LOCAL ADMINISTRATIVE RULES
OF THE
DISTRICT COURTS
AND
COUNTY COURTS AT LAW
OF
NUECES COUNTY, TEXAS

RULE 1 – APPLICATION

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

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

RULE 2 – ASSIGNMENT OF CASES

2.1 DISTRICT COURTS

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

b. The District Clerk, Clerk of all Courts, shall randomly assign all District Court criminal cases in equal proportions of one-eighth (1/8) each.

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

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

b. The District Clerk, Clerk of all Courts, shall maintain a separate docket for all mental health cases. Each of the County Courts at Law 1, 2, 3, 4 and 5 shall preside over the mental health case docket on a monthly rotation.

2.3 COUNTY COURT AT LAW NO. 5

a. The District Clerk, Clerk of all Courts shall assign all juvenile and child protective services cases in County Court at Law No. 5, to be adjudicated and administered. During the temporary absence or inability of the Judge of County Court at Law No. 5 to preside in a particular case, the Local Administrative District Judge shall assign a District Judge to preside in juvenile court, otherwise V.T.C.A. Government Code subsection 25.0009 will apply.

b. The District Clerk, Clerk of all Courts, shall file civil and criminal appeals from the Municipal Courts and the Justice of the Peace Courts, and guardianships to County Court at Law No. 5, for adjudication and administration.

RULE 3 – TRANSFER OF CASES WITHIN THE COURTS

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

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

a. Any case arising out of the same transaction or occurrence as did an earlier case, particularly if the earlier case was dismissed for want of prosecution or voluntarily dismissed by Plaintiff at any time before final judgment;
b. Any case involving one or more of the same parties as an earlier filed case and requiring a determination of any of the same questions of fact or of law as those involved in the earlier case;
c. Any case involving a plea that a judgment in the earlier filed case is conclusive of any of the issues of the latter case by way of res judicata or estoppel by judgment, or any pleading that requires a construction of the earlier signed judgment or a determination of its effect;
d. Any suit concerning the duty of an insurer to defend;
e. Whenever a case is transferred to Nueces County by a court of another county, it shall be assigned in the manner specified by these Rules.
f. Regardless of which case was filed first, any suit affecting the parent-child relationship shall be transferred to the Court in which a divorce action involving the parties named in the suit affecting the parent-child relationship is pending.

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

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

RULE 4 – PRE-TRIAL PROCEDURES

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

4.2 Docket control conferences, pre-trial conferences, and hearings shall be attended by the attorney for the party who is authorized to act for the party in taking those actions listed in Rule 166, Texas Rules of Civil Procedure.

4.3 Each case filed in Nueces County Courts at Law and District Courts shall be governed by a discovery control plan and scheduling order, except for Attorney General Title IV-D cases. Such plan will be determined by the filing of a Case Information Sheet provided by the District Clerk.

RULE 5 – SEVERANCE

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

RULE 6 – TEMPORARY, EMERGENCY AND EX PARTE ORDERS

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

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

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

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

RULE 7 – SETTLEMENT AND ALTERNATIVE DISPUTE RESOLUTION

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

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

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

7.4 Attorneys of record, in civil cases, shall timely notify their clients of the availability of alternative dispute resolution procedure as provided by Texas Civil Practice and Remedies Code 154.021.

7.5 The parties may agree upon a procedure and the name of the impartial third party or parties to implement the procedure; however, in the absence of such agreement the Court may, on

its own motion, upon notice and hearing, designate a procedure and name the impartial third party or parties.

RULE 8 – UNCONTESTED CASES AND MOTION

8.1 The settlement of cases and motions is encouraged.

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

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

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

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

RULE 10 – FEES FOR INDIGENT REPRESENTATION

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

RULE 11 – CRIMINAL CASES; ASSIGNMENT OF RELATED PROSECUTIONS

11.1 After random assignment, the Clerk shall reassign any new felony indictments or informations to the Court having a lower pending cause number on the same defendant.

11.2 After random assignment, the Clerk shall reassign any new complaint in a Misdemeanor case to the Court having the earliest pending complaint or information, on the same defendant.

