

LOCAL RULES OF PROCEDURE

AND

RULES OF DECORUM

FOR

THE COUNTY COURTS AT LAW

TRAVIS COUNTY, TEXAS

EFFECTIVE 12/01/2008

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Chapter 1

GENERAL

1.1 Objective.

These rules are promulgated to provide a uniform system for the fair, impartial and prompt disposition of matters properly before the County Courts at Law of Travis County. They are to be interpreted consistent with this objective.

1.2 Scope.

These rules govern all cases filed in the County Courts at Law of Travis County, Texas. They are promulgated pursuant to Rule 3a, Texas Rules of Civil Procedure.

1.3 Jurisdiction.

The County Courts at Law of Travis County hear:

- (a) Civil cases in which the amount in controversy is \$500-\$250,000, excluding interest, statutory or punitive damages and penalties, attorneys fees and costs, as alleged on the face of the petition.
- (b) Eminent domain (condemnation) cases regardless of the amount in controversy;
- (c) Appeals of final rulings and decisions of the Texas Workers' Compensation Commission regardless of the amount in controversy;
- (d) Criminal offenses which are either class A or B misdemeanors;
- (e) Appeals from Justice of the Peace Courts and Municipal Courts within Travis County;
- (f) Cases seeking a protective order pursuant to Chapter 71, Texas Family Code;
- (g) Occupational Drivers Licenses;
- (h) Appeals from the State Office of Administrative Hearings concerning

Administrative License Revocations;

(i) County Court at Law No. 4 also has jurisdiction of state jail felony and third degree felony cases involving family violence.

While the County Courts at Law also have jurisdiction in probate and mental health matters, those cases are heard primarily by Probate Court No. 1 of Travis County.

1.4 Organization.

While any judge may sit in any court, County Courts at Law 1 and 2 will hear primarily civil cases and Courts 3, 5, 6, 7 and 8 will hear primarily criminal cases. Court 4 will hear primarily cases involving allegations of family violence, whether civil or criminal. Each criminal court has its own judicial aide responsible for setting cases on the individual docket of that court. The civil courts each have a judicial aide, but set cases on a central docket.

In addition, the Criminal Courts Administrator is responsible for the administration of the County Courts at Law that hear criminal cases.

1.5 Calendar.

The Criminal Courts Administrator shall publish a calendar showing the jury and non-jury weeks of each court hearing criminal cases as well as court holidays.

The judicial aides of Courts 1 and 2 shall publish a calendar jointly showing the jury and non-jury weeks and holidays for the year. The civil courts' calendar typically follows the civil district courts' jury and non-jury calendar.

The elected judges will generally be available as indicated by these rules and the calendar. However, when a judge is on vacation, at a judicial or educational conference, or suffering an extended illness, it is the policy of the courts to obtain a

visiting judge, whenever possible, so that there will be no interruption in the work of each court. Notice of the assignment of a visiting judge will be posted as soon as is practical.

1.6 Jury Selection.

The County Courts at Law utilize the electronic method of selecting names of persons assigned for jury service. Jury impaneling is conducted in cooperation with the District, Municipal and Justice Courts. Questions about the jury impaneling process and jury service may be addressed to the jury office at 854-9669.

1.7 Exhibits.

In all cases attorneys shall, prior to the trial or hearing, ensure that all exhibits they intend to introduce have an exhibit label affixed thereto.

Chapter 2

CIVIL CASES

2.1 Filing Cases.

All civil cases shall be filed in rotation in County Courts at Law 1 and 2, except for Applications for Protective Orders pursuant to the Family Code, which shall be filed in Court 4. Pulling the file from the Clerk's office for any contact with the Court will be the responsibility of the attorneys.

2.2 Mediation.

It is the policy of the Travis County Courts at Law to encourage the peaceful resolution of disputes and the early settlement of pending litigation. To enforce this policy, all cases set for trial on the merits after January 1, 2003, which are expected to take more than 3 hours to hear, are automatically referred to pretrial mediation, except as provided below.

Any party receiving notice of a setting that automatically refers the case to ADR has 10 days from receipt of the notice to file a motion objecting to the automatic referral. Failure to file such a motion waives the objection to the referral. If any party to a case files a motion objecting to the automatic referral to mediation, and the Court finds that there is a reasonable basis for the objection, the case may be excused from the automatic referral.

If the parties have not completed the required mediation by the close of the announcement period for the date of the trial, the case will be moved to the bottom of the list of announced cases and tried only after all other cases have been reached.

