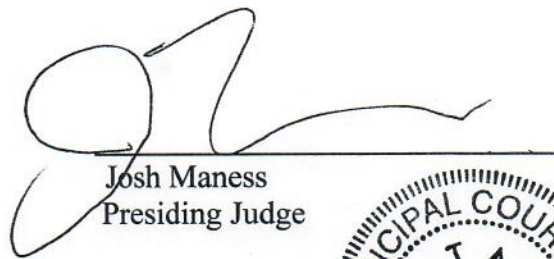


BE IT KNOWN that on this, the 20th day of July 2020, pursuant to statute and regulation, the Municipal Court of the City of Waskom, Texas has adopted its LOCAL RULES OF COURT, in order to provide efficiency, uniformity, fairness and justice in conducting the business of the court.

  
Josh Maness  
Presiding Judge



## TABLE OF CONTENTS

RULE ONE –AUTHORITY AND HOURS- PAGE 4

RULE TWO -COURTROOM DECORUM- PAGES 5-6

RULE THREE -ENTRY OF PLEA -PAGE 7

RULE FOUR –NOTICE- PAGES 7-8

RULE FIVE -COURT FILES AND DOCUMENTS- PAGE 8

RULE SIX -PRETRIAL SETTINGS- PAGES 8-9

RULE SEVEN -JUVENILE PROCEEDINGS- PAGE 9

RULE EIGHT -POST TRIAL PROCEEDINGS- PAGE 10

RULE NINE -SERVERABILITY AND CONSTRUCTION- PAGE 10

## RULE ONE

### AUTHORITY AND HOURS

#### 1.1 AUTHORITY FOR RULES.

Under the inherent power and duty of all Texas Courts as codified in Section 21.001 of the Texas Government Code, the following Local Rules of the Municipal Court of the City of Waskom (hereinafter Local Rules of Court) are promulgated and shall apply and govern any and all proceedings held within the Municipal Court of the City of Waskom, County of Harrison, State of Texas.

#### 1.2 APPLICATION.

The Local Rules of Court apply to each attorney, to each Defendant representing himself/herself (hereinafter referred to as "Pro Se Defendant") in the Municipal Court of the City of Waskom, to all Court staff, as well as to any and all witnesses or observers who appear in the Municipal Court of the City of Waskom. The Local Rules of Court are effective 1 March 2019.

#### 1.3 CITATION FORM.

These rules shall be known as the Local Rules of the Municipal Court of the City of Waskom and each rule may be cited as "Local Rules of Court" or "LRC."

#### 1.4 AUTHORITY OF THE MUNICIPAL JUDGE AND ASSOCIATE MUNICIPAL JUDGE.

The Presiding Municipal Judge and the Associate have all authority granted to them by state law for a Municipal Court of non-record. The Presiding Municipal Court Judge and Associate are also Magistrates for Harrison County and have all authority as Magistrates in Harrison County as set forth in state law.

#### 1.5 HOURS OF OPERATION.

The Court Clerk's Window shall be open from 8:30 am to 4:30 pm, Monday through Friday, with the exception of City observed holidays. Defendants who want to appear before the Judge, will contact the Court Clerk to schedule a time on the Court's docket. Defendants who are required to appear before the Judge to enter a plea, will be mailed a court date. The Judge cannot speak to any party regarding a case without both sides present.

## RULE TWO COURTROOM DECORUM

#### 2.1 FORMAL OPENING.

The Court will only have a formal opening when the Court is conducting Bench Trials or Jury Trials. The Court shall be brought to order by formal announcement by the Court Clerk, requiring all present in the courtroom to rise as the Judge takes the Bench.

## 2.2 CONDUCT REQUIRED OF ALL PERSONS ATTENDING COURT (INCLUDING COURTROOM WAITING AREAS).

Court is in session whenever the Judge is on the Bench. While the Court is in session, unless the Judge directs otherwise, the following conduct must be observed:

- A. No smoking or use of tobacco products, including snuff, chewing tobacco, or vapor cigarettes.
- B. No reading of extraneous materials, such as books, newspapers or magazines, cell phones or tablets
- C. No propping of feet or sitting on tables, railings, or on the backs of chairs.
- D. No loud noises.
- E. No Foul language
- F. No eating of food, drinking of beverages (beverages are permitted at counsel table), or chewing and/or popping of gum.
- G. No standing in the Courtroom, particularly in front of the Bench, except when addressing the Court, or by direction of the Judge, or as necessitated by the business of the Court.
- H. No gestures, facial expressions, or sounds indicating approval or disapproval of a ruling by the Court, a comment of the witness, or a comment/question by Counsel.
- I. No inappropriate attire, including shorts, tank tops, sleeveless shirts, T-shirts, low pants with underwear showing, and/or inappropriate "message" shirts. (Shorts of modest length and T-shirt with sleeves and no messages are acceptable for non-trial settings.)
- J. No unattended children in the Courtroom.
- K. No cellular telephones are to ring and no pagers are to sound in the Courtroom. Cellular telephones and pagers must be silenced.
- L. No hats or head coverings including hoodies, scarves, bandanas or do-rags shall be worn in the Courtroom unless such items are religious in nature, or medical reasons.
- M. No person other than a peace officer or a security guard employed by the City of Waskom and on duty who has a current and appropriate license shall possess a weapon in the Courtroom. Others may be allowed to possess a weapon in the courtroom with the permission of the Judge.
- N. No person may make audio, video or photographic recordings of the court while in session without permission from the Judge. This also applies to jury deliberations.

## 2.3 CONDUCT REQUIRED OF ALL ATTORNEYS AND PRO SE DEFENDANTS.

Attorneys shall observe both the letter and the spirit of all canons of ethics and the Texas Disciplinary Rules of Professional Conduct, including those canons concerning improper ex parte communications with the Judge and those dealing with discussion of cases with representatives of the media. In addition:

A. Attorneys shall advise their clients and witnesses of all of the Local Rules of Court that may be applicable, and shall ensure that their clients and witnesses follow and fully adhere to all appropriate Local Rules of Court.

B. Pro Se Defendants (Defendants acting as their own attorney) shall conform their behavior to all provisions of the canons and ethics applicable to licensed Attorneys. Attorneys (and Pro Se Defendants) shall be dressed appropriately while in attendance of the Court.

C. All parties shall be prompt in arriving for Court and attending to Court business. Attorneys, Defendants represented by Attorneys and Pro Se Defendants shall be on time. The Defendant shall appear as required by law.

D. Failure of a Defendant to personally appear when required may result in a warrant being issued against the Defendant.

E. Once an individual has entered the Courtroom and appeared before the Court, whether Defendant, attorney, or witness, he/she shall not leave the Courtroom without obtaining permission from the Judge.

F. During trial or any hearing, any objections, arguments, and comments shall be directed to the Court and not to opposing counsel or to Pro Se Defendants. Any objections which have been raised during the hearing or trial shall be supported by a legal basis for such objection. Argument upon an objection will not be entertained except with the permission of the Court.

G. During trial or any hearing, all participants in the proceedings shall address each other and members of the jury without familiarity. The use of first names should be avoided. While addressing the Court, attorneys and Pro Se Defendants shall rise and remain standing at their positions at counsel table unless directed otherwise by the Judge.

H. During trial or any hearing, Attorneys and Pro Se Defendants shall remain seated at the counsel table at all times, except (1) when the Judge enters and leaves, (2) when addressing the Judge or Jury, (3) when objecting to the opposing party, (4) whenever it may be proper to handle documents, exhibits, or other evidence, or (5) when the Judge directs otherwise.

I. Attorneys (and Pro Se Defendants) shall not approach the Bench except after requesting and receiving permission from the Judge.

### **RULE THREE**

#### **Entry of Plea**

#### **3.1 PLEA.**

A plea of not guilty, guilty or no contest must be filed with the court within fifteen (15) business days following the issuance of the citation. All pleas shall be in writing. Not Guilty pleas may be made at the clerk's window, by mail, fax or email. Pleas may be made by the Defendant or by the Defendant's Attorney of Record. Defendants who have received a citation for an offense that requires, by law, a plea be made in open court shall do so.

**COURT PERSONNEL SHALL NOT ADVISE THE DEFENDANT AS TO WHICH PLEA TO ENTER**

### 3.2 REQUESTS FOR ASSISTANCE.

A motion by a party for the appointment of an interpreter pursuant to Texas Government Code Section 57.002, shall be made in writing at the time a plea is entered, or as soon as practical thereafter as a party becomes aware of the need for interpreter services.

## RULE FOUR NOTICE

### 4.1 RESPONSIBILITY.

It is the responsibility of all persons with business before the Court to determine the date, time and nature of each setting of the case(s) and to notify the court clerk of any changes of address of the Defendant or of counsel for the Defendant.

### 4.2 NOTICE.

Notice of date, time and nature of each setting shall be given by the Court Clerk to each party in writing, in person or by mail, addressed to the last known address of a party and counsel for the party. Notice shall be properly filed and maintained within the Court's file by the Court Clerk.

### 4.3 VERBAL REPRESENTATIONS.

Reliance by any party upon verbal representation from any Court personnel or a police officer concerning any matters shall not be binding as grounds for continuance, grounds for setting aside a warrant, or any other relief.

