

**Local Rules of Administration, Practice, & Procedure  
5<sup>th</sup> – 102<sup>nd</sup> – 202<sup>nd</sup> Judicial District Courts and  
County Court At Law  
Bowie County, Texas**

**Rule 1  
GENERAL**

**Rule 1.1      APPLICABILITY OF LOCAL RULES -** These local rules are applicable to all actions and cases filed in the 5th, 102nd, and 202nd Judicial District Courts and the Bowie County Court at Law.

**Rule 1.2      TIME STANDARDS FOR CASE DISPOSITION**

The judges of the county will, so far as reasonably possible, ensure that all cases are brought to trial or final disposition in conformity with the time standards set forth in Rule 6 of the Rules of Judicial Administration of the Texas Supreme Court and Rule 10 of the rules of Judicial Administration of the Tenth Judicial Region of Texas.

**Rule 1.3      COURT SESSIONS — CALENDARS — HOLIDAYS**

**1.3.1      CALENDARS**

The Court Coordinator for each court shall publish the court's calendar showing the jury and non-jury weeks for that Court. The Calendars shall be published on the Bowie County website: [www.co.bowie.tx.us](http://www.co.bowie.tx.us).

**1.3.2      OFFICIAL HOLIDAYS**

Official Holidays for the respective courts shall be posted by the Commissioner's Court of Bowie County and such other times as may be directed by the judges of the respective courts.

**Rule 1.4      HOURS OF COURT PROCEEDINGS**

Court shall be in session Monday through Friday from 9:00 A.M. until recess or adjournment, unless otherwise directed by the Presiding Judge of the court with respect to an individual case.

**Rule 2  
LOCAL ADMINISTRATIVE JUDGE**

**Rule 2.1      LOCAL ADMINISTRATIVE JUDGE FOR DISTRICT COURTS**

A Local Administrative Judge shall be elected by the District Judges on or about January 1 of each alternating year and, pursuant to Tex. Gov't Code 74.091(a), shall serve a two-year term and perform such duties as required by Tex. Gov't Code

§74.092 or as otherwise required by law.

**Rule 2.2 LOCAL ADMINISTRATIVE JUDGE FOR COUNTY COURT AT LAW**

The Presiding Judge of the Bowie County Court at Law shall perform the duties of Local Administrative Judge for the County Court at Law as required by law. In the event the State legislature adds additional county courts at law, then on or about January 1 of each alternating year and, pursuant to Tex. Gov't Code 74.091(a), the County Court at Law judges shall elect a Local Administrative Judge who shall serve a two-year term and perform such duties as required by Tex. Gov't Code §74.092 or as otherwise required by law.

**Rule 3  
FILING AND ASSIGNMENT OF ACTIONS**

**Rule 3.1 FILING AND ASSIGNMENT OF CASES**

(a) All actions, of whatever nature, filed in the district courts, shall be filed with the District Clerk of Bowie County, who shall, assign same to a particular Court on a random basis to be determined by the Courts. All filings shall be electronic and conform to the Texas Supreme Court's Orders regarding electronic filings for civil and criminal matters, except as exempted by law, and shall conform to the District Clerk's local technology e-filing guidelines, which can be found at <http://www.co.bowie.tx.us> and the JCIT technology standards.

(b) All actions filed in the County Court At Law, as required or permitted by law, and misdemeanor criminal actions, shall be filed with the Bowie County District Clerk's office and assigned to the County Court At Law.

**Civil Cases Shall be Randomly Assigned**

3.1.1 All civil actions shall be randomly assigned through the District Clerk's case management software upon filing of the action with fifty percent (50%) of the filed actions assigned to the 202<sup>nd</sup> Judicial District, twenty-five percent (25%) of the filed actions assigned to the 5<sup>th</sup> Judicial District, and twenty-five percent (25%) of the filed actions assigned to the 102<sup>nd</sup> Judicial District.

3.1.2 Notwithstanding Rule 3.1.1 above,

(a) All county or private tax lien foreclosure actions shall be randomly assigned to a district court as set forth in paragraph 3.1.1, but the District Judge of the 102<sup>nd</sup> Judicial District shall be assigned as the judicial officer sitting for the 5<sup>th</sup> Judicial District and the 202<sup>nd</sup> Judicial District to hear those actions; and

(b) All Texas Structured Settlement Protection Act, Chapter 141, Texas Civil Practice and Remedies Code actions shall be assigned to the court having last considered any similar action by the same "Annuitant" or "Payee", or other such designation in the original application or pleading, of the party proposing to transfer payment rights under the structured settlement. If no previous action has been filed regarding the payee, as defined in Tex. Prac. & Rem. Code § 141.002(9), then the

action shall be randomly assigned to a district court; and

(c) If an applicant's drivers' license has been suspended by a District Court order, application for an occupational license shall be assigned or reassigned, without further orders of the court, to the Court which ordered the suspension.

**Family Cases Shall be Randomly Assigned**

3.1.3 All family actions shall be randomly assigned through the District Clerk's case management software upon filing of the action with fifty percent (50%) of the filed actions assigned to the 202<sup>nd</sup> Judicial District, twenty-five percent (25%) of the filed actions assigned to the 5<sup>th</sup> Judicial District, and twenty-five percent (25%) of the filed actions assigned to the 102<sup>nd</sup> Judicial District.

3.1.4 Notwithstanding rule 3.1.3 above,

**Texas Department of Family Protective Services Actions**

(a) Effective January 1, 2020, all new Texas Department of Family and Protective Services (Child Protective Service) actions shall be assigned to the 102<sup>nd</sup> Judicial District;

(b) Effective January 1, 2021, all new Texas Department of Family and Protective Services (Child Protective Service) actions shall be assigned to the County Court at Law of Bowie County, and

(c) Effective January 1 of each succeeding year, assignment of newly filed Texas Department of Family Protective Services actions shall rotate, on a yearly basis, between the 102<sup>nd</sup> Judicial District and the County Court at Law until modification by further order of the two courts.

**All Other Non-Criminal Actions Shall Be Randomly Assigned**

3.1.5 All other, non-criminal actions shall be randomly assigned through the District Clerk's case management software upon filing of the action with fifty percent (50%) of the filed actions assigned to the 202<sup>nd</sup> Judicial District, twenty-five percent (25%) of the filed actions assigned to the 5<sup>th</sup> Judicial District, and twenty-five percent (25%) of the filed actions assigned to the 102<sup>nd</sup> Judicial District.