2.3 Setting Cases.

All civil jury cases are to be brought to trial or final disposition within 18 months from appearance date.

All civil non-jury cases are to be brought to trial or final disposition within 12 months from appearance date.

At any time the Court may order a pre-trial conference pursuant to Rule 166, Texas Rules of Civil Procedure. The Court shall order such a conference if it appears from the Clerk's file that the case has remained inactive for 180 days. The Court shall enter an order following each pre-trial conference, which will address each of the applicable matters stated in Rule 166.

Cases may be set with the Judicial Aide for Court 1 or 2. No case should be set without consultation among counsel for all sides in accordance with The Texas Lawyers Creed.

Courts 1 and 2 shall maintain a central docket for trials in Courts 1 and 2. The fact that a case was filed in a court or that pre-trial matters were heard by a court does not mean all proceedings will be in that court.

Non-jury cases will be divided, for setting purposes, into two categories: those taking less than three hours (the short docket); and those taking more than three hours (the long docket).

Non-jury cases may be set for either 9:00 a.m. or 2:00 p.m. Monday through Friday.

Jury cases will be set for a particular week and, following the Monday 9:00 a.m. docket call, will be assigned a particular day and time during that week.

Any given case may have only one setting unless more than one is ordered by the Judge. A case may not be set for jury trial if a non-jury setting was obtained prior to payment of the jury fee, except by the written agreement of the parties or as ordered by

a judge. No setting may be requested prior to appearance day of the defendant, except when permitted by law.

It is always the responsibility of the party setting the case, and never the responsibility of the Court, to give written notice to the opposing party or attorney.

2.4 Demand for Jury of Twelve.

A party filing a written request for a 12-member jury pursuant to Government Code § 25.2292(d) shall give a written copy of the request to the judicial aide of the court in which the case is filed not later than the 30th day before trial to assure the summoning of a panel of adequate size to seat a 12 member jury.

2.5 Setting Before a Particular Judge.

If a judge has heard preliminary, pre-trial, or related matters in a complex or time consuming case, the judge may, either *sua sponte* or on the suggestion of the parties, retain that case through final disposition.

Cases may be set in this manner only with the approval of the judge who heard the earlier matters in that case. A setting before a particular judge is not necessarily a preferential setting.

2.6 Preferential Settings.

No more than two preferential jury cases and no more than four preferential non-jury cases can be set on their respective weeks.

Preferential settings may be obtained only from the judge in the presence of all attorneys and will be granted only if the circumstances or law of the case compel it.

A preferential setting is not necessarily a setting before a particular judge.

2.7 Docket Call and Continuances.

A docket call will be held each week for cases set the following week. Each docket call will begin Monday at 8:30 a.m. and end Wednesday at 4:30 p.m. At any time between 8:30 a.m. to 4:30 p.m., attorneys for either side shall telephone or appear before the Judicial Aide to give their announcement of readiness and updated time estimate. Announcements may also be sent by facsimile to 854-4724 during the applicable time period. A facsimile docket call announcement form can be found at http://www.co.travis.tx.us/county_courts/pdf_files/docket_forms.pdf. A setting before a particular judge or a preferential setting does not excuse the parties from this rule and failure to follow it may result in loss of the setting. Cases set but in which no attorney appeared for docket call will be heard only after all other cases.

Continuances will be heard not later than Thursday of the week preceding the trial. Motions heard on Thursday will be heard at 8:30 a.m. The notice and pleading requirements of law must be followed. Continuances will not be heard thereafter unless they allege grounds, which arose only after that time.

By Friday at noon the Judicial Aides shall publish a list of cases set the following week, which will include the court and the order in which the cases shall be heard. Jury cases will be assigned a particular day and time for trial at the Monday 9:00 a.m. appearance docket on the week of trial.

2.8 Uncontested Docket.

Uncontested matters and routine matters of very short duration may be heard at the uncontested docket held twice daily 8:30 a.m.-9:00 a.m. and 1:30 p.m.-2:00 p.m.

The parties are responsible for arranging in advance with the Clerk's office to have the files pulled, and for bringing them to court. If more than two cases will be presented at the uncontested docket, please inform the clerk of the cause number and

style of each case at least 24 hours in advance.

Court reporters will be available at uncontested docket.

Location of this docket will be posted on the bulletin board in the hallway on the second floor of the courthouse.