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

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

11.5 Subject to Rule 2, when an indictment or information is filed against one or more defendants in a case that is related to another criminal case or cases involving one or more co-defendants and the same criminal episode, offense or event, upon motion, including the

Court's own motion, any Court to which any of said cases has been assigned may order that all such related cases be transferred to the Court having the lower cause number.

RULE 12 –SUBSTITUTION OF/WITHDRAWAL OF COUNSEL IN CRIMINAL/CIVIL CASES

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

RULE 13 – IMPANELING JURIES

13.1 Each Court shall preside over the qualifications of petit jurors and the assignment of jury panels to its court, pursuant to the plan on file with the District Clerk.

RULE 14 – MEETINGS OF THE JUDGES OF THE COUNTY

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

RULE 15 – COURT STAFF

15.1 The Local Administrative District Judge shall supervise the Office of Court Administrator and shall be responsible for administrative matters peculiar to the Courts, including case flow procedures and operations of the Court Administrator/coordinator management program.

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

15.3 Court Staff includes the Court Coordinator, Bailiff, Court Reporter(s), and such other staff necessary to support the particular Court; and who shall serve at the pleasure of the Judge of the particular Court. Court staff shall perform duties assigned them by the Judge, or with the consent of the particular Judge, by the Court Administrator or Local Administrative Judge. Court staff shall not perform judicial functions.

15.4 The Local Administrative Judge, as appointed by the Board of Judges, or their designee, shall serve as the Emergency Services Essential Personnel for the Nueces County District Courts and County Courts at Law. Notification shall be provided to Human Resources and the Emergency Management Coordinator of the Emergency Management Office, and shall update same as applicable.

RULE 16 – CONDUCT AND DECORUM OF ATTORNEYS BEFORE THE COURT

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

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

16.3 Counsel or the parties shall not lean on the Bench, sit on rails, banister or counsel tables, or appear to engage the Court in a confidential manner.

16.4 Counsel in attendance of Court shall dress in a dignified and professional manner (suit and tie for men, professional dresses/suits for women).

16.5 Counsel shall advise their clients and witnesses of the formalities of the Court and appropriate attire.

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

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

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

16.9 During Court sessions, counsel shall address the Court and not one another.

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

16.11 While Court is in session, there shall be:

a. No smoking or use of other tobacco or vaping products;
b. No reading of newspapers, magazines, computers or phones, however attorneys and *pro se* litigants are permitted to use their computers and other electronic devices in presenting their cases;
c. No propping of feet on counsel tables or chairs;
d. No loud noises, talking, laughing or inappropriate comments; and
e. No gum chewing or eating.

RULE 17 – CAMERAS IN COURT

17.1 The Judge of each trial court on the 7th, 8th, and 9th floors and County Court at Law No. 5 shall determine whether proceedings in the courtroom are televised, recorded or

photographed, in accordance with the guidelines promulgated by the Supreme Court for civil cases, and following T.R.C.P. 18(c).

RULE 18 – JUDICIAL BYPASS PROCEDURES UNDER CHAPTER 33, FAMILY CODE

18.1 Judicial Bypass Procedures shall comply with Chapter 33, of the Texas Family Code.

RULE 19 STANDING ORDERS REGARDING CHILDREN, PROPERTY AND CONDUCT OF THE PARTIES

19.1 Nueces County District Courts have adopted Standing Orders regarding children, property and conduct of the parties, applicable in every divorce suit and suit affecting the parent-child relationship filed in Nueces County, and subject to enforcement as orders of the Court.

19.2 The Standing Orders referenced in 19.1 are located as filed on May 2, 2023 at: https://www.nuecesco.com/home/showpublisheddocument/21061/638326257095170591

RULE 19a STANDING ORDER REGARDING NUECES COUNTY COURTS AT LAW

19a.1 In cases filed on or after September 1, 2020, where damages sought exceed $250,000, a forty-five (45) day notice is required if a jury greater than six (6) is requested. Failure to notify the Court may result in imposition of the opposing party's fees, costs and expenses incurred in resetting the case to obtain a panel large enough to select twelve (12) jurors, proceeding with a six (6) person jury and/or other sanctions.