**All Felony Criminal Actions Shall Be Randomly Assigned**

3.1.6 All felony criminal actions shall be randomly assigned to a court by the District Clerk's case management software (at the time of the adoption of these rules, the Odyssey Case Management software and law enforcement modules) at the time of arrest and booking (Odyssey direct file) or if the Defendant is not arrested on an action before indictment, randomly assigned to a court after indictment. Fifty percent (50%) of the randomly assigned felony actions shall be assigned to the 202<sup>nd</sup> Judicial District, twenty-five percent (25%) of the randomly assigned felony actions shall be assigned to the 5<sup>th</sup> Judicial District, and twenty-five percent (25%) of the randomly assigned felony actions shall be assigned to the 102<sup>nd</sup> Judicial District.

Assignments With Other Cases

3.1.7 Notwithstanding Rule 3.1.6 above, for all felony cases randomly assigned to a district court, if:

Assignment To Pending Court

(a) a felony criminal action is currently pending against the Defendant, the District Clerk's office shall re-assign any subsequently assigned felony charge cause numbers randomly generated and shall also assign all subsequently generated or indicted charges/cause numbers, to the same court in which the pending charge is assigned, without the necessity of further orders of the courts; or

Assignment to Pending or Former Community Supervision Court

(b) a defendant is currently under community supervision or has been released from community supervision for three years or less, the District Clerk's office shall re-assign any felony charge cause number randomly generated and shall also assign all subsequently generated or indicted charges/cause numbers, to the same court in which the defendant is currently, or was within the last three years, subject to community supervision, without the necessity of further orders of the courts; or

Assignment of Multiple Felony Charges to Random Court of Highest Level Felony and First Assigned Highest Level Felony

(c) two or more felony criminal actions are randomly generated upon the arrest and booking or indictment of a Defendant are assigned to different District Courts, the District Clerk's office shall re-assign all felony actions to the court randomly assigned to the highest level felony offense, or if two or more felony offenses are randomly assigned of the same, highest level, all cases shall be assigned to the court with the first randomly generated assignment of the highest level felony offense; or

Assignment of Co-Defendants

(d) more than one defendant is associated with a felony action, then all subsequently filed felony actions against co-defendants shall be assigned to the court with the first randomly assigned defendant, and

Texas Department of Criminal Justice Actions

(e) all Texas Department of Criminal Justice actions shall be randomly assigned to a district court as set forth in rule 3.1.6, but the District Judge of the 102<sup>nd</sup> Judicial District shall be assigned as the judicial officer sitting for the 5<sup>th</sup> Judicial District and the 202<sup>nd</sup> Judicial District to hear those actions, without further orders of the courts.

**Rule 3.2 RE-INDICTMENT OR RE-FILING REMAINS IN FIRST ASSIGNED COURT**

In the event any assigned action shall be dismissed and thereafter the same action or one substantially the same shall be refiled or re-indicted, it shall be re-assigned to the court having control of the prior case at the time of the dismissal or non-suit, without

the necessity of further orders of the courts. Any case as described, if improperly filed, shall be transferred to the original court on motion of either party or on the court's own motion.

**Rule 3.3 PRE-SIGNED ORDERS DO NOT AFFECT RANDOM ASSIGNMENT**

In the event a District Judge signs an order, warrant, other document, or accepts a matter for filing before an action is randomly assigned to a court, the District Clerk shall nevertheless randomly assign the action as in all other cases. If the action is assigned to a district court other than the court of the Judge whose signature appears on the order, warrant or other document, the signing Judge shall be deemed to have signed the matter as sitting for the court where the action is randomly assigned.

**Rule 3.4 RANDOMLY ASSIGNED COURT TO HAVE EXCLUSIVE CONTROL**

(a) The Court to which a case is randomly assigned, or the court to which cases may be re-assigned in accordance with these Rules, shall have the exclusive authority and control over such case. No change to any cause number or re-assignment of any action or matter to a court, except as provided in these Rules, is authorized. Notwithstanding these Rules, the Judge of a court to which an action has been assigned pursuant to Rules 3.1.1, 3.1.3, 3.1.5, 3.1.6 or 3.2 may transfer the assigned matter in accordance with other Local Rules of Administration or the Texas Gov't Code and other district or county court at law judges may sign necessary matters as sitting for that court as authorized by law.

(b) However, pursuant to Texas Government Code § 74.093(d), the transfer of actions from one court to another is only authorized where the action is within the jurisdiction of the court to which it is transferred. When a case is transferred from one court to another as provided under this section, all processes, writs, bonds, recognizances, or other obligations issued from the transferring court are returnable to the court to which the case is transferred as if originally issued by that court.

**Rule 3.5 CAPITAL FELONY OFFENSES ASSIGNED BY ROTATION**

For any assignment of a capital felony action (regardless of whether the state intends to seek the death penalty), the District Clerk's office shall assign, or re-assign as necessary, each new capital felony charge to a different district court on a rotating basis, unless each new capital felony charge is against the same defendant, in which case they shall all be assigned to the same court next in the rotation. All non-capital felony charges against that same defendant shall also be assigned, or re-assigned as necessary by the District Clerk's office, to the court in which the capital offense(s) were assigned by rotation without the necessity of further orders from the courts.

**Rule 3.6 CONFLICT OF SETTINGS**

In the event of a conflict of setting between the Courts of Bowie County, such conflict shall be resolved pursuant to the Rule 11 of the Tenth Administrative Judicial Region of Texas. In the event of a conflict between a non-jury and jury setting, the jury setting shall have priority.

**Rule 4**  
**SETTING OF HEARINGS AND TRIALS**

**4.1 COUNSEL AGREEMENT — NON-JURY MATTERS**

(a) All contested non-jury matters will be set on the docket by agreement of counsel, or by Court Order, on such dates as are allocated by the respective courts for hearing contested cases. No contested case will be set upon the docket by the Court unless counsel cannot agree upon a date. Counsel shall not request a setting by the Court unless and until all parties cannot agree, and then only after notice to opposing counsel that a request to the Court has been made stating the date or dates sought in order to allow opposing counsel the right to interpose objections and seek alternate dates.