2.9 Matters Preliminary To Trial On The Merits.

Except for motions for continuance based on new circumstances, all motions in limine, exceptions and all pre-trial motions and pleas in every case shall be presented and heard not later than Friday of the week preceding trial.

All such exceptions, motions, and pleas not presented and heard within the time provided by this Rule will be deemed waived, except upon a showing of good cause for failure to comply with this Rule.

This Rule does not relieve a movant of the burden of delivering a copy of the motion in the manner and within the time provided by the Texas Rules of Civil Procedure.

2.10 Hearings Conducted By Telephone.

By agreement of the attorneys and the judge, short hearings (generally 30 minutes or less) not requiring the introduction of evidence may be conducted by telephone conference calls.

At the discretion of the judge a court reporter or recording device may be provided by the court during these calls. A request by an attorney for such an arrangement must be made in advance.

A judge will not initiate a conference call. All arrangements with telephone operators must be made by an attorney.

At any time, even after the completion of a conference call, a judge may determine

that a hearing by telephone will not be sufficient and may require a hearing in court upon notice to all parties.

2.11 Dismissal for Want of Prosecution by the Court

2.11.1 Case Selection.

The following cases are eligible for dismissal for want of prosecution *sua sponte* by the Court:

- (a) cases on file for more than 180 days in which no answer has been filed;
- (b) cases that have been on file for more than 18 months that are not set for trial and have had no filings or settings within 180 days;
- (c) any other case designated by the Court.

2.11.2 Notice.

The Court Operations Officer shall give notice that certain cases will be dismissed for want of prosecution. Such matters will be dismissed on the date indicated in the notice of dismissal unless the Court orders it retained in accordance with this chapter.

2.11.3 Docket Settings.

Only the Court may make a setting in cases set for dismissal.

2.11.4 Procedures for Retaining Cases and Objecting to Motions to Retain.

- (a) Motions to retain shall be filed with the Court Operations Officer at least 10 working days prior to the date specified in the notice of dismissal for want of prosecution.
- (b) Any party who files a motion to retain shall include a written memorandum setting forth the factual and legal basis why the case should not be dismissed for want of prosecution.

- (c) Parties objecting to a motion to retain shall file with the Court Operations Officer a written memorandum setting forth the factual and legal basis for any objection to the motion to retain within 3 days of service of a motion to retain.
- (d) The Court shall notify all parties filing a motion to retain or objection to a motion to retain of the Court's ruling.

2.11.5 Cases Not Requiring Oral Argument.

There will be no oral arguments on motions to retain or objections to motions to retain, unless ordered by the Court.

2.11.6 Cases Requiring Oral Argument.

- (a) The Court shall notify the parties of the Court's decision to permit oral argument.
- (b) Unless otherwise set by the Court, the party filing a motion to retain shall be responsible for setting any hearing required by the Court on motions to retain and for giving proper notice to all interested parties. Settings shall be made and conducted within 10 days of the date set forth on the notice of dismissal for want of prosecution. Settings shall be made through the Court Operations Officer.

2.11.7 Retained Cases.

If the Court decides to retain the case, the Court will set the case for trial at the convenience of the Court. The Court will notify the parties of the setting. At the setting, the case will be tried or dismissed. No continuance or delay will be considered.

2.11.8 Includes All Pending Claims.

References in this chapter to a "case" include all pending claims in the case.

2.11.9 Bankruptcy, Settlement Agreements, or Installment Payments.

If a case is put on the dismissal docket because of delay caused by an agreement of the parties or because a debt is being paid in installments or by the bankruptcy of a party, a party shall inform the Court of that fact. The Court will then close the case administratively. At the time the case is administratively closed, all unpaid court costs are due to be paid immediately.

2.12 Drafts Of Judgments And Orders.

So far as practicable, every draft of a judgment or order to be signed by a judge should be approved as to form by attorneys for all parties before it is presented to the judge.

Every draft of a judgment or order which is not submitted in the courtroom immediately after a trial or hearing shall have typed on it below the line for the judge's signature the name of the judge who presided at that trial or hearing.

When sent by mail each such draft shall also be accompanied by a letter stating the name of the judge who presided and the date and nature of the trial or hearing.

A draft of an order shall not be typed on the same page with a pleading, motion, certificate of service, or any part thereof, and each such draft shall have a heading showing the cause number, the style of the case, and the court in which it is pending.

The word "entered" should not be used in the line provided immediately above the judge's signature to show the date on which a judgment or order is signed.

