

LOCAL RULES

BASTROP COUNTY COURT AT LAW

The following local rules govern the setting and trial of Civil and Criminal cases within the County Court at Law of Bastrop County, Texas.

RULE 1: SCHEDULING OF CASES

- (a) The District Clerk will make settings for NON-JURY hearings in civil cases.
- (b) All NON-JURY civil cases shall be set by communicating with the District Clerk's office either by phone or letter. When a date and time is given by the Clerk's office, representing counsel must notify opposing counsel of same. **No setting for longer than two (2) hours in any case may be obtained without prior permission of the Judge. The Court may require the parties to submit to formal mediation prior to granting a setting of more than two (2) hours.**

The setting party must estimate the length of time requested for the hearing. It is the responsibility of the non-setting party to contest any time estimate announcement made by the setting party. If no contest is made, the amount of time requested by the setting party shall prevail.

Please **DO NOT CALL or WRITE** the Judge requesting a setting unless it is an actual emergency or it requires more than two (2) hours.

- (c) **CRIMINAL CASES** will be scheduled by the Court Coordinator or the County Clerk's office on dates and times made in coordination with the Judge's office.
- (d) **JURY TRIAL - SETTINGS** shall be obtained by written request, noting the **APPROXIMATE TIME** such case will require. Send request to:

COURT COORDINATOR
COUNTY COURT AT LAW
P.O. BOX 515
BASTROP, TEXAS 78602
(512) 581-7190

WHEN REQUESTING A JURY SETTING, PLEASE AFFIX NAMES AND ADDRESSES OF ALL ATTORNEYS INVOLVED. PLEASE GIVE CAUSE NUMBER AND STYLE OF CASE.

- (e) No settings will be made in the Courtroom or by speaking with the Judge.
- (f) **JURY CASES** will be set in order of their filing date, i.e., oldest case first, etc. This order of hearing will be deviated from **ONLY** if there is good cause.

THERE WILL BE NO PREFERENTIAL JURY SETTINGS.

- (g) **PRE-TRIAL DATES** are for both Civil and Criminal cases.
- (h) Counsel requesting a Jury Trial setting, by said request impliedly affirms that the pleadings are in order, ad litem appointments have been made, all parties are before the Court, all necessary motions have been made, discovery has been completed and the case is ready for trial.
- (i) If the above is **NOT ADHERED** to, the case will be placed **LAST** on the jury request list or removed from the jury docket at the discretion of the Court.
- (j) **CONTINUANCE** - No agreed continuance by attorneys after a case is set is permitted without approval of the Court. **EXCEPT** for a showing of good cause for a continuance, the case will automatically be placed **LAST** on the jury request list.
- (k) **PURSUANT TO RULE 141, TEXAS RULES OF CIVIL PROCEDURE, IF A CASE IS SETTLED OR CONTINUED WITHIN TEN (10) DAYS OF TRIAL SETTINGS, THE PARTIES MAY BE REQUIRED TO PAY THE COST OF SUMMONING AN UNUSED JURY PANEL.**
- (l) **APPEARANCE AT PRE-TRIAL SETTINGS BY ATTORNEY IS MANDATORY.** On this date final motions are heard and jury week scheduling is done. The Court may set pre-trial motions at any time on its own motion.
- (m) **PROPOSED JURY CHARGES** are to be exchanged by Attorneys and presented to the Court on Pre-Trial day.
- (n) **EXHIBITS** must be marked prior to the trial day. A list of all exhibits must be represented to the Court Reporter on the day of trial.
- (o) Attorneys are required to attend court for all settings of which he or she has notice. It is the responsibility of each attorney who has a scheduling conflict immediately upon discovering the conflict to resolve the conflict by re-scheduling with Court approval, by attending the setting, or by associating

counsel who will attend the setting.

In the event that counsel fails to attend a setting without prior Court permission, the Court may appoint an attorney to attend the setting and assess the appointed attorney's fees against the attorney. Said fee, when ordered, shall be paid by a date certain as specified in the Court's order. If that fee is not paid by the date ordered, it may be enforced by contempt or any other legal remedy.

- (p) The Court may, but is not required to, grant a scheduling order, which must be followed by the litigants and counsel.

RULE 2: COURT APPOINTED ATTORNEYS IN CRIMINAL CASES

- (a) The Court Coordinator shall maintain a list of attorneys approved by the Court. The court shall make appointments from the list in the order in which the attorney's names appear on the list, unless the court determines that good cause exists to appoint another attorney. An attorney who is not appointed in the order in which the attorney's name appears on the list shall remain next in order on the list.

- (b) **COMPENSATION**

CRIMINAL CASES

Disposed of by:

Plea
Trial

\$200.00

Attorney must submit itemized statement outlining all time spent on case and all expenses. The Court will review the statement and authorize payment accordingly based on the rate of \$60 per hour.

JUVENILE CASES

Disposed of by:

Detention Hearing
Agreement
Trial

\$ 80.00

\$200.00

Attorney must submit itemized statement outlining all time

spent on case and all expenses. The Court will review the statement and authorize payment accordingly based on the rate of \$60 per hour.