(b) All requests for settings of non-jury hearings or bench trials must include a “certificate of conference”. Except as specified below, all motions and requests for settings must be accompanied by a “certificate of conference” at the end of the motion following the certificate of service. The certificate must state: (1) that counsel has conferred with opposing counsel regarding the relief requested at the hearing and (2) whether the relief requests in the motion for hearing is opposed or unopposed. Opposed motions shall include a statement in the certificate of conference, signed by the movant’s attorney, that the personal conference or conferences required by this rule have been conducted or were attempted, the date and manner of such conference(s) or attempts, the names of the participants in the conference(s), an explanation of why no agreement could be reached, and a statement that discussions have conclusively ended in an impasse leaving an open issue for the court to resolve. In discovery-related motions, the certificate of conference shall be signed by the lead attorney and any local counsel. In situations involving an unreasonable failure to meet and confer, the movant shall set forth in the certificate of conference the facts believed to constitute bad faith.

(c) The obligation to meet and confer and inclusion of a “certificate of conference” under subsection (b) is not applicable to *pro se* litigants or to the following motions:

- (1) to dismiss;
- (2) for judgment on the pleadings;
- (3) for summary judgment, including motions for partial summary judgment;
- (4) for new trial;
- (5) issuance of letters rogatory;
- (6) for reconsideration;
- (7) for sanctions
- (8) for writs.; and
- (9) any motion that is joined by, agreed to, or unopposed by, all the parties.

**Rule 4.2 HEARINGS MUST BE DOCKETED**

(a) No hearing shall be noticed by counsel without (i) receiving written confirmation of the docketing the hearing from the appropriate court’s docket coordinator or (ii) an order setting the hearing having been executed by the court.

(b) Hearings may be set by the court by submission only, at the discretion of the court, and such hearings by submission shall be set as other hearings.

**Rule 4.3 ATTORNEY DUTY**

It is the duty of attorney obtaining an order for setting to see that the case is listed on the appropriate docket and the case will not be heard unless so placed on the docket, except by permission of the court.

**Rule 4.4 DISMISSAL FOR FAILURE TO APPEAR**

All matters placed on non-jury docket by agreement, or by Court Order, if not removed by agreement, or by Court ordered Continuance may be dismissed for want of prosecution pursuant to Tex. R. Civ. Proc. 165a if no response is made thereto upon call of the docket.

**Rule 4.5 NO IN CHAMBERS HEARINGS**

No matters will be heard in chambers on spur of the moment request, except as permitted by law and the court.

**Rule 4.6 DISPOSITION OF UNCONTESTED CASES**

No uncontested case will be heard unless the order or decree disposing of same is prepared and presented to the Court prior to the taking of testimony, except by permission by the court.

**Rule 4.7 REQUEST FOR JURY SETTING**

Upon the filing of the appropriate jury request and payment of applicable jury fees, the parties may request an agreed jury setting, using the procedure set forth in Rule 4.1 or, which may be approved by the Court by written order, or if no setting is requested, the Court shall set each jury action for jury trial at the discretion of the Court after due consideration to the court's trial schedule and Rule 1.

**Rule 4.8 WRITTEN MOTIONS REQUIRED**

(a) Motions to continue a jury case will be granted only upon a written motion to continue showing good cause. The courts will not be bound by an agreement to continue made by the parties or attorneys.

(b) No "agreed continuances" will be allowed after the case has been announced ready at pre-trial, and will not be honored by the courts, and all cases appearing on the docket after pre-trial will be disposed of by trial, settlement or dismissal. There can be no "agreed continuances" of a matter pending on the dismissal docket.

**Rule 4.9            PREFERENTIAL SETTINGS**

Preferential settings shall be granted as required by law and at the discretion of the respective courts as the interest of justice might appear.

**Rule 4.10          DISMISSAL DOCKET - INVOLUNTARY DISMISSAL**

The Clerk shall maintain a dismissal docket which shall contain a list as follows:

- (a)    All civil jury cases pending for two (2) years or more.
- (b)    All civil non-jury cases pending for one (1) year or more.
- (c)    All domestic relations cases pending one (1) year or more.
- (d)    All other cases pending one (1) year or more.

**Rule 4.11          SUSPENSE DOCKET**

The Clerk shall maintain a suspense docket for cases abated by reason of bankruptcy or other legal impediment and all cases docketed thereon shall not appear upon the active dockets of the respective courts.

**Rule 4.12          PRE-TRIAL CONFERENCES**

**4.12.1    CIVIL PRE-TRIAL**

Civil pre-trial conferences will be held on the date, and at the place and time designated by the respective Courts.

**4.12.2    MATTERS TO BE PRESENTED**

All exceptions, motions and other pre-trial matters will be heard at the scheduled pre-trial hearing. Matters not presented to the court at pre-trial are expressly waived. No special exceptions or motions of any kind will be entertained by the Court unless same has been e-filed and served at least three (3) days prior to the pre-trial hearing.

**4.12.3    NO DELAY FOR DISCOVERY**

All Discovery shall be completed in accordance with the Texas Rules of Civil Procedure or the scheduling order of the court. No continuances will be granted for purposes of discovery, except for good cause shown.

**Rule 4.13          WITNESSES AND EXHIBITS FOR HEARINGS OR TRIAL**

**4.13.1    WITNESSES IN ATTENDANCE**

All trial witnesses shall be in attendance while the court is in session and trial shall not be delayed for the absence of witnesses except under exigent circumstances justifying non-appearance, and any witness once in attendance shall remain in attendance until excused by the Court.



#### **4.13.2 EXHIBITS**

All exhibits to be used in the course of trial shall be marked in advance of trial so far as practical, and electronic versions of all exhibits to be offered will be submitted to the court's docket coordinator at least three days before final pre-trial hearing, or as otherwise directed by the court.

#### **4.13.3 TELECONFERENCE HEARING OR TRIALS**

All exchange of exhibits and presentation of exhibits and witnesses via video teleconference shall be conducted at the direction of the court.

#### **Rule 4.14 JURY CHARGE AND INSTRUCTIONS**

All jury charges and requested instructions shall be furnished upon request of the trial judge at such time as the judge may direct.