2.13 Motions To Withdraw As Attorney.

Except as provided in Rules 8 and 10, Texas Rules of Civil Procedure, a motion to withdraw will be granted without a hearing only if the moving attorney:

- (a) files written consents to the withdrawal signed by attorneys for all parties;
- and
- (b) files a written consent to the withdrawal signed by the client, or includes in

the motion a specific statement of the circumstances that justify the withdrawal and the circumstances that prevent the moving attorney from obtaining the client's written consent; and

(c) files a certificate stating the last known mailing address of the client.

If all requirements above are not satisfied, a motion to withdraw or to substitute another attorney must be presented at a hearing after notice to the client and to all other parties.

2.14 Protective Orders, Chapter 71, Family Code.

Applications for protective orders pursuant to Chapter 71, Family Code will be treated with priority over all other types of cases.

Requests for temporary ex parte orders made pursuant to Chapter 83, Texas Family Code, and the presentation of Agreed Protective Orders made pursuant to Chapter 85.005, Texas Family Code, may be presented at any uncontested docket.

Hearings on applications for protective orders will be held within the time provided by Chapter 84, Texas Family Code; however, it will be the responsibility of the party setting the hearing to comply with the time and notice requirements set forth in Chapter 84, Texas Family Code.

2.15 Eminent Domain (Condemnation Cases).

All aspects of eminent domain cases will be the responsibility of the Probate Court from the time of filing of the petition to the filing of the award of commissioners.

If there are no objections to the award, the Probate Court will continue to be

responsible for the case through completion.

If there is an objection to the award all remaining matters involving the case through conclusion will be the responsibility of County Court at Law 1 or 2.

Files for these cases are located and will always remain in the probate section of the County Clerk's office.

After the filing of objection to the award, settings can be obtained as in any other civil case under these Rules.

2.16 Holidays.

When any date mentioned in these rules falls on a court holiday then the applicable date shall be the last date preceding the holiday.

The court holidays shall be published along with the calendar showing the jury and non-jury weeks of each court.

2.17 Authorization to Serve Citation (Rule 103).

A person wishing to be authorized by written order of the court to serve citations and other notices may file a written affidavit in application for authorization on a form supplied by the County Clerk or a similar suitable application. The Court may, upon approval of the application, authorize service by the applicant in all suits pending in the County Courts at Law of Travis County. Prior to, or in conjunction with the filing of return of service in any suit, the person verifying the return shall also file an affidavit that he or she is not a party to and has no interest in said suit. The affidavit may be part of the verified return required by Rule 107, Texas Rules of Civil Procedure.

Chapter 3 Criminal Cases

3.1 Filing Cases.

All criminal cases shall be filed in rotation in County Courts at Law 3, 5, 6, 7 and 8 except as provided herein. All criminal cases in which family violence is alleged shall be filed in County Court at Law 4, except as provided in this section.

A defendant who has a pending case, including a defendant who is currently on probation in Courts 3, 4, 5, 6, 7 and 8 shall have all subsequent cases assigned to the same court, even if those subsequent cases involve an allegation of family violence.

Multiple prosecutions arising from the same facts or against the same defendant will be filed in the same court. If cases must be transferred to accomplish this, all cases will go to the court of the cases that were filed first, unless the judges order otherwise.

3.2 First Appearance.

Unless otherwise directed, defendants will appear at the Criminal Justice Center (CJC) building according to the date and location written on their bond.

After the First Appearance setting in the Court Administration Office, all cases will be reset in the court of jurisdiction.

3.3 Setting Cases.

Cases are set by defense attorneys or defendants (herein: "Defense") in the court in which the case is assigned.

Attorneys or their employees may reset cases no later than the day before the current setting in accordance with court rules. Attorneys are expected to stand by

settings made by their employees to avoid losing this privilege.

Judicial aides are authorized to give the following settings; all other must be approved by a judge:

(a) Announcements (8:30 a.m.)

Defendants may reset their announcements (in person only) to obtain counsel;

(b) Pretrial (9:30 a.m.)

All cases may be set for a pretrial whether or not an evidentiary hearing is necessary. If Defense desires an evidentiary hearing, motions must be filed and served on the County Attorney 21 days prior to the hearing.

All pretrial hearings will be held on the day set unless a written State or Defense motion for continuance is granted.

(c) Trial Before the Court (TBC) (9:30 a.m.)

Attorneys should not set a case for TBC unless the defendant and the State intend to waive jury. All cases shall be tried when set before any available judge unless a written State or Defense motion for continuance is granted.