### 4.4 COMPLAINT.

A copy of the Complaint will be made available to the Defendant or counsel for the Defendant upon request to the Court Clerk. The Complaint shall be available to the Defendant or to counsel for the Defendant a minimum of 10 working days prior to a scheduled trial.

## RULE FIVE COURT FILES AND DOCUMENTS

### 5.1 FILES AND DOCUMENTS.

Defendants and their attorneys shall have access to Court files and documents during regular hours of the Court Clerk. The Clerk shall not release imaged documents to anyone except Court personnel, Attorneys of Record or their staffs, or the Defendant unless the documents are released pursuant to the Open Records Act or some other legal means.

## RULE 6 PRETRIAL SETTINGS

### 6.1 MOTIONS.

Pretrial Motions shall be filed in writing at the Court Clerk's Window, or by mail, fax or email. Pretrial motions must be relevant and specific as to the case involved.

### 6.2 HEARINGS.

Any requests for a hearing must be approved by the Judge. Failure to file pretrial Motions as indicated herein shall constitute a waiver of having those issues heard before trial.

### 6.3 DEADLINE TO FILE.

Unless Leave of Court has been granted, all pretrial Motions (except Motions in Limine) shall be filed at least two (2) business days prior to trial date, and responses thereto, if any, shall be filed at least two (2) days prior to trial date. If a pretrial Motion has not been ruled upon before trial date, such Motion shall be heard on the date of trial.

### 6.4 SERVICE.

Service of a Motion or Response may be made as provided by law. Each Motion or Response shall contain a Certificate of Service signed by the Movant indicating that a copy of such Motion or Response has been served upon the opposing party; the manner of service and the date of service.

### 6.5 SETTING THE HEARING DATE.

If a hearing prior to trial date is requested by a Movant and granted by the court, it shall be the responsibility of the Movant to obtain a hearing date from the Court Clerk and to timely inform the opposing party of the date and time of such hearing.

### 6.6 PRETRIAL CONFERENCES FOR PRO SE DEFENDANTS

All Pro Se defendants who have requested a jury trial, will be scheduled for a pretrial conference. The purpose of the conference is to provide the Pro Se defendant with information regarding procedures and processes used in the court during jury trials.

## RULE SEVEN JUVENILE PROCEEDINGS

### 7.1 JUVENILE DEFINED.

A juvenile is defined as someone who is at least 10 years of age and younger than 17 years of age on the date a citation was issued.

### 7.2 PARENTS PRESENCE REQUIRED.

A parent (includes a person standing in parental relation, a managing conservator, or a custodian) is required to be present with a juvenile at all Court proceedings.

### 7.3 NOTICE OF CURRENT ADDRESS.

The parent and child have a continuing obligation to give written notice of current address to the Court.

### 7.4 ALCOHOLIC BEVERAGE CODE.

A minor (anyone under the age of 21 years) may only enter a plea to an Alcoholic Beverage Code violation in open court.

## RULE EIGHT POST TRIAL PROCEEDINGS

### 8.1 ADMONISHMENT.

Pro Se Defendants are admonished to seriously consider retaining counsel to represent them on appeal.

### 8.2 INABILITY TO PAY FINE.

If a Defendant does not appeal the court's decision, but claims to be indigent, the Defendant must complete a form approved by the court and request a hearing (see Judge's Standing Order #4).

### 8.3 INDIGENCY DURING APPEAL.

If a Defendant is indigent or otherwise financially unable to pay the Appeal Bond, she/he may file an Affidavit of Indigency with the court and file a Motion to waive costs on forms approved by the court. Such Affidavit of Indigency and/or Motion to waive costs must be filed within the ten (10) day statutory period to file an Appeal Bond. A hearing on the Motion to Waive costs shall then be scheduled by the Court.

## RULE NINE SEVERABILITY AND CONSTRUCTION

### 9.1 SEVERABILITY.

If any provision of these policies, rules and regulations as contained in the Local Rules of Court or the application thereof to any person or circumstances is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of these policies, rules and regulations which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of these policies, rules and regulations are severable. In lieu thereof, there shall be added a provision as similar in terms to such illegal, invalid, unconstitutional and unenforceable provision as may be possible and be legal, valid, constitutional and enforceable.

### 9.2 INAPPLICABILITY TO CIVIL CASES.

The Local Rules of Court set forth herein are applicable to criminal proceedings only with the exception of RULE TWO (Courtroom Decorum).

### 9.3 CONSTRUCTION.

The Local Rules of Court shall not be construed so as to enlarge, diminish, modify, or alter the jurisdiction, powers, or authority of the Municipal Court of the City of Waskom.