#### **Rule 4.15 SUBMISSION ORDERS, JUDGMENTS AND DECREES**

##### **4.15.1 UNCONTESTED DECREES**

In all uncontested matters which are to be heard, the attorneys are directed to prepare and e-file to the Court or the District Clerk prior to hearing, a Final Judgment, Order or Decree of Divorce which is proper under the law and facts of such uncontested matter, and any relief sought shall not be granted in the absence of same. Should a matter become uncontested immediately preceding the time of hearing, evidence will be heard and the case disposed with Order Judgments and Decrees handled pursuant to Rules 4.15.2, 4.15.3, and 4.15.5.

##### **4.15.2 ATTORNEY AND CLIENT APPROVAL**

When both sides are represented by counsel all Orders, Decrees and Judgments shall be submitted to the opposing counsel for approval before submission to the Court. All agreed decrees and Orders shall be approved by all attorneys and their clients, unless otherwise approved or ordered by the Court.

##### **4.15.3 TO WHOM SUBMITTED**

Any instrument involving matters previously heard or disposed of by the court, as well as instruments to be signed by the court without a hearing such as dismissals and agreed judgments, etc., shall be presented to the court via electronic filing or, if directed, to the court's docket coordinator and shall notify the court's docket coordinator of the e-filing of such instrument for presentation to the court.

##### **4.15.4 ATTORNEY TO PREPARE**

All Judgments, Orders and Decrees pronounced by the Court shall be reduced to writing by counsel for the party directed to prepare same or if no party is directed by the court, by the moving party.

#### **4.15.5 TIME REQUIREMENTS**

All Judgments, Orders or Decrees of the Court shall be prepared, approved by counsel and client, when applicable, and submitted to the court within fourteen (14) days of the pronouncement, or by consent or agreement, within fourteen (14) days of the finalization of such agreed order or Decree. If the attorney charged with the responsibility of preparation is unable to comply with this rule she or he shall, within twelve (12) days from the times stated above, secure permission of the Court to extend the time.

#### **4.15.6 FAILURE TO TIMELY PRESENT**

Failure to timely present Judgments, Orders and Decrees pursuant to Rule 4.15.5 above, shall be dealt with by contempt, dismissal, refusal to enter, or such other sanctions as circumstances may warrant, at the discretion of the court.

### **Rule 5 FAMILY LAW ACTIONS**

#### **Rule 5.1 ANCILLARY PROCEEDINGS, TEMPORARY ORDERS, & EMERGENCY MATTERS**

##### **5.1.1 TEMPORARY ORDERS**

Upon the filing of each divorce or annulment proceeding, there shall be granted upon the Court's own motion in accordance with Section 6.501 of the Texas Family Code a Temporary Restraining Order *Ex Parte* for the preservation and protection of the parties. Such order shall restrain or prohibit both parties from the following:

- (1) intentionally communicating in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, with the other party by use of vulgar, profane, obscene, or indecent language or in a coarse or offensive manner, with intent to annoy or alarm the other party;
- (2) threatening the other party in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, to take unlawful action against any person, intending by this action to annoy or alarm the other party;
- (3) placing a telephone call, anonymously, at an unreasonable hour, in an offensive and repetitious manner, or without a legitimate purpose of communication with the intent to annoy or alarm the other party;
- (4) intentionally, knowingly, or recklessly causing bodily injury to the other party or to a child of either party;
- (5) threatening the other party or a child of either party with imminent bodily injury;

**(6) intentionally, knowingly, or recklessly destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of the parties or either party with intent to obstruct the authority of the court to order a division of the estate of the parties in a manner that the court deems just and right, having due regard for the rights of each party and any children of the marriage;**

**(7) intentionally falsifying a writing or record, including an electronic record, relating to the property of either party;**

**(8) intentionally misrepresenting or refusing to disclose to the other party or to the court, on proper request, the existence, amount, or location of any tangible or intellectual property of the parties or either party, including electronically stored or recorded information;**

**(9) intentionally or knowingly damaging or destroying the tangible or intellectual property of the parties or either party, including electronically stored or recorded information;**

**(10) intentionally or knowingly tampering with the tangible or intellectual property of the parties or either party, including electronically stored or recorded information, and causing pecuniary loss or substantial inconvenience to the other party;**

**(11) except as specifically authorized by the court:**

**(A) selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of the parties or either party, regardless of whether the property is:**

**(i) personal property, real property, or intellectual property; or**

**(ii) separate or community property;**

**(B) incurring any debt, other than legal expenses in connection with the suit for dissolution of marriage;**

**(C) withdrawing money from any checking or savings account in a financial institution for any purpose;**

**(D) spending any money in either party's possession or subject to either party's control for any purpose;**

**(E) withdrawing or borrowing money in any manner for any purpose from a retirement, profit sharing, pension, death, or other employee benefit plan, employee savings plan, individual retirement account, or Keogh account of either party; or**

**(F) withdrawing or borrowing in any manner all or any part of the cash surrender value of a life insurance policy on the life of either party or a child of the parties;**

**(12) entering any safe deposit box in the name of or subject to the control of the**

**parties or either party, whether individually or jointly with others;**

**(13) changing or in any manner altering the beneficiary designation on any life insurance policy on the life of either party or a child of the parties;**

**(14) canceling, altering, failing to renew or pay premiums on, or in any manner affecting the level of coverage that existed at the time the suit was filed of, any life, casualty, automobile, or health insurance policy insuring the parties' property or persons, including a child of the parties;**

**(15) opening or diverting mail or e-mail or any other electronic communication addressed to the other party;**

**(16) signing or endorsing the other party's name on any negotiable instrument, check, or draft, including a tax refund, insurance payment, and dividend, or attempting to negotiate any negotiable instrument payable to the other party without the personal signature of the other party;**

**(17) taking any action to terminate or limit credit or charge credit cards in the name of the other party;**

**(18) discontinuing or reducing the withholding for federal income taxes from either party's wages or salary;**

**(19) destroying, disposing of, or altering any financial records of the parties, including a canceled check, deposit slip, and other records from a financial institution, a record of credit purchases or cash advances, a tax return, and a financial statement;**

**(20) destroying, disposing of, or altering any e-mail, text message, video message, or chat message or other electronic data or electronically stored information relevant to the subject matter of the suit for dissolution of marriage, regardless of whether the information is stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium;**

**(21) modifying, changing, or altering the native format or metadata of any electronic data or electronically stored information relevant to the subject matter of the suit for dissolution of marriage, regardless of whether the information is stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium;**

**(22) deleting any data or content from any social network profile used or created by either party or a child of the parties;**

**(23) using any password or personal identification number to gain access to the other party's e-mail account, bank account, social media account, or any other electronic account;**

**(24) terminating or in any manner affecting the service of water, electricity, gas, telephone, cable television, or any other contractual service, including security, pest control, landscaping, or yard maintenance at the residence of either party, or in any**

manner attempting to withdraw any deposit paid in connection with any of those services;

(25) excluding the other party from the use and enjoyment of a specifically identified residence of the other party; or

(26) entering, operating, or exercising control over a motor vehicle in the possession of the other party.