(d) Jury Trial

Defense and defendant shall appear at the scheduled jury setting. State and Defense must either announce ready or file a written motion for continuance. If the defendant waives jury at the docket call, a written waiver, signed by counsel and defendant must be presented.

(e) Plea (8:30)

Judicial aides may give not more than two plea settings. If the case is expected to involve community supervision, the Personal Data/Social History form must be filed with Community Supervision and Corrections prior to the plea. Resets for sentencing are at the discretion of the Judge. Sentencings are set for 8:30 a.m., and failure to appear may result in bond forfeiture or sentencing in absentia, at the

discretion of the Judge.

(f) Application for Community Supervision Revocation (9:30)

Resets on the APR docket are at the discretion of the Judge. Probationers shall appear in Court. —

3.4 Appeals from Municipal Courts of Record.

Appeals shall be assigned by the Clerk to Court 1. The judge to whom the case is assigned shall decide the appeal by written opinion. If, in the opinion of the assigned judge, a question of law is raised that should be finally settled for the sake of future appeals, the assigned judge shall seek the concurrence of two other judges in deciding the appeal.

3.5 Jail Reduction Docket.

Court Administration shall set incarcerated defendants in Court within three (3) working days after the attorney receives notification of appointment. Attorneys should follow procedures maintained by Court Administration for this docket.

3.6 Appointment of Counsel.

The Court Administrator shall maintain a list of attorneys available for appointment to represent indigent defendants in criminal cases. To be on the list, the attorney must be licensed by the Supreme Court of Texas and must prove that 10 hours of the 16 hours of the minimum continuing legal education (MCLE) annually required by the State Bar of Texas have been completed in the area of criminal law and procedure. Each attorney shall provide proof of MCLE completion to the Court Administrator by the end of each year. Any attorney who has not completed the MCLE requirement will be immediately removed from the list and not returned until

compliance is proven.

An attorney shall attend any CLE course required by the District and County Court at Law Judges.

An attorney may be removed from the list for failure to satisfy requirements listed in the Fair Defense Act Program Guidelines, failure to effectively represent appointed defendants, and failure to respond promptly to communication from the Court.

Court appointed attorneys will be notified of their appointments by facsimile. The attorney shall, within three (3) working days of receiving notice of appointment, enter into the Travis County Appointment System (the internet based application) an acknowledgement of the appointment and confirmation that the attorney made a reasonable effort to contact the defendant by the end of the first working day after the date of the appointment. Reasonable effort includes letter, facsimile, phone, videoconference, or personal visit.

3.7 Motions to Withdraw or Substitute.

An attorney becomes attorney of record in a misdemeanor case by listing his or her name on a bond application or by setting, or resetting the case, or by Court appointment. He or she remains attorney of record until relieved by written order of the Court. A retained attorney shall notify in writing, the previously appointed attorney and the Court of his/her retention within three (3) days of being retained.

An attorney's motion to withdraw will be heard at any time when the defendant has had notice to appear. Adequate notice is by certified mail, return receipt requested. If the defendant does not appear, the bond will be forfeited and a warrant issued.

Motions to substitute counsel will be granted without hearing if the order is signed by the defendant, as well as the incoming and outgoing attorneys, and the

motion states that the incoming attorney accepts the case's next setting. A motion to substitute counsel that will cause delay requires a hearing.

Motions to withdraw or to substitute counsel should notify the State when the motion is set.

Chapter 4

Rules of Decorum

4.1 Opening Procedure.

Immediately before the scheduled time for the first court session on each day the bailiff shall direct all persons present to their seats and shall cause the courtroom to come to order. As the Judge enters the courtroom the bailiff shall state:

"All rise."

And while everyone is still standing, the bailiff shall announce: "County Court at Law Number ___ of Travis County, Texas is now in session, Judge ___ presiding. Please be seated. "

4.2 Recess

When the Judge announces a recess, the bailiff shall state: "All rise."

And all shall remain standing until the Judge leaves the courtroom, whereupon the bailiff shall announce: "The Court is now in recess".

In reconvening after a recess, the bailiff shall call the courtroom to order and request everyone to rise as the Judge enters and shall state:

"Please be seated."

Before a recess of a jury trial, the jury will be excused, and all other persons present shall remain seated while the bailiff conducts the jury from the courtroom into the jury room.

After a recess, the bailiff shall direct all jurors to the jury room and shall call the courtroom to order and request everyone to rise as the Judge enters, as in non-jury trials. After everyone is reseated, the jury shall be returned to the jury box from the jury room.

