tax refunds, insurance payments, and dividends, or attempting to negotiate any negotiable instrument payable to the other party without the signature of the other party.
- 3.11 Taking any action to terminate or limit credit or charge cards in the name of the other party.
- 3.12 Entering, operating or exercising control over the motor vehicle in the possession of the other party.

- 3.13 Discontinuing or reducing the withholding for federal income taxes on wages or salary while this suit is pending.
- 3.14 Terminating or in any manner affecting the service of water, electricity, gas, telephone, cable television, or other contractual services, such as security, pest control, landscaping, or yard maintenance at the other party's residence or in any manner attempting to withdraw any deposits for service in connection with such services.
- 3.15 Excluding the other party from the use and enjoyment of the other party's residence.
- 3.16 Opening or redirecting the mail addressed to the other party.

4. **PERSONAL AND BUSINESS RECORDS IN DIVORCE CASE.**

Records means any tangible document or recording and includes e-mail or other digital or electronic data, whether stored on a computer hard drive, diskette or other electronic storage device. If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following acts:

- 4.1 Concealing or destroying any family records, property records, financial records, business records or any records of income, debts, or other obligations.
- 4.2 Falsifying any writing or record relating to the property of either party.

5. **INSURANCE IN DIVORCE CASE.** If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following acts:

- 5.1 Withdrawing or borrowing in any manner all or any part of the cash surrender value of life insurance policies on the life of either party, except as specifically authorized by Court this order
- 5.2 Changing or in any manner altering the beneficiary designation on any life insurance on the life of either party or the parties' children.
- 5.3 Canceling, altering, or in any manner affecting any casualty, automobile, or health insurance policies insuring the parties' property or persons including the parties' minor children.

6. **SPECIFIC AUTHORIZATIONS IN DIVORCE CASE.** If this is a divorce case, both parties to the marriage are specifically authorized to do the following:

- 6.1 To engage in acts reasonable and necessary to the conduct of that party's usual business and occupation.
- 6.2 To make expenditures and incur indebtedness for reasonable attorney's fees and expenses in connection with this suit.

- 6.3 To make expenditures and incur indebtedness for reasonable and necessary living expenses for food, clothing, shelter, transportation and medical care.
- 6.4 To make withdrawals from accounts in financial institutions only for the purposes authorized by this order.

7. **SERVICE AND APPLICATION OF THIS ORDER.**

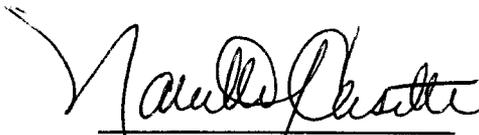
- 7.1 The Petitioner shall attach a copy of this order to the original petition and to each copy of the petition. At the time the petition is filed, if the Petitioner has failed to attach a copy of this order to the petition and any copy of the petition, the Clerk shall ensure that a copy of this order is attached to the petition and every copy of the petition presented.
- 7.2 This order is effective upon the filing of the original petition and shall remain in full force and effect as a Temporary Restraining Order for fourteen days after the date of the filing of the original petition. If no party contests this order by presenting evidence at a hearing on or before fourteen days after the date of the filing of the original petition, this order shall continue in full force and effect as a Temporary Injunction until further order of the court. This entire order will terminate and will no longer be effective once the court signs a final order or the case is dismissed.

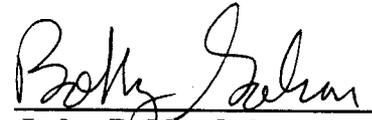
8. **EFFECT OF OTHER COURT ORDERS.** If any part of this order is different from any part of a Protective Order that has already been entered or is later entered, the Protective Order provisions prevail. Any part of this order not changed by some later order remains in full force and effect until the court signs a final decree or the case is dismissed.

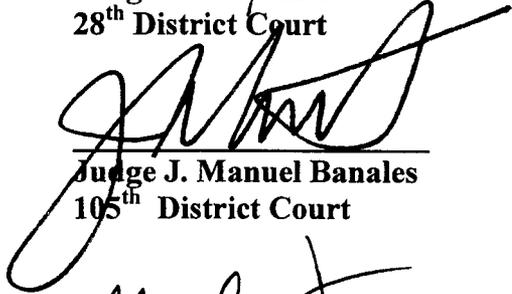
9. **PARTIES ENCOURAGED TO MEDIATE.** The parties are encouraged to settle their disputes amicably without court intervention. The parties are encouraged to use alternative dispute resolution methods, such as mediation or informal settlement conferences (if appropriate), to resolve the conflicts that may arise in this lawsuit.

