

**Local Rules of Procedure and Rules of Decorum  
For  
The Justice of the Peace Court, Precinct 2  
Bell County, Texas**

**GENERAL**

These rules are published to provide a uniform system for the fair, impartial and prompt disposition of matters properly brought before the Justice of the Peace, Pct. 2, Bell County. They are to be interpreted consistent with this objective.

**Scope**

These rules govern cases filed in the Justice of the Peace, Precinct 2, Bell County, Texas. They are published pursuant to Section 27.061 of the Texas Government Code.

**Jurisdiction**

The Justice of the Peace court of Bell County hear;

- (a) Civil cases in which the amount in controversy is \$20,000 or less.
- (b) Eviction cases, both residential and commercial including writs of reentry.
- (c) Administrative Hearings involving revocation and suspension of driver's license, concealed handgun permits, occupational driver's license.
- (d) Criminal offenses which are punishable by fine only, both traffic and Class C Misdemeanors.
- (e) Cases involving animal cruelty and neglect

**Organization**

The Justice of the Peace, Precinct 2 serves the southern portion of Bell County. This includes the towns of Salado, Holland, and part of Bartlett. The precinct is south of the Lampasas River to the Williamson county line, east to the Milam county line, and west to the Stillman Valley Road.

## **Calendar**

The Justice of the Peace, Pct. 2 will keep a docket of scheduled hearings and trials. A weekly docket shall be available to the public for each week's proceedings.

The Judge will generally be available as indicated by these rules and the calendar. In the absence, disqualification, or recusal of the Judge, it is the policy of this court to obtain a visiting judge, whenever possible, so that there will be no interruption in the work of the court. Notice of a visiting Judge will be posted as soon as is practical.

## **Jury Selection**

The Justice of the Peace, Pct. 2 utilizes the electronic method of selecting names of persons assigned for jury service. Jury impaneling is conducted in cooperation with the District, Municipal, and County courts.

If scheduled for jury duty, follow all instructions on the jury summons that is mailed. When appearing for jury duty, please complete the jury questionnaire (attached to the summons) and bring it to court.

## **CIVIL CASES**

### **Filing Cases**

All civil cases should be filed in the precinct where the defendant(s) may reside, except as otherwise provided by law. Eviction cases should be filed in the precinct where the leased premises are located.

### **Mediation**

It is the policy of the Justice of the Peace, Pct. 2, to encourage the peaceful resolution of disputes and early settlement of pending cases. The court shall determine which of its' cases to refer to mediation and shall determine to which mediation service to refer a case.

Any party receiving referral to mediation has 10 days from the date of notice to file a motion objecting to the referral. If any party to a case files a motion objecting to mediation, and the court finds there is a reasonable basis for the objection, the case may be excused from the referral. If either party fails to attend mediation or if no resolution is reached, the case is to be promptly set for trial.

### **Setting Cases**

All civil cases are set according to the Court's calendar, with the initial hearing date being set at least 45 days after the Defendant's answer is due (14 days after service of citation).

At any time the Court may order a pre-trial conference. The Court may enter an order or orders following each pre-trial conference, which will address any applicable matters.

The Court shall be responsible for the setting of hearings and applicable notices in the Court.

### **Demands for Jury**

A party requesting a civil jury trial shall file a written request with the Court no later than fourteen (14) days before trial. In eviction cases the request must be filed no later than three (3) days before the trial. The jury fee is \$22.00. The jury fee shall be paid upon filing the request.

### **Preferential Settings**

Preferential settings may be obtained at the discretion of the judge.

### **Continuances**

Motions for continuance must be filed in writing. The notice and pleading requirements of law must be followed.

### **Matters Preliminary to Trial on the Merits**

Except for motions for continuances, all motions in limine, exceptions and all pre-trial motions and pleas in each jury case shall be presented and heard at pre-trial hearing.

For non-jury cases, all exceptions, motions, and pleas must be filed before the scheduled trial.

A party filing a motion shall deliver a copy of each pleading or motion to any opposing party and to the Court in the manner and within the time provided by the Texas Rules of Civil Procedure.

A document may be filed with the Court by personal or commercial delivery, by mail or electronically @ eFile.TXCourts.gov.

### **Hearings Conducted by Telephone**

**It is the policy of this court that we do not conduct hearings or hear testimony by telephone. In rare cases, in the interest of justice, the Court may permit a witness to appear by telephone conference call.**

### **Dismissal for Want of Prosecution**

#### **Case Selection**

**The following cases are eligible for dismissal for want of prosecution on the Court's own motion:**

- (a) Cases on file for more than 180 days in which no proof of service has been filed with the Court;**
- (b) Cases that have been on file for more than 6 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.**

#### **Notice**

**The Court Clerk shall give notice that certain cases will be dismissed for want of prosecution.**

#### **Docket Settings**

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

#### **Retained Cases**

**In the event the Court retains a case, the case will be set for trial at the convenience of the Court and the Court will notify the parties of the setting.**

#### **Pending Claims**

**References in these procedures to a "case" include all pending claims in the case.**

### **Drafts of Judgments and Orders**

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

### **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 if the moving attorney:

- (a) Files written consents to the withdrawal signed by all parties or their attorneys, and
- (b) Includes in the Motion a specific statement of the circumstances that justifies the withdrawal and the circumstances that prevent the moving attorney from obtaining the client's written consent; and
- (c) Files a statement of the last known mailing address of the client.

### **Holidays**

When any date mentioned in these rules is on a Court holiday, the applicable date shall be the first business day following the holiday.