4.3 General Rules of Courtroom Conduct.

All officers of the court, except the Judge and jurors, and all other participants, except witnesses who have been placed under the rule, shall promptly enter the courtroom before the scheduled time for each court session. When the bailiff calls the Court to order, complete order should be observed.

In the courtrooms there shall be:

- (a) no tobacco used;
- (b) no chewing gum;
- (c) no shorts or bare midriffs;
- (d) no reading of newspapers;
- (e) no audible cell phones or pagers;
- (f) no bottles, cups or beverage containers except court water, pitchers and cups or as otherwise permitted by the Judge;
- (g) no edibles;
- (h) no propping of feet on tables or chairs;
- (i) no noise or talking that interferes with court proceedings.

The Judge, the attorneys, and other officers of the court will refer to and address other court officers and other participants in the proceedings respectfully and impersonally, as by using appropriate titles and surnames rather than first names.

All officers of the court should dress appropriately for court sessions.

4.4 Attorneys

(a) Attorneys should observe the letter and spirit of all canons of ethics, including those dealing with discussion of cases with representatives of the media and those concerning improper ex parte communications with the Judge.

(b) Attorneys should advise their clients and witnesses of Local Rules of Decorum that may be applicable.

(c) All objections, arguments, and other comments by counsel shall be directed to the Judge or jury and not to opposing counsel.

(d) While another attorney is addressing the Judge or jury, an attorney should not stand for any purpose except to claim the right to interrupt the attorney who is speaking.

(e) Attorneys should not approach the bench without leave of court and must never lean on the bench.

(f) Attorneys shall remain seated at the counsel tables at all times except:

(1) when the Judge enters and leaves;

(2) when addressing the Judge or jury; and

(3) whenever it may be proper to handle documents, exhibits, or other evidence (leave of court is not required.)

(g) Attorneys should anticipate any need to move furniture, appliances, or easels, and should make advance arrangements with the bailiff. Tables should not be moved during court sessions.

**RULES GOVERNING THE RECORDING AND BROADCASTING OF COURT
PROCEEDINGS IN CERTAIN CIVIL COURTS OF TRAVIS**

Pursuant to Rule 18c(a) of the Texas Rules of Civil Procedure, the following rules govern the recording and broadcasting of court proceedings in the Civil District Courts, County Courts at Law, and Probate Court of Travis County.

1. **Policy.** The policy of these rules is to allow media coverage of public civil court proceedings to facilitate the free flow of information to the public concerning the judicial system, to foster better public understanding about the administration of justice, and to encourage continuing legal education and professionalism by lawyers. These rules are to be construed to provide the greatest access possible while at the same time maintaining the dignity, decorum and impartiality of the court proceedings.

2. **Definitions.** Certain terms are defined for purposes of these rules as follows:
 - 2.1. "Court" means the particular County Court at Law in which the proceeding will be held.
 - 2.2. "Media coverage" means any visual or audio coverage of court proceedings by a media agency.
 - 2.3. "Media" or "media agency" means any person or organization engaging in news gathering or reporting and includes any newspaper, radio or television station or network, news service, magazine, trade paper, in-house publication, professional journal, or other news reporting or news gathering agency.
 - 2.4. "Visual coverage" means coverage by equipment, which has the capacity to reproduce or telecast an image, and includes still and moving picture photographic equipment and video equipment.

3. Media coverage permitted.

3.1 Media coverage is allowed in the courtroom only as permitted by Rule 18c of Texas Rules of Civil Procedure and these rules.

3.2 If media coverage is of investiture or ceremonial proceedings as allowed by Rule 18c(c) of the Texas Rules of Civil Procedure, permission for, and the manner of such coverage, are determined solely by the Court, with or without guidance from these rules. If media coverage is for other than investiture or ceremonial proceedings, that is, under Rule 18c(a) or (b) of the Texas Rules of Civil Procedure, the provisions of these rules shall govern.