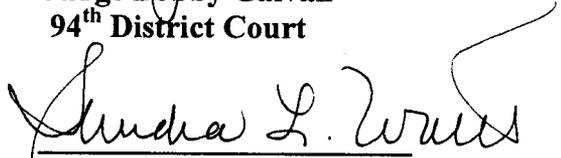
10. **BOND WAIVED.** It is **ORDERED** that the requirement of a bond is waived.

THIS NUECES COUNTY AMENDED STANDING ORDER
REGARDING CHILDREN, PROPERTY AND CONDUCT OF THE
PARTIES SHALL BECOME EFFECTIVE ON June 1, 2007.


Judge Nanette Hasette
28th District Court

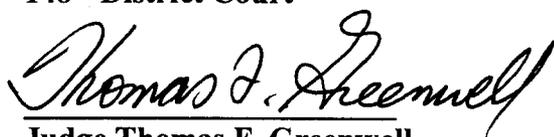

Judge Bobby Galvan
94th District Court

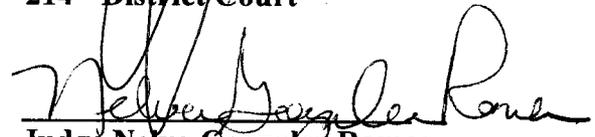

Judge J. Manuel Banales
105th District Court


Judge Sandra L. Watts
117th District Court


Judge Marisela Saldana
148th District Court


Judge Jose Longoria
214th District Court


Judge Thomas F. Greenwell
319th District Court


Judge Nelva Gonzales-Ramos
347th District Court

STANDING ORDER

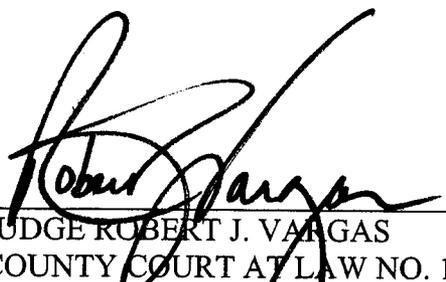
All prior Standing Orders regarding personal recognizance bonds on misdemeanors issued by the Nueces County Court at Law judges are hereby revoked. Henceforth, the following Standing Order shall stand:

All persons arrested without warrant for a nonviolent misdemeanor offense shall be eligible to be released on a \$200.00 cash or surety bond for Class B offenses and a \$250.00 cash or surety bond for Class A offenses. If after 72 hours a detainee has not made bond, pursuant to Art. 17.033 of the Code of Criminal Procedure, a person arrested on a misdemeanor offense may be eligible for a personal recognizance bond. *The jail shall contact the jail liaison court coordinator or the presiding County Court at Law on jail issues for the month for authorization and the amount of the personal recognizance bond.* If the arrest is made with warrant or *capias*, the bond shall be as therein set.

In any case in which the arrestee is suspected of violent conduct or it is believed that he or she may engage in violent conduct toward a family member, bond shall be set by the magistrate or County Court at Law judge with such reasonable conditions that protect the future safety of a victim of the alleged offense or the safety of the community.

All persons released on personal recognizance shall be informed in writing by the jail administrator of the Sheriff's Department to report to Pretrial Services of the Community Services and Corrections Department at 1901 Trojan Dr., Corpus Christi, Texas and of their first appearance before the Court.

Signed this _____ day of April, 2007.



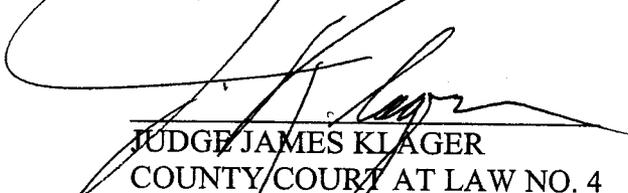
JUDGE ROBERT J. VARGAS
COUNTY COURT AT LAW NO. 1



JUDGE JOHN MARTINEZ
COUNTY COURT AT LAW NO. 3



JUDGE LISA GONZALES
COUNTY COURT AT LAW NO. 2



JUDGE JAMES KLAGER
COUNTY COURT AT LAW NO. 4





**IN THE DISTRICT COURTS
OF NUECES COUNTY, TEXAS**

MISC. ORDER NO. 07-_____

**RESOLUTION ADOPTING
PROTOCOL FOR DETERMINING PRIORITY OF CASES SET FOR TRIAL**

On August 15, 2007 the Council of District Judges, during its regular meeting, approved by unanimous vote the following Local Rules of Administration concerning the protocol for determining the priority of cases set for trial in the District Courts, as follows:

SECTION 1. The Judges of the District Courts of Nueces County recognize that an attorney may have two or more cases set for trial on the same date in different courts. In order to resolve conflicting trial settings involving the same attorney, the Judges hereby establish the protocol to determine the priority of cases set for trial according to the following criteria:

1. Criminal Cases

- a. If one defendant is in jail and the other is not in jail, the case with the jailed defendant shall have priority.
- b. If two or more defendants in different cases are each in jail, the case with the defendant having the longer continuous jail time shall have priority.
- c. If two or more defendants in different cases are each in jail and have the same amount of jail time, the case which was first set for trial shall have priority.
- d. If two or more defendants in different cases are each in jail, have the same continuous jail time, and were set for trial on the same date, the case with the earlier date of offense shall have priority.
- e. If two or more defendants in different cases are each in jail, have the same continuous jail time, were set for trial on the same date, and have the same date of offense, the case with the earlier date of indictment shall have priority.

- f. If two or more defendants in different cases are each in jail, have the same continuous jail time, were set for trial on the same date, have the same date of offense, and have same date of indictment, the case with the higher grade of offense shall have priority.
- g. If two or more defendants in different cases are each in jail, have the same continuous jail time, were set for trial on the same date, have the same date of offense, have same date of indictment, and have the same grade of offense, the case charging an offense of violence against another shall have priority.
- h. If one case is a felony and the other case is a misdemeanor, the felony case shall have priority.
- i. If both defendants in different cases are on bail, the protocol for jailed defendants as set forth above set shall determine the priority of the cases.

2. Civil Cases

The District Courts shall give priority to civil cases set for trial, when two or more attorneys are set in two or more courts on the same trial date, as follows:

- a. If one case is a criminal case and the other is a civil case, the criminal case shall have priority.
- b. If one case is a family case and the other is a non-family civil case, the family case shall have priority.
- c. If all the cases are civil cases, the case which was set first shall have priority.
- d. If the civil cases having the same trial date were set on the same date, the case having the earlier filing date shall have priority.

3. Special or Preferential Settings

- a. A District Judge may give any case a special or preferential trial setting.
- b. In the Order giving a case a special or preferential trial setting, the Court shall state specific reasons for such setting. [*Comment: A court should not give just any case a special or preferential setting. Nor should a court give a case preference just because counsel request it or only to accommodate counsel. Examples for which a court may give a case preference include, but are not limited to, a capital murder case in which the State seeks the death penalty; a class action case; a complex case; a case realistically expected to take two or more weeks; a case with numerous out-of-county witnesses; a case that has been reset three or more times, in part because of the application of these rules.*]

4. Conflict Between Jury Trials and Non-jury settings

- a. A jury case has priority over a non-jury trial or a hearing.
- b. A Court involved in a jury trial may, but need not, accommodate trial counsel to attend to a non-jury hearing that was previously set.

5. Duty to Make Determination of Priority

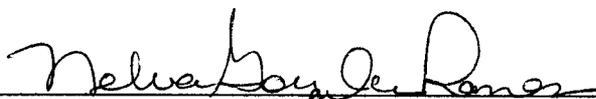
- a. The Judges of the Courts affected by conflicting jury trial settings of counsel may confer to determine the priority of the cases for trial. At the discretion of the Judges, counsel may attend the conference.
- b. Absent an agreement by the affected courts and except as provided in this Rule, the Local Administrative District Judge shall determine the priority of cases in all other situations.
- c. When the Court of the Local Administrative District Judge is affected by a conflicting trial setting with another Court, the most Senior District Judge whose Court is not affected by the conflict shall determine the priority of the cases involved in the conflict.
- d. A determination of priority by the Local Administrative District Judge or the most Senior District Judge called upon to determine priority is final and non-reviewable by the Council of District Judges.

5. Duty of Counsel

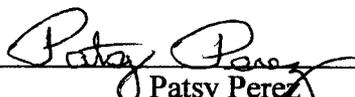
- a. Counsel of record have a duty to timely and promptly inform the affected Courts of any conflicting jury trial settings or other settings.
- b. Counsel must state in writing to each of the affected Courts whether he or she is ready for trial in all cases set for trial on the same date, and, if not ready in one or more of said cases, why he or she is not ready for trial.
- c. Counsel shall state, whether in a motion for continuance or a notice of conflicting jury trial settings, which case has priority under these Rules.
- d. The mere setting of a case for jury trial on a date that counsel already has a jury trial setting in another case in another Court is not, in and of itself, a basis for a continuance of either or both cases.

SECTION 2. This Resolution is effective immediately.

Signed on August 22, 2007.



Nelva Gonzales Ramos, District Judge
Local Administrative District Judge

Attest: 

Patsy Perez
District Clerk