#### **5.1.2 ATTORNEY RESPONSIBILITY**

The attorney filing any domestic relations action is directed to personally furnish to his client a copy of such temporary order. The Clerk of the Court is directed to attach to each petition such order for service on the Respondent or Defendant. Unless good cause is shown within ten (10) days of filing date why such temporary order should not become a temporary injunction pending the conclusion of the proceeding, such a temporary order will become a temporary injunction in the cause. In the event there are other matters which need to be considered such as excluding a spouse from the occupancy of the residence where the party is living, temporary conservatorship of children, or temporary support, such matters will be heard after notice to opposing party on the first date set for the hearing of contested non-jury matters by the judge to whom the case is assigned. No such matters will be heard on an *ex parte* basis absent exigent circumstances and extraordinary relief shall be obtained only after a hearing before the Court. Copies of the temporary order may be obtained from the District Clerk.

#### **5.1.3 TEMPORARY RESTRAINING ORDER TO BE USED**

See Appendage "A"

### **Rule 6 CRIMINAL CASES**

#### **Rule 6.1 APPOINTMENT OF COUNSEL**

(a) Counsel for indigent defendants shall be appointed in accordance with the Bowie County Indigent Defense Plan on file in the Bowie County District Clerks' office and the Texas Commission for Indigent Defense.

(b) Appointment of counsel for indigent defendants charged with a capital felony cases shall in accordance with the Bowie County Indigent Defense Plan on file with the Texas Commission for Indigent Defense and selection shall be from the list of List of Attorneys Qualified to Represent Indigent Defendants in Death Penalty Cases maintained by the Tenth Administrative Judicial Region.

#### **Rule 6.2 PLEA BARGAINS**

All plea bargains shall be reduced to writing and presented to the Court in advance of plea acceptance. Forms for this purpose are available from the District Clerk.

**Rule 6.3        MOTIONS - PRE-TRIALS**

**Pre-trials shall be held at the time and place designated by the respective court after notice given.**

**Rule 7  
JURY MANAGEMENT**

**Rule 7.1        MANAGEMENT OF JURY**

**All jury panels are managed by the District Clerk by computerized random selections and jury shuffle shall be automatic without necessity of demand.**

**Rule 8  
VACATIONS**

**Rule 8.1        COURT VACATIONS**

**Each court shall set its weeks of vacation on the public calendars of the court. Any judge requesting a visiting judge shall provide such request to the Local Administrative Judge who shall consider such request and at the Administrative Judge's discretion, may submit such request to the Regional Presiding Judge for appointment of a visiting judge to hear the cases of the absent judge in accordance with Rule 6 of the Rules of Administration and Procedure of the Tenth Administrative Region.**

**Rule 8.2        ATTENDANCE AT EDUCATIONAL PROGRAMS**

**Each court shall budget for, pursuant to 12.2.2 and schedule attendance at educational programs and shall maintain Continuing Judicial Education as required by law.**

**Rule 8.3        SICK LEAVE AND OTHER SIMILAR MATTERS**

**Each judge shall be responsible for administering the court's sick leave and shall notify the Local Administrative Judge if such sick leave, or other absence, is for such an extended period of time as will affect that court's docket and the administration of justice. Because of such sick leave or absence, the judge may request a visiting judge, if necessary, to handle the docket of the court. In the event, no such request is made after an extended sick leave or absence, the Local Administrative Judge may in his/her discretion request a visiting judge be appointed by the Regional Presiding Judge to sit during the absence.**

**Rule 8.4        ATTORNEY VACATIONS**

**Attorneys may submit a letter to the courts designating no more than three weeks a year as vacation and request the courts not to set any hearings or trials during those designated weeks. Copies of such letters shall be served on all opposing counsel in each matter before the courts. Such requests shall not be considered by the courts**

unless submitted at least 4 weeks in advance of the requested vacation weeks. Such requests will be honored by the courts at the discretion of the presiding judge.

**Rule 9  
PERSONNEL**

**Rule 9.1 NOTE OTHER RULES**

Caution should be taken to refer to these Rules regarding various duties of Clerks, Administrators, Bailiffs, and to the Rules regarding decorum.

**Rule 9.2 QUALIFICATIONS OF NON-JUDICIAL PERSONNEL**

As may be provided by law.

**Rule 9.3 CONDUCT OF NON-JUDICIAL PERSONNEL**

Refer to Rules regarding decorum.

**Rule 9.4 DUTIES OF NON-JUDICIAL PERSONNEL**

The duties of non-judicial personnel employed for the administration of the courts shall be defined by the Local Administrative Judge employing the personnel.

**Rule 9.5 LOCAL ADMINISTRATIVE JUDGE SUPERVISOR**

(a) Pursuant to Tex. Gov't. Code § 74.092(a)(8) the Local Administrative District Judge shall employ and supervise any judicial or non-judicial personnel employed for the administration of the district courts generally.

(b) Pursuant to Tex. Gov't. Code § 74.092(a)(8) the Local Administrative County Court at Law Judge shall employ and supervise any judicial and non-judicial personnel employed for the administration of the county court at law courts generally.

**Rule 9.6 JUDICIAL PERSONNEL OF EACH COURT**

Each court's Bailiff, Official Court Reporter, and Docket Coordinator shall be deemed judicial personnel of that court while performing the duties directed by the judge in furtherance of the operations of that court. The judge of each court shall employ and supervise that court's judicial personnel, subject to other limitations or restrictions of law.

**Rule 10  
ATTORNEYS OF RECORD**

**Rule 10.1 DESIGNATION OF ATTORNEY IN CHARGE**

In all suits filed in Bowie County, the attorney whose name first appears upon the first pleading shall be considered by the Courts to be the attorney in charge of the case, unless there appears in the file a written designation of an attorney in charge other

than the attorney whose name first appears upon the pleadings.