3.3 Media coverage under Rule 18c(a) and (b) of the Texas Rules of Civil Procedure is permitted only on written order of the Court. A request for an order shall be made on the form included in these rules. The following procedure shall be followed, except in extraordinary circumstances and only if there is a finding by the Court that good cause justifies a different procedure: (i) the request should be filed with District Clerk or County Clerk, depending upon the Court in which the proceeding is pending, with a copy delivered to the Court, court administrator, all counsel of record and, where possible, all parties not represented by attorneys, and (ii) such request shall be made in time to afford the attorneys and parties sufficient time to confer, to contact their witnesses and to be fully heard by the Court on the questions of whether media coverage should be allowed and, if so, what conditions, if any, should be imposed on such coverage. Whether or not consent of the parties or witnesses is obtained, the Court may in its discretion deny, limit or terminate media coverage. In exercising such discretion the Court shall consider all relevant factors, including but not limited to those listed in rule 3.5 below.

3.4 If media coverage is sought with consent as provided in Rule 18c(b) of the Texas Rules of Civil Procedure, consent forms adopted by the Court shall be used to evidence the consent of the parties and witnesses. Original signed consent forms of the witnesses shall be obtained in the manner directed by the Court. No witness or party

shall give consent to media coverage in exchange for payment or other consideration, of any kind or character, either directly or indirectly. No media agency shall pay or offer to pay any consideration in exchange for such consent.

3.5 If media coverage is sought without consent, pursuant to Rule 18c(a) of the Texas Rules of Civil Procedure, the decision to allow such coverage is discretionary and will be made by the Court on a case by case basis. Objections to media coverage should not be conclusory but should state the specific and demonstrable injury alleged to result from media coverage. If the Court denies coverage, it shall set forth in its order the findings upon which such denial is based. In determining an application for coverage, the Court shall consider all relevant factors, including but not limited to:

- (a) the type of case involved;
- (b) whether the coverage would cause harm to any participants;
- (c) whether the coverage would interfere with the fair administration of justice, the advancement of a fair trial, or the rights of the parties;
- (d) whether the coverage would interfere with any law enforcement activity;
- (e) the objections of any of the parties, prospective witnesses, victims, or other participants in the proceeding of which coverage is sought;
- (f) the physical structure of the courtroom and the likelihood that any equipment required to conduct coverage of proceedings can be installed and operated without disturbance to those proceedings or any other proceedings in the courthouse;
- (g) the extent to which the coverage would be barred by law in the judicial proceeding of which coverage is sought; and
- (h) the fact that any party, prospective witness, victim, or other participant in the proceeding is a child, to which fact the Court shall all give great weight.

4. Media coverage prohibited.

4.1. Media coverage of proceedings held in chambers, proceedings closed to the public, and jury selection is prohibited. Audio coverage and close-up video

coverage of conferences between an attorney and client, witness or aide, between attorneys or between counsel and the Court at the bench is prohibited.

4.2. Visual coverage of potential jurors and jurors in the courthouse is prohibited, except when in the courtroom the physical layout of the courtroom makes it impossible to conduct visual coverage of the proceeding without including the jury, and the Court so finds. In such cases visual coverage is allowed only if the jury is in the background of a picture of some other subject and only if individual jurors are not identifiable.

5. **Equipment and personnel.**

The Court may require media personnel to demonstrate that proposed equipment complies with these rules. The Court may specify the placement of media personnel and equipment to permit reasonable coverage without disruption to the proceedings. Unless the Court in its discretion and for good cause orders otherwise, the following standards apply:

5.1. One television camera and one still photographer, with not more than two cameras and four lenses, are permitted.

5.2. Equipment shall not produce distracting sound or light. Signal lights or devices, which show when equipment is operating, shall not be visible. Moving lights, flash attachments, or sudden lighting changes shall not be used.

5.3. Existing courtroom sound and lighting systems shall be used without modification. An order granting permission to modify existing systems is deemed to require that the modifications be installed, maintained, and removed without public expense. Microphones and wiring shall be unobtrusively located in places approved by the Court and shall be operated by one person.

5.4. Operators shall not move equipment or enter or leave the courtroom while the Court is in session, or otherwise cause a distraction. All equipment shall be in place in advance of the proceeding or session.

5.5 Identifying marks, call letters, words and symbols shall be concealed on all equipment. Media personnel shall not display any identifying insignia on their clothing.

6. Delay of proceedings.

No proceeding or session shall be delayed or continued for the sole purpose of allowing media coverage, whether because of installation of equipment, obtaining witness consents, conduct or hearings related to the media coverage or other media coverage questions. To assist media agencies to prepare in advance for media coverage, and when requested to do so: (i) the Court will attempt to make the courtroom available when not in use for the purpose of installing equipment; (ii) counsel (to the extent they deem their client's rights will not be jeopardized) should make available to the media witness lists; (ii) and the court administrator will inform the media agencies of settings or proceedings.