### **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. Upon approval of the application the Court may authorize service by the applicant in all appropriate suits pending in the Court. Anyone filing return of service under such authorization shall also file an affidavit that he/she is not a party to and has no interest in the suit. The affidavit may be part of the verified return required by Rule 107.

## **CRIMINAL CASES**

### **Filing Cases**

Justice Court cases should be filed in the precinct where the offense is alleged to have occurred, except for cases of Failure to Attend School and Parent Contributing to Truancy, which may be filed in any precinct in the county where the school is located.

Offenses alleged to have been committed in more than one precinct may be filed in any precinct that the offense or portion of the offense is alleged to have occurred.

### **First Appearance**

Unless otherwise directed, defendants will appear or contact the Justice Court in which the case is filed according to the date and location written on the citation or summons. Subsequent contact with the Court will be scheduled by the Court.

### **Setting Cases**

Court Clerks are authorized to give the following settings; all others must be approved by the judge.

#### **(a) Pre-Trial**

All cases will be set for a pre-trial unless the defendant waives his right to pre-trial. Special pre-trial settings must be approved by the Court. Pre-trial motions must be filed on or before the day the pre-trial is scheduled and served on the Assistant County Attorney assigned to this court.

All pre-trial hearings will be held on the day set unless a written State or defense Motion for continuance is granted.

#### **(b) Trial before the Court**

All cases shall be tried when set unless a written State or defense Motion for Continuance is granted.

#### **(c) Jury Trial**

Defendant and his/her attorney (if applicable) shall appear at the scheduled jury setting. State and defense must either announce ready for trial or file a written Motion for Continuance. If the defendant waives jury at the docket call, a written waiver signed by counsel and/or defendant must be presented.

### **Plea of Guilty or Nolo contendere**

Defendants may enter a plea of guilty or nolo contendere at any time until judgment is rendered, with or without a plea agreement. The Justice Court shall maintain a list of “standard” fines for various offenses. Defendants entering either of these pleas may address the judge regarding punishment.

### **Appointment of Counsel**

Indigent defendants are not entitled to request a court appointed attorney, as a matter of law, when charged with a fine only offense.

### **Motions to Withdraw or Substitute**

An attorney becomes attorney of record in a misdemeanor case by listing his/her name on pleadings or motions involving the case. He/she remains the attorney of record until submitting a motion to withdraw as counsel.

An attorney's Motion to Withdraw may be submitted to the Court at any time. Motions to Substitute Counsel will be granted without a hearing so long as the scheduling of trial will not be delayed by the change in counsel.

## **RULES OF DECORUM**

### **Opening Procedure**

Immediately before the scheduled Court session, the bailiff shall direct all people to their seats and shall call the courtroom to order. As the Judge enters the courtroom the bailiff shall state "All Rise."

While everyone is standing the bailiff shall announce "Justice of the Peace, Pct. 2 of Bell County is now in session, Judge Coleman presiding. Please be seated."

### **Recess**

When the judge announces a recess the bailiff shall state "All Rise." All shall remain standing until the judge leaves the courtroom whereupon the bailiff shall announce that the Court is now in recess.

In reconvening, the bailiff shall call the courtroom to order and request everyone to rise as the judge enters and shall state "Please be seated".

When a jury trial is recessed, the jury will remain seated and all other people shall exit the courtroom. When the Court is reconvened the bailiff shall call the courtroom to order and request everyone to rise as the judge enters.

### **General Rules of Courtroom Conduct**

All participants in a trial shall promptly enter the courtroom before the scheduled time for the Court session. The bailiff shall call the Court to order.

All Rules of Courtroom Conduct apply to both adults and juveniles, and males and females. Failure to comply may result in removal from the courtroom, or in some cases, contempt of court charges.

**In the courtroom there shall be:**

- (a) no tobacco use including snuff and other smokeless tobacco**
- (b) no chewing gum**
- (c) no excessively short pants, bare midriffs, sleeveless shirts, tank tops, clothing displaying offensive wording or pictures, or any other apparel that may be considered offensive**
- (d) no reading of newspapers, e-readers, or other information media**
- (e) no use of cell phones, PDA's or other electronic or hand held devices. All such devices shall be turned "off." The use of such devices will result in confiscation of the device(s) until Court is concluded**
- (f) no bottles, cups, or beverage containers**
- (g) no edibles**
- (h) no propping of feet on tables or chairs**
- (i) no talking or noise that interferes with Court proceedings**
- (j) *DO NOT LEAN ON JUDGE'S BENCH***

**The judge, attorneys, plaintiffs, defendants, and other officers of the Court will refer to and address each other respectfully and impersonally. Appropriate titles and surnames shall be used, not first names and nicknames.**

**All officers of the Court should dress appropriately in Court sessions.**

### **Attorneys**

**Attorneys should observe the letter and spirit of all canons of ethics including those dealing with discussing of cases with the media, and those concerning improper ex parte communications with the judge.**

**Attorneys should advise their clients and witnesses of the applicable Local Rules of Decorum.**

**All objections, arguments, and other comments by counsel shall be directed to the judge or jury and not to opposing counsel.**

**While another attorney is addressing the judge or jury, an attorney should not stand except to make an appropriate motion, request, or objection to the Court.**

**Attorneys should not approach the bench without leave of Court and must never lean on the bench.**

**Attorneys shall remain seated at the counsel tables except when the judge enters or leaves, when addressing the judge or jury, and whenever it may be proper to handle documents, exhibits, or other evidence.**