**Rule 10.2 WITHDRAWAL OF COUNSEL**

No attorney of record shall be permitted to withdraw from any case without presenting a motion and obtaining from the court an order granting leave to withdraw. Such motion shall be accompanied by the client's written consent to such withdrawal or a certificate by another lawyer that he has been employed to represent the client, and a copy of such motion shall be mailed to the client at the last known address with a letter advising that the motion will be presented to the Court on or after a certain hour not less than seven (7) days after mailing the letter and that any objection to such withdrawal should be made to the Court in writing before such time, and a copy of such letter shall be attached to the motion. A copy of the motion shall be e-served or otherwise served in accordance with the Texas Rules of Civil Procedures or other law to opposing counsel. Unless allowed in the discretion of the Court, no such motion shall be presented within thirty (30) days of the trial date or at such time as to require delay of the trial. After leave is granted, the withdrawing attorney shall send the client a letter by certified mail notifying her/him of the withdrawal, stating any settings for trial or otherwise, and advising the client to secure other counsel, and shall send a copy of such letter to opposing counsel and to the Clerk of the Court in which the case is pending.

**Rule 11  
DECORUM AND MISCELLANEOUS LOCAL RULES**

**Rule 11.1 DECORUM AND CONDUCT**

**11.1.1 CALL TO ORDER**

Immediately before the scheduled time for the beginning of court sessions, the bailiff shall direct all court officers, spectators, parties and witnesses to their seats and bring order. All persons shall rise with the judge enters the courtroom and shall further rise whenever the judge departs from the courtroom for recess or adjournment. Courtroom Bailiffs shall have full authority to act on all matter of security within the Courtrooms.

**11.1.2 ATTENTIVE TO PROCEEDINGS**

All persons in the courtroom during the pendency of any hearing shall be attentive to the proceedings of the Court and shall refrain from any action which is disruptive of the court proceedings. When court is in session all persons, before entering the courtroom, shall first remove all overcoats, hats, etc., and shall quietly be seated in the proper places provided.

**11.1.3 COURT SESSION PRACTICES**

- (a) No reading of newspapers or magazines during court proceedings;
- (b) No bringing of bottles, paper cups or beverage containers into the courtroom;
- (c) bringing of edibles into the courtroom (at any time);



- (d) No propping of feet on tables, chairs or benches;
- (e) No sitting on tables, railings, desks or benches;
- (f) No walking through the courtroom or loitering therein while any proceedings are being held or any court is in session;
- (g) No talking by persons unless during the proper participation of the matter then before the Court;
- (h) No smoking;
- (i) No person should by facial expression, shaking of the head, guttural utterances or any other conduct, exhibit approval or disapproval of any testimony elicited or any other statement or transaction which has occurred in the courtroom.
- (j) No use of mobile electronic devices without permission of the Court. All mobile devices should be powered off while in the courtroom.
- (k) No recording or photographing of the Court proceedings without express permission of the Court

#### 11.1.4 ATTIRE OF PUBLIC ATTENDING COURT PROCEEDINGS

Member of the public attending court proceedings are admonished that they should be dressed in attire fitting the dignity and solemnity of the Court proceedings. At each court's discretion, any member of the public may be ordered to leave or held in contempt of court if the attire of the person is deemed to be disruptive to the proceedings by the presiding judge. In all district and the county court at law courts, the bailiffs of the court may prohibit entry or remove a person exhibiting the following, unless expressly permitted by the judge presiding:

- (a) No shorts, either male or female, are permitted;
- (b) No hats, unless a bona fide religious head covering;
- (c) No muscle shirts, tank tops, tee-shirts, or exposed undergarments; and
- (d) No items of clothing displaying offensive, vulgar, racist, sexist, gang related, obscene language and/or graphics.
- (e) No sagging pants. Shoes must be worn.
- (f) No bags, backpacks, purses without approval of the judge presiding.
- (g) No chewing gum or use of tobacco products.

#### 11.1.5 USE OF ELECTRONIC DEVICES

(a) All broadcasting, televising, recording, or photographing of proceedings in the courtroom are **PROHIBITED** by all persons absent express approval of the presiding judge, authorized in accordance with Tex. R. Civ. Proc. 18c.

(b) A "Portable Electronic Device" is any electronic device capable of wirelessly transmitting or receiving electronic information, recording electronic information, images, or audio media including, but not limited to, computers, tablets, or mobile phones.

(c) If a Portable Electronic Device contains a phone function, the phone function **SHALL BE TURNED OFF AT ALL TIMES WITHIN THE COURTROOM.** No telephone conversations are permitted within the courtroom, unless specifically authorized by the presiding judge;

**(d) If a Portable Electronic Device contains other functionality that emits sound of any kind, it shall be set to provide silent operation at all times within the courtroom and can be used only in accordance with (a) above and (e), (f), (g), and (h) below.**

**(e) Attorneys and litigants, as an aid in presentation of a case, unless expressly prohibited by the presiding judge, may use laptop computers, electronic tablets, or other Portable Electronic Devices in the courtroom, but such devices must be silenced, unless audio is a part of the presentation of the case.**

**(f) ONLY ATTORNEYS, without specific authorization from the presiding judge and those identified in paragraphs (i) and (j) below, may use a Portable Electronic Device to take notes and to transmit and receive data communications, but only if the Portable Electronic Device is silent and operated in a manner that is unobtrusive and does not interfere with the integrity, dignity and decorum of the court proceedings. No Portable Electronic Device may be used to transmit to the internet or social media outlets (Facebook, Twitter, etc...) postings about, recordings of, or video or photographs of any courtroom proceeding absent approval of the presiding judge. The court may order any Portable Electronic Devices to be turned off at any time or, in the discretion of the court, seized pending further determination of contempt proceedings or violations of these Rules.**

**(g) No person shall use a Portable Electronic Device to communicate with the following during any court proceeding:**

- 1. a civil litigant,**
- 2. a criminal defendant,**
- 3. a witness,**
- 4. a venire person (potential juror), or**
- 5. any juror.**

**(h) While testifying, no witness shall use a Portable Electronic Device in any manner unless expressly permitted by the presiding judge.**

**(i) Court, Attorneys & Probation.**

**Court staff, attorneys, attorney's staff and probation staff may utilize Personal Electronic Devices in accordance with (a), (e), & (f) above. All devices shall be operated without sound. No one else may communicate by any electronic means during any court proceeding without express approval of the presiding judge.**

**(j) Courthouse Security Officers & On-Duty Law Enforcement Officers.**

**Courthouse Security Officers and On-Duty Law Enforcement Officers may use their Portable Electronic Devices while they are present in the courthouse and courtroom. However, the phone function on their Portable Electronic Device must be set to silent operation. Officers shall not take or make phone calls while in the courtroom, unless required for security reasons, prisoner transfer, or emergency situations.**

**(k) Jury Service.**

It is important to facilitate the civic duty of jury service by permitting use of Portable Electronic Devices, while contemporaneously balancing the need to protect the integrity of trials, the rights of the litigants, and the dignity of the court.