7. Pooling.

If more than one media agency of one type wish to cover a proceeding or session, they shall make pool arrangements. If they are unable to agree, the Court may deny media coverage by that type of media agency.

8. Official record.

Films, videotapes, photographs or audio reproductions made in the proceeding pursuant to these rules shall not be considered as part of the official court record.

Cause No. _____

_____	§	In the County
v.	§	Court at Law #___
_____	§	Travis County, Texas

Consent to Media Coverage by Witness

My name is _____.

I will be called as a witness in the above numbered and entitled case. I understand that I may refuse to consent to media coverage, but also that the Court in its discretion may allow such coverage pursuant to the Court’s Guidelines for Photographing, Recording and Broadcasting in Courtroom (Guidelines) whether or not I consent.

Pursuant to Rule 18c (b) of the Texas Rules of Civil Procedure and the Guidelines, I consent to media coverage of my testimony in this case.

I have neither received nor will I receive any payment or other consideration of any kind or character, either directly or indirectly, in exchange for my consent to media coverage of my testimony in this case.

Date

Witness

Cause No. _____

_____ § In the County
v. § Court at Law # _____
_____ § Travis County, Texas

Consent to Media Coverage by Party

My name is _____.

I am a party/attorney for party _____ in the above numbered and entitled case. I understand that I may refuse to consent to media coverage, but also that the Court in its discretion may allow such coverage pursuant to the Court’s Guidelines for Photographing, Recording and Broadcasting in Courtroom (Guidelines) whether or not I consent.

Pursuant to Rule 18c (b) of the Texas Rules of Civil Procedure and the Guidelines, I consent to media coverage of the proceedings in this case.

I have neither received nor will I receive any payment or other consideration of any kind or character, either directly or indirectly, in exchange for my, or my client’s, consent to media coverage of any portion of any proceeding in this case.

Date

Party/Attorney

Cause No: _____

*

In the County

v.

*

Court at Law #_____

*

Travis County, Texas

Order

The request for order to allow media coverage filed with the County Clerk on _____, 20____, by _____ is hereby granted/denied.

Signed this _____, 20_____.

Judge Presiding

Cause No: _____

_____	§	In the County
v.	§	Court at Law #____
_____	§	Travis County, Texas

Request for Order to Allow Media Coverage Without Consent of Parties or Witnesses

Pursuant to Rule 18 c (a) of the Texas Rules of Civil Procedure and the Court’s Guidelines for Photographing, Recording and Broadcasting in the Courtroom (Guidelines), I request media coverage of the above described case without consent of the parties or witnesses, as follows:

- 1 Courtroom: _____.
- 2 Equipment: _____.
- 3 Dates of Coverage: _____.

I, individually, and on behalf of the personnel of the media agency I represent and all media personnel who participate in media coverage through any pooling agreement, understand and agree that:

- 1 All media personnel covering the proceeding will comply with the provisions of Rule 18 c of the Texas Rules of Civil Procedure and the Guidelines.
- 2 Permission may be withdrawn by the Court any time pursuant to the Guidelines, at which time media coverage will immediately cease.

The original of this request was filed with the County Clerk, with a copy delivered to the trial court and the court administrator, on _____.

Individual—Signature

Individual—Print Name

Name of Media Agency

Position

Address

Telephone Number

Cause No: _____

_____	§	In the County
v.	§	Court at Law # _____
_____	§	Travis County, Texas

Request for Order to Allow Media Coverage With Consent of Parties or Witnesses

Pursuant to Rule 18 c (a) of the Texas Rules of Civil Procedure and the court’s Guidelines for Photographing, Recording and Broadcasting in the Courtroom (Guidelines), I request media coverage of the above described case without consent of the parties or witnesses, as follows:

- 1 Courtroom: _____.
- 2 Equipment: _____.
- 3 Dates of Coverage: _____.

I, individually, and on behalf of the personnel of the media agency I represent and all media personnel who participate in media coverage through any pooling agreement, understand and agree that:

- 1 All media personnel covering the proceeding will comply with the provisions of Rule 18 c of the Texas Rules of Civil Procedure and the Guidelines.
- 2 Permission may be withdrawn by the Court any time pursuant to the Guidelines, at which time media coverage will immediately cease.

The original of this request was filed with the County Clerk, with a copy delivered to the trial court and the court administrator, on _____.

Individual—Signature

Individual—Print Name

Name of Media Agency

Position

Address

Telephone Number