

LOCAL RULES



MUNICIPAL COURT

CASS R. CALLAWAY

PRESIDING JUDGE

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Local Rules for the City of Hutchins Municipal Court

BE IT KNOWN that on this 1st day of January, 2011, pursuant to statute and regulation, the Municipal Court of the City of Hutchins, Texas has adopted its Local Rules of Court, in order to provide efficiency, uniformity, fairness and justice in conducting the business of the Court.

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 Hutchins (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 Hutchins, County of Dallas, State of Texas.

1.2 APPLICATION

The Local Rules of the 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 Hutchins, Texas, to all Court staff, as well as to any and all witnesses or observers who appear in the Municipal Court of the City of Hutchins, Texas. The Local Rules of the Court are effective January 1, 2011.

1.3 AUTHORITY OF THE MUNICIPAL JUDGE AND ASSOCIATE JUDGE

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

1.4 AVAILABILITY

A copy of these Local Rules shall be available at the Court Clerk’s window and on the City of Hutchins website.

1.5 CITATION FORM

These Local Rules shall be known as the Local Rules of the Municipal Courts of the City of Hutchins, Texas and each rule may be cited as “Hutchins Local Rule” or “H.L.R”

1.6 HOURS OF OPERATION

The Court Clerk’s window shall be open from 8:00 am to 5:00 pm, Monday through Friday, with the exception of City observed holidays. Defendants who want to appear before the judge or are required to appear before the Judge to enter a plea, will contact the Court Clerk either in person, by mail or email, to schedule a time on the Court’s docket. The judge cannot ethically speak to any party regarding the merits or facts of a case without both sides present.

RULE TWO: COURTROOM DECORUM

2.1 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 or chewing tobacco.
- B. No reading or extraneous materials, such as books, newspapers or magazines.
- C. No propping of feet or sitting on tables, railings, or on the backs of chairs.
- D. No loud noises and no disruptive conversation/talking while the Court is in session and/or the Judge is conducting a proceeding.
- E. No offensive, vulgar, racist, sexist or obscene language, except as evidence of conduct or testimony of facts in trial.
- F. No eating of food, drinking of beverages (beverages are permitted at counsel tables), 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 horseplay or disruptive behavior.
- I. 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.
- J. 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-shirts with sleeves and no messages are acceptable for non-trial settings.), no bare feet, no offensive, violent, obscene or suggestive slogans or pictures on clothing.
- K. No drug related images, symbols or affiliations on clothing or depicted on jewelry.
- L. No sunglasses, unless required by prescription.
- M. No unattended children in the Courtroom.
- N. No cellular telephones are to ring in the Courtroom. Cellular telephones must be silenced.
- O. No hats or head coverings including scarves, bandanas or do-rags shall be worn in the Courtroom unless such items are religious in nature.
- P. No person other than a peace officer employed by the City of Hutchins and on duty who has a current and appropriate license shall possess a weapon in the Courtroom.
- Q. 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.

Anyone violating this order may be asked to leave the Court and/or may be found in contempt of court and subject to a fine or jail or both pursuant to Section 21.002© of the TEXAS GOVERNMENT CODE.

2.2 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 dealings 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.
 1. Attorneys (and Pro se Defendants) shall not approach the Bench except after requesting and receiving permission from the Judge.

Anyone violating this order may be asked to leave the Court and/or may be found in contempt of court and subject to a fine or jail or both pursuant to Section 21.002© of the TEXAS GOVERNMENT CODE.

RULE THREE: NOTICE

3.1 RESPONSIBILITY

It is the responsibility of all personas 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.

3.2 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. A copy of each notice shall be marked as to the manner of its delivery, and shall be properly filed and maintained within the Court's file by the Court Clerk.

3.3 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 the counsel for the Defendant within 60 days of the date of the entry of a plea of Not Guilty, but no later than 24 hours prior to a scheduled trial.

3.4 SERVICE

Service of a Summons or Subpoena may be made as provided by law. Each Summons or Subpoena shall contain a Certificate of Service signed by the Judge indicating that a copy of such Summons or Subpoena has been served upon the defense; the manner of service; and the date of service.

3.5 REQUEST 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: PLEAS

4.1 PLEA

All pleas shall be in writing. A plea of not guilty, guilty or no contest must be filed with the court within twenty-one (21) calendar days following the issuance of the citation. Not Guilty pleas may be made at the clerk's window or by mail. 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, that a plea of No Contest or Guilty be made in open court shall do so. Court personnel shall not advise the Defendant as to which plea to enter.

4.2 PLEAS BY MAIL

Postmark dates shall be designated as the date a plea was entered. A fine payment shall constitute a plea of no contest (nolo contendere) according to 24.14 C.C.P.

4.3 DEFERRED DISPOSITION NOT REQUESTED

A Defendant pleading No Contest or Guilty and is not requesting a deferred disposition, may enter the plea in writing and sign a waiver of jury trial. The plea may be submitted to the court either at the Clerk's Window or by mail. Payment of fines and court costs are required at the time of the plea, unless other arrangements have been made by the Defendant.

4.4 DEFERRED DISPOSITION REQUESTED

A Defendant pleading No Contest or Guilty and is requesting that the Court grant a deferred disposition shall make his/her request in open court unless a deferred disposition is specifically allowed at the Clerk's Window under Judge's Standing Order No 5.

RULE FIVE: PRETRIAL SETTINGS

5.1 MOTIONS

Pretrial Motions shall be filed in writing at the Court Clerk's Window. Pretrial motions must be relevant and specific as to the case involved. Failure to file pretrial Motions as indicated herein shall constitute a waiver of having those issues heard before trial.