1. Persons summoned for jury service are therefore permitted to bring a Portable Electronic Device into the courtroom.

2. Prior to the start of the jury selection process, persons summoned for jury service shall be permitted to use their Portable Electronic Device **OUTSIDE THE COURTROOMS** in accordance with (a), (f) & (g) above.

3. Once the jury selection process begins, no person summoned for jury service shall be permitted to use their Portable Electronic Device in the courtroom at any time.

4. If persons summoned for jury service are permitted to leave the courtroom during the jury selection process, but such persons have not been excused from potential service, they may use their Portable Electronic Device subject to (a), (f), & (g) above outside the courtrooms; however, the use of their Portable Electronic Device shall be in accordance with the instructions delivered by the presiding judge at during jury selection.

5. Once a jury is selected, jurors will be permitted to contact family, employers, schools, or babysitters to make the arrangements that are regularly required in such circumstances. This will occur under the supervision of the courts' bailiffs. Thereafter, while jurors are in the courtroom, all Portable Electronic Devices must be left in the jury deliberation room. Jurors may not use a Portable Electronic Device in the courtroom at any time, unless the presiding judge expressly approves otherwise.

6. In the jury room, jurors may be allowed limited use of a Portable Electronic Device, but any such use must be in accordance with the instructions delivered by the presiding judge. **NO PORTION OF, OR STATUS UPDATES OF, JURY DELIBERATIONS MAY BE RECORDED IN ANY MANNER, REPORTED ON, TEXTED, POSTED ABOUT OR OTHERWISE DISSEMINATED ELECTRONICALLY BY ANY MEANS. NO PERSONAL ELECTRONIC PORTABLE DEVICE MAY BE USED BY A JUROR DURING DELIBERATIONS FOR ANY PURPOSES RELATED TO THE PROCEEDINGS UNDER DELIBERATION.**

7. When jurors leave the courthouse for lunch or overnight, jurors shall be permitted to use Portable Electronic Devices and other means of electronic communication, but any such use shall be in accordance with the instructions delivered by the presiding judge during jury selection or trial. **NO PORTION OF ANY JURY DELIBERATIONS MAY BE RECORDED BY ANY ELECTRONIC DEVICE OR BY ANY OTHER MEANS AT ANY TIME.**

**(l) Judicial Discretion.**

The presiding judge may restrict or prohibit use of Portable Electronic Devices at any time, if, in the Court's sole discretion, the use of a Portable Electronic Device is interfering with the administration of justice, the security of a proceeding, or the dignity, decorum or integrity of the court process.

**(m) Violation of Rule**

Individuals violating Rule 11.1.5 may have their Portable Electronic Devices confiscated and held until released by the presiding judge. Individuals in violation of this policy may also forfeit the privilege of bringing a Portable Electronic Device into the courtroom, may also be held in contempt of court, which could result in a fine or jail time being levied and the presiding judge in his or her discretion may order that any audio recording, photographs, video, or communication, made in violation of these rules, be deleted and/or otherwise destroyed.

**11.1.6 CONDUCT OF COUNSEL**

All counsel are admonished to respect the letter and spirit of all canons of ethics including particularly those dealing with testimony by counsel participating in the trial, discussion of the facts or law of the case with the Court outside the courtroom and not in the presence of opposing counsel.

**11.1.7 PROMPTNESS**

All officers of the Court shall be prompt at all sessions and in the dispatch of all court business and shall insure that their parties and witnesses shall do the same.

**11.1.8 BUSINESS ATTIRE FOR COUNSEL REQUIRED**

All lawyers and court officials shall dress in keeping with proper courtroom decorum and business attire. Nonprofessional, non-business attire is prohibited for attorneys and may, in the discretion of the court, be a basis for sanctions or contempt.

**11.1.9 REMARKS OF COUNSEL**

While the Court is in sessions all remarks of counsel shall be addressed to the Court and not to opposing counsel or the Judge as an individual.

**11.1.10 ADDRESSING COURT AND WITNESSES**

While addressing the Court, lawyers shall at all times rise and remain standing at the counsel table or podium, at the instruction of the court. They shall in all jury cases stand at the podium while interrogating witnesses, except as may be necessary in handling or displaying of exhibits or demonstrating evidence.

#### **11.1.11 REMARKS DIRECTED TO COURT**

The Court shall be respectfully and properly addressed by title at all times; all objections and legal arguments by counsel shall be directed to the Court and, not to opposing counsel, and shall be impersonal in addressing the Court.

#### **11.1.12 CONDUCT AT BENCH**

Counsel shall never lean on the Bench or engage the Court in a confidential matter, except by permission or at the request of the Court.

#### **11.1.13 COUNSEL TO ADVISE CLIENTS AND WITNESSES**

Counsel shall advise their clients and witnesses of proper courtroom decorum, rules and procedure, and seek their full cooperation therewith. This will prevent possible embarrassment to the Judges as well as to the counsel and laymen.

#### **11.1.14 ADDRESSING JUROR BY NAME**

After jury voir dire no attorney shall address the jury or any juror individually by name.

#### **11.1.15 NO INTERRUPTIONS**

The trial attorney should refrain from interrupting the Court or opposing counsel until the statement being made is fully completed, except when necessary to protect his clients' rights on the record and should respectfully await the completion of the statement or opinion before undertaking to point out objectionable matter. Similar respect is to be accorded all witnesses during examination.