CHILD PROTECTIVE SERVICES CASES

Status/Review Hearings	\$100.00
All other contested hearings	Attorney must submit itemized statement outlining all time spent on case and all expenses. The Court will review the statement and authorize payment accordingly based on the rate of \$60 per hour.

(c) **HOW TO SUBMIT BILLS FOR REPRESENTING INDIGENT DEFENDANTS**

When a case is resolved the payment voucher should be filled out and given to the Court Coordinator at that time in the Courtroom.

RULE 3: ORDERS NEEDING TO BE EXECUTED SHALL BE SENT DIRECTLY TO THE JUDGE. DO NOT SEND TO THE DISTRICT CLERK. SENDING TO THE DISTRICT CLERK CAUSES DELAY AND CONFUSION.

All orders must be executed by all counsel and/or parties before submitting to the Judge for approval. If the order is not executed by all counsel and/or parties, proof must be attached that a letter and copy of the order has been sent to the opposing counsel and/or party indicating the number of days the opposing counsel and/or party have to file objections.

If opposing counsel and/or party file objections, a proposed order must accompany such objections.

All orders must have a tab designating the Judge's signature space.

RULE 4: ORDER OF PROCEEDINGS ON COURT DAYS

CIVIL

9:00 A.M. Docket call

CRIMINAL

9:00 A.M. Docket call

RULE 5: ASSIGNMENT OF CASES

Civil cases will be assigned to the County Court at Law by the Clerk when filed.

RULE 6: SPECIAL REQUIREMENTS FOR DOMESTIC RELATIONS CASES.

(d) To expedite trials, it shall be the duty of each attorney to confer, **PRIOR** to trial, with each other attorney regarding settlement, stipulations, estimated time of trial, waiver of jury, the extent, description, character and value of the property in question, amount of support, conservatorship, periods of possession and/or access, rights, duties and powers of the conservators, and contested issues. Prior to trial, a written statement (form available from Clerk) shall be filed certifying that a good faith effort to so confer has been made and containing any agreed stipulations.

(e) At least thirty (30) days prior to any contested hearing, the Husband and Wife each shall file with the Court, or upon written mutual agreement, exchange between themselves sworn inventories. Each inventory shall list the value of each item of property and shall list each liability, the number of periodic payments in arrears, if any, the property securing its payments, and the name of the creditor. Any property or liability claimed to be separate shall be so characterized. All benefits arising from a party's employment (such as pensions, profit sharing plans, savings for thrift plans, whether vested or not) shall be identified, and the last incorporated into the inventory as an exhibit thereto.

The inventory or a summary attached thereto shall list the property values and liabilities in a columnar form with each column totaled. Each inventory shall show the net worth of the community estate and the net worth on any claimed separate estate. All inventories shall be supplemented from the date of the original inventory through the day of the trial. When a suit is tried, three (3) copies of all inventories and supplemental inventories shall be made available for use in trial.

- (f) The amount of child support payable by the obligor parent shall be set in accordance with the current Child Support Guidelines adopted by the Supreme Court of Texas, unless legal justification for deviation from said guidelines is established.

RULE 7. FOR KID'S SAKE PROGRAM

1. The Petitioner and Respondent in all divorce actions involving the custody of minor children shall attend the "For Kids' Sake" program prior to obtaining a setting on a final hearing.
2. Each parent in this case will be required to attend and complete a four-hour seminar for parents within sixty (60) days after the filing of the petition, except when attendance is waived.
3. The seminar is not about law. It is designed to help parents learn how to make separation and divorce less painful for their children. It will be worthwhile even if both parents think all members of the family are already coping well.
4. Petitioner will attend the first session available after the filing of the divorce action. Respondent will attend the second session available after the filing of the divorce action, if Respondent does not attend the first session.
5. Certificates of attendance for both the Petitioner and Respondent shall be filed with the District Clerk prior to the final hearing.
6. Failure to attend the "For Kids' Sake" program as scheduled or to file the certificate of attendance by the final hearing is punishable by contempt.
7. The case will not be concluded until both parents have completed the seminar or obtained a waiver, except in cases where a parent defaults (fails to respond to service of court papers).

RULE 8. DISMISSAL DOCKET

- (a) At least once a year, cases which have not been disposed within two years from the date of filing may be dismissed for want of prosecution. Notice of intention to dismiss shall be given in accordance with Rule 165a of the Texas Rules of Civil Procedure to all attorneys of record and parties pro se whose addresses are shown on the docket or in the papers on file.
- (b) If more than one case appears on the dismissal docket for a certain date, a list of cases to be dismissed shall be posted in a conspicuous place in the Clerk's office.

- (c) Unless good cause is shown as required in the notice, such cases will be dismissed on or after the date stated therein. Postcard notification of the dismissal order shall be as provided in Rule 306a of the Texas Rules of Civil Procedure.
- (d) A written Motion to Retain shall be filed by any party desiring to maintain the case on the docket setting forth good cause, together with a proposed Pre-trial Order complying with Rule 165a (1) of the Texas Rules of Civil Procedure.
- (e) All parties in any case retained on the docket must submit to formal mediation and provide such proof to the Court before a final hearing date may be obtained.

EFFECTIVE THIS 7th DAY OF NOVEMBER, 2005.



BENTON ESKEW
BASTROP COUNTY COURT AT LAW