RULE 20 PROTOCOL FOR DETERMINING PRIORITY OF CASES SET FOR TRIAL

The Judges of the District Courts of Nueces County recognize that an attorney may have two or more cases set for trial on the same date in different courts. To resolve conflicting trial settings involving the same attorney, the priority of cases shall follow Texas Government Code 23.101.

20.1 Duty of Counsel

a. Counsel of record have a duty to timely and promptly inform the affected Courts of any conflicting jury trial settings, not later than 10 days before trial.
b. The mere setting of a case for jury trial on a date that counsel already has a jury trial setting in another case in another Court is not, in and of itself, a basis for a continuance of either or both cases.

RULE 21 ELECTRONICALLY TRANSMITTED PLEADINGS AND DOCUMENTS

21.1 Pleadings and documents may be filed by electronic transmission with the appropriate District or County Court Clerk and shall be recognized and treated as originals, subject to 51.806(b), Texas Government Code.

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

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

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

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

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

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

21.8 Court costs and fees for such filings are due when the pleading is received and may be paid in cash, credit card, check or money order, or may be credited against court costs posted in advance by a party; but filing fees must be paid or accessed against a credit card no later than 7 days of the filing.

21.9 Requests for a Jury and payment must be made before the case is set for a jury trial.

21.10 Courts may send Notices and Dismissals for Want of Prosecution dockets electronically.

21.11 The Technology Standards approved by The Judicial Committee on Information Technology are hereby adopted contemporaneous with this rule and are incorporated herein by reference for all purposes, including any future revisions.

RULE 22 COURT HEARING PARTICIPATION BY VIDEO CONFERENCE

22.1 Application. The following rules govern appearances and participation in court hearings by video conference for Nueces County District Courts and County Courts at Law.

22.2 Purpose. To provide parties, witnesses, attorneys, and the public with the greatest access to justice; to reduce costs to litigants; to accommodate witness testimony; to foster greater efficiency for lawyers and the Court; to safely provide timely access to justice; to avoid case backlogs and unnecessary delays; and in the interest of the safe and efficient administration of justice.

22.3 Authority. Pursuant to Rules 3a and 21d, Texas Rules of Civil Procedure, the Nueces County District Courts and County Courts at Law adopts these local rules allowing, but not mandating, court hearing participation by video conference.

In court proceedings in which oral testimony is heard, the Court will allow a court proceeding by video conference where good cause is shown considering factors such as:

a. Case type;

b. Court proceeding type;
c. The number of parties and witnesses
d. The complexity of the legal and factual issues;
e. The type of evidence to be submitted if any;
f. Technological restrictions such as lack of access to or proficiency in necessary technology;
g. Travel restrictions such as lack of transportation, distance, inability to take off work;
h. Whether a method of appearance is best suited to provide necessary language access services for a person with limited English proficiency or accommodations for a person with a disability;
i. Any previous abuse of a method of appearance; and/or
j. The agreement of the parties.

22.4 Remote Participation. Subject to constitutional limitations and review for abuse of discretion, Nueces County District and County Courts at Law may allow any person; including but not limited to a party, attorney, witness, court reporter, court coordinator, probate assistant, interpreter, district clerk, county clerk, or other Nueces County employee providing judicial support to the court, involved in any hearing or other proceeding of any kind, to participate remotely by video conference.

a. To participate by video conference, lawyers, parties, and witnesses must appear on camera while the case is called and heard. Appearances by witnesses solely by audio means are not allowed.
b. Counsel, whose clients or witnesses appear by video conference, shall provide adequate instructions on video conference technological requirements prior to the commencement of the hearing. Failure to prepare clients and witnesses prior to the hearing may waive their appearances or may result in the proceeding being reset or rescheduled for an in-person proceeding.
c. No person shall operate a motor vehicle while a case is called and heard.

22.5 Sworn Testimony. Nueces County District and County Courts at Law may consider as evidence sworn testimony given remotely, outside the courtroom, by video conference.

a. Witnesses appearing by video conference must be connected to audio and video. Witnesses must be on camera. Witness testimony solely by audio means is disallowed.
b. Witnesses shall not communicate with any person, including by text message, during their testimony. Failure to adhere to this rule may waive the witness's testimony.