#### **11.1.16 NO ARGUMENT ON OBJECTIONS**

There will be no arguments on objections. If counsel desires to argue his point after making his objection or on being overruled on an objection, he shall ask the permission of the Court. Argument may then be permitted on objections at the discretion of the Court.

#### **11.1.17 KEEPING INFORMED OF PROCEEDINGS**

During the trial, all lawyers and parties shall keep themselves informed of the time of the commencement of any Court proceeding and should not expect any court attendant to notify them individually of such.

#### **11.1.18 APPROACHING THE BENCH**

It shall be improper to approach the Bench without first obtaining permission to do so.

#### **11.1.19 COUNSEL TO REMAIN IN ATTENDANCE**

Once an attorney has entered the courtroom and appeared before the Court counsel shall not leave without first obtaining permission to do so.

#### **11.1.20 UTILIZATION OF COUNSEL TABLE**

During the trial of a matter only those counsel participating in the cause then being heard together with the clients shall sit at the counsel table; counsel not participating in the case then under consideration shall not sit at counsel table but shall remain seated within the courtroom, or other locations by consent of the Court.

### **Rule 12 MISCELLANEOUS RULES**

#### **12.2.1 COMMUNICATIONS**

Request for copies of any document desired returned from Courts; Court Administrator, or District Clerk shall be accompanied by the number of copies of the document desired together with a stamped, self-addressed envelope. Requests for electronic versions may be made to the court's docket coordinator or the District Clerk's office. All electronically filed documents shall be "returned" in conformance with the electronic filing standards and software implemented by the State of Texas and the District Clerk's local technology e-filing guidelines.

#### **12.2.2 BUDGETS**

(a) The judge of each district and county court at law shall prepare an annual budget and submit such budget to the Local Administrative Judge (district or county court at law) for presentation to the Auditor, County Commissioners, and County Judge pursuant to Tex. Gov't Code §74.092(9).

(b) The judge of each district and county court at law shall authorize payments for expenditures to be made from each court's budget on forms provided by the County.

(c) The Local Administrative District Judge shall be responsible for budgeting and expenditures not included in a particular court's budget, including, without limitation, the "District Courts" budget (line items 010-436-000 *et. seq.*) and any subsequently created line item budget accounts related to the operations of the district courts generally.

(d) The Local Administrative County Court At Law Judge shall be responsible for budgeting and expenditures not included in a particular court's budget, including, without limitation, any "County Court At Law Courts" budget and any subsequently created line item budget accounts related to the operations of the county court at law courts generally.

**Rule 13**  
**ADOPTION - AMENDMENT - NOTICE**

**Rule 13.1      PROCEDURE FOR ADOPTION AND AMENDMENT OF LOCAL RULES**

**13.1.1    ADOPTIONS**

These Rules are adopted pursuant to the adoption clause, *infra*.

**13.1.2    AMENDMENTS**

These Rules may from time to time be amended in keeping with changes in the law, logistical problems and for other reasons as may be determined by the respective courts in keeping with the best interest of justice. All amendments will be published and approved in accordance with law and Rules of Administration of the Supreme Court of Texas, Texas Gov't Code § 74.092 and § 74.093 and same will be on file with the Presiding Judge, Tenth Judicial Region of Texas; the Supreme Court of Texas and the District Clerk of Bowie County, Texas.

**Rule 13.2      ADOPTION OR AMENDMENT BY LOCAL ADMINISTRATIVE JUDGE**

(a)      The Local Administrative Judge shall perform such duties as may be required by law, pursuant to Tex. Gov't Code § 74.092.

(b)      These Rules may, from time to time, be temporarily altered or suspended by the Local Administrative District Judge pursuant to other law (e.g., Texas Gov't Code § 22.0035) or Texas Supreme Court Order. However, such temporary suspensions or amendments shall be published on the District Clerk's website and made available in the District Clerk's office during normal business hours.

**Rule 13.3      NOTICE AND PUBLICATION OF RULES**

The District Clerk shall publish a copy of these Rules on the District Clerk's website and make them available for download at no cost and copies shall at all times be available through the District Clerk's Office, New Boston, Texas, 75570-0248 at a cost set by the Local District Administrative Judge and the District Clerk's office.

**Rule 13.4      INTERIM ORDERS AFFECTING LOCAL PRACTICE**

Interim orders may from time to time be adopted for all, but never fewer than all courts in Bowie County, and may govern local practices in court proceedings when the parties have been given actual notice of any such orders and subject to the limitations of Rule 13.14.

**Rule 13.5      LOCAL PRACTICES NOT PUBLISHED IN THESE RULES**

(a)      The Local Rules of Administration, Practice and Procedure for the 5<sup>th</sup> – 102<sup>nd</sup> – 202<sup>nd</sup> Judicial District Courts and County Court At Law of Bowie County, Texas, are adopted by authority granted to District Courts and the County Courts at Law under Texas Gov't Code §74.092 and §74.093, the Texas Rules of Civil Procedure; the

Rules of Judicial Administration, Supreme Court of Texas and are supplemental to the Rules of Procedure adopted by the Texas Supreme Court, The Texas Rules of Civil Procedure, Texas Family Code and the Texas Code of Criminal Procedure, and have been approved by the Local Administrative Judge of Bowie County, Texas; the Supreme Court of Texas, and are on file as required by law.

(b) No Court may adopt a Rule of practice or procedure in conflict with these Rules, but may adopt additional practices or procedure, at the discretion of the presiding judge. Any additional practice or procedures must be in writing and filed with the District Clerk's office, shall be published on the District Clerk's website, and shall be made available in the District Clerk's office during normal business hours.

**ADOPTED AND ENTERED** pursuant to the Texas Court Administration Act this the 7<sup>th</sup> Day of December 2020 and are effective from said date, subject to approval from the Presiding Judge of the 10<sup>th</sup> Administrative Judicial Region and the Texas Supreme Court as required by Law.

Pursuant to Tex. Gov't Code § 74.093(a):

Approved 2-1 vote by District Judges December 7, 2020

Approved by County Court at Law Judge December 3, 2020

Signed: December 7, 2020.

  
4:11 pm, December 07, 2020  
Unique Digital Signature Identifier:  
37396650579225700-1607379073355

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**Bill Miller, Local Administrative District Judge  
Presiding Judge, 5<sup>th</sup> Judicial District of Texas  
Bowie County, Texas**