5.2 DEADLINE TO FILE

Unless Leave of Court has been granted, all pretrial Motions (except Motions in Limine) shall be filed at least three (3) 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.

5.3 PRETRIAL CONFERENCES FOR PRO SE DEFENDANTS

All Pro se defendants who have requested a jury trial or trial by court, 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 trials.

5.4 RECORD OF PROCEEDINGS

Hutchins Municipal Court is a court of record. A record of all trial proceedings, including hearings on pretrial motions, will be made by electronic recording.

5.5 FAILURE TO APPEAR

If the defendant fails to appear in person and announce ready for trial at the time the case is called without showing good cause, the Court will issue a failure to appear and require the defendant to post a cash bond for any future court settings. If defendant is represented by counsel who fails to appear and announce ready for trial on behalf of the defendant at the time the case is called for trial without showing good cause, the Court may issue a Show Cause Notice to the offending attorney and may require the defendant to post a cash bond. If the State fails to appear and announce ready for trial at the time a case is called for trial without a showing of good cause, the Court may proceed to trial or dismiss the case in the interest of justice.

RULE SIX: JUVENILE PROCEEDINGS

6.1 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.

6.2 PARENTS PRESENCE REQUIRED

A parent's presence is required for all juvenile court proceedings. 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.

6.3 NOTICE OF CURRENT ADDRESS

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

6.4 ALCOHOL BEVERAGE CODE

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

RULE SEVEN: POST TRIAL PROCEEDINGS

7.1 ADMONISHMENT

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

7.2 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 No. 8).

RULE EIGHT: MOTIONS

8.1 MOTIONS FOR CONTINUANCE

Continuances are governed by Chapter 29, Texas Code of Criminal Procedure. These rules augment but do not replace that code.

8.2 FORM

All motions for continuance shall be in writing and shall be filed with the clerk of the court. Such motions shall be filed immediately upon discovering the necessity for a continuance. Each motion shall contain: the cause number; the name of the defendant; the date and time of the setting to be continued; the specific facts justifying the continuance; an attached order for the judge's ruling; must be sworn to by a person having personal knowledge of the facts relied on for the continuance. (C.C.P 29.08). Any motion that does not meet these requirements will be denied without prejudice to the right to re-file.

8.3 DENIED MOTIONS FOR CONTINUANCE

A cash bond in the amount set by the court must be posted for any further court setting if the Motion for Continuance is denied and the defendant and/or attorney fail to appear as originally scheduled. It is the defendant's responsibility to determine whether the motion was granted or denied.

8.4 MOTIONS TO WITHDRAW

Any attorney who makes an appearance on behalf of a defendant or represents to the court that he or she is the attorney of record shall remain the attorney of record until a motion to withdraw as counsel or substitute other counsel is granted.

8.5 WITHOUT A HEARING

A motion to withdraw as attorney of record will be granted without a hearing only if the moving attorney:

- a. Files a certificate stating the last known address of the defendant; AND
- b. Files a written consent to the withdrawal signed by the client. If the attorney is unable to secure the client's signature, the motion must include a specific statement (1) of the circumstances that prevent the moving attorney from obtaining the client's written consent; and (2) that the client has been notified of the attorney's intent to withdraw by forwarding a copy of the motion to said client.

8.6 MOTIONS TO SUBSTITUTE

A written Motion to Substitute Counsel must be submitted by the attorney of record if said attorney contracts with another attorney to present the case for trial.

8.7 PRETRIAL MOTIONS

Pretrial motions shall be filed in writing in all cases. Every pretrial motion shall be accompanied by an order setting the motion for hearing (if a hearing is requested by either party) and an order for the judge's ruling on said pretrial motion. Failure to file pretrial motions as indicated herein shall constitute a waiver of having those issues heard before trial. Pretrial motions are governed by Chapter 28, Texas Code of Criminal Procedure. These rules augment but do not replace that code.

8.8 HEARINGS

At the discretion of the Court, pretrial motions may be set for a hearing upon written request of either party. All hearings on pretrial motions will be conducted immediately prior to the commencement of the trial on the merits.

8.9 DEADLINE TO FILE

Unless leave of Court has been granted, all pretrial motions shall be filed at least three (3) days prior to trial.

8.10 SUBPOENA/EVIDENCE

The State is responsible for the appearance of all necessary witnesses in response to a defendant's motion to suppress evidence. In all other cases, each party shall be responsible for the subpoena of its own witnesses and physical evidence.

8.11 FILING OF MOTIONS

All motions, including a Motion for Continuance, must be filed with the Clerk of the Municipal Court. Failure to do so will result in the motion being returned to the filing party. Motions will be accepted via facsimile, e-mail, mail or at the Court Clerk's office during business hours.

RULE NINE: SEVERABILITY AND CONSTRUCTION

9.1 SEVERABILITY

If any provision of these Rules or the application thereof to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or application of these Rules, which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of the Rules are severable.

9.2 INAPPLICABILITY TO CIVIL CASES

The Rules set forth herein are the Local Rules of Court applicable to criminal proceedings, and are not applicable to the civil cases and administrative hearings heard in the Hutchins Municipal Courts with the exception of Rule Two, Courtroom Decorum.

9.3 CONSTRUCTION

These Rules shall not be construed so as to enlarge, diminish, modify or alter the jurisdiction, power or authority of the Municipal Court of the City of Hutchins.