22.6 Online Evidence Sharing. Any exhibits a party intends to offer as evidence at a video conference hearing shall be e-filed and pre-marked in a PDF format with the District Clerk prior to the commencement of the court proceeding and as soon as possible after receipt of the video conference hearing invitation, with copies transmitted to all parties and the official court reporter of the court.

Exhibit Designation Instructions

a. Pre-mark exhibits by designating the first letter of the party, a dash and an Arabic numeral (SX-1, DX-1, PX-1, RX-1, OAG-1), and a brief description of each exhibit.
b. Confer with opposing counsel or party to determine which exhibits can be offered with no objections.
c. If a decision is made during the course of the proceedings to not offer an exhibit that has been pre-marked, a notation will be made of a "Skipped" exhibit; do not adjust the numbers of the exhibits already pre-marked.
d. Place the exhibit number or sticker, on the lower right side of the document if possible.
e. If material will be covered in that area, place the number or sticker along the right side or somewhere on the bottom margin of the document. Avoid numbering or placing exhibit stickers along the left side of the page or the back.
f. If marking a photograph, use an area that does not obstruct the focal point of the exhibit or affix the photograph on an 8.5 x 11' sheet of white paper and place the sticker on the lower right-hand corner of the page.
g. For multi-page exhibits, staple together if possible; the first page must contain the number of pages for that exhibit. For example, the first page of a five-page exhibit would be numbered "PX-1 of 5" or "OAG-1 of 5."
h. When marking a document that has a binder or cover on it, please place the exhibit number or sticker on the front page, not on the binder or cover.
i. If exhibits are not e-filed in time for a hearing, the hearing may be postponed until said exhibits are e-filed.
j. All audiovisual recordings shall be submitted in MP4 format. Please ensure that your audiovisual exhibits are playable.
k. During the proceeding a party may offer rebuttal evidence not previously e-filed. The Court will address said exhibit at the time it is offered as evidence.

22.7 Hybrid Court Hearing Policy. Unless otherwise directed by the Court in writing, attorneys, parties, and witnesses may participate in court hearings or other court proceedings either by video conference or in person at the Nueces County Courthouse, 901 Leopard Street, Corpus Christi, Texas.

a. Persons participating by video conference should log into the court session at least 10 minutes before the court setting to be admitted before the court session begins. Otherwise, participants will be admitted into the video conference when their case is called not when the general court session begins, and other cases are called.
b. Persons participating by video conference should be correctly identified with their name.
c. A participant experiencing problems with the internet or with the video conference connection during the hearing should call the court manager who will be on the video conference hearing or the court clerk.
d. Members of the public and non-participating court attendees are not permitted into the video conference session (i.e., the electronic well of the court) but may view court proceedings live, consistent with the open courts mandate of the Texas Constitution, in person.

e. The Court's YouTube channel may also be accessed through the Nueces County's website, subject to request with prior court approval.

22.8 Interpreter. Advise the court whether an interpreter is needed.

22.9 Jury Trials and Criminal Cases. Jury trials will be held in person. All other criminal matters may be held in person or via videoconferencing if requested by the attorneys, subject to the Court's discretion and approval.

22.10 Recordings. All persons attending or viewing court proceedings are ordered not to record any portion of the court proceedings. Only the court reporter can record court proceedings and provide the official record. Any violation of this order is subject to contempt hearings.

22.11 Other Provisions. Subject to further orders by the Texas Supreme Court and/or the Texas Court of Criminal Appeals, all other statutes and rules governing the procedures for civil and criminal court appearances and participating remain unchanged.

Effective Date: October 10, 2024

Hon. Nanette Hasette
Local Administrative Judge
28th District Court

Hon. Bobby Galvan
94th District Court

Hon. Jack Pulcher
105th District Court

Hon. Susan Barclay
117th District Court

Hon. David Klein
148th District Court

Hon. Inna Klein
214th District Court

Hon. David Stith
319th District Court

Hon. Missy Medary
347th District Court

Hon. Todd Robinson
County Court at Law No. 1

Hon. Lisa Gonzales
County Court at Law No. 2

Hon. Deanne Galvan
County Court at Law No. 3

Hon. Mark H. Woerner
County Court at Law No. 4

Hon. Timothy J. McCoy
County Court at Law No. 5