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Cheryl Fletcher

DISTRICT CLERK
HOPKINS COUNTY, TEXAS

**LOCAL RULES FOR THE DISTRICT COURTS
AND COUNTY COURT-AT-LAW OF
HOPKINS COUNTY, TEXAS**

Effective the 1st day of October, 2019

TO ALL APPEARING IN THE COURTS OF HOPKINS COUNTY, TEXAS:

The following rules have been adopted by the judges of the 8th and 62nd Judicial District Courts and the County Court-at-Law of Hopkins County, Texas, pursuant to Rule 3a, Texas Rules of Civil Procedure, and shall govern in all cases filed in these courts. When the terms “attorney” and “counsel” are used in these Local Rules, they include litigants who appear *pro se* representing themselves.

1. RULES OF THE TENTH ADMINISTRATIVE JUDICIAL REGION

The Rules of the Tenth Administrative Judicial Region of Texas, as they are amended from time to time, are hereby adopted and made a part of these Local Rules. A copy of the current version, as approved by the Supreme Court of Texas, is attached to and made a part of these Local Rules.

2. RULES OF DECORUM

A. General

1. All attorneys, litigants, and witnesses shall appear in court in appropriate dress. However, the judge of any court may relax the rules of dress in order to accommodate weather conditions.
2. Court is in session at all times when the judge is on the bench. When court is in session, the following rules of decorum apply:
 - a. No unnecessary noise is allowed;
 - b. No cell phone usage is allowed without permission from the judge
 - c. All media devices must be turned off
3. Food, drinks, and tobacco are not allowed in the courtroom at any time, with the exception that counsel and parties are allowed to have water at counsel tables and jurors are allowed to have bottled water.

B. Trials and Hearings

1. Unless authorized by the judge, attorneys shall address the court from counsel table, stand when addressing the court, stay away from the bench, and speak so they can be heard by opposing counsel and the court. Attorneys may approach the bench only with permission.
2. Counsel may never lean on the bench or act in a way that appears they are engaging with the judge in a confidential manner.
3. Counsel's remarks shall be to the court and not to the judge as an individual.
4. Once the court has ruled on any matter, no further argument is allowed unless expressly invited and allowed by the court.
5. During the trial of a case, counsel shall address their questions to the witnesses and their comments to the court, not to the opposing counsel or party. Side-bar comments are not permitted and will be considered an act of contempt of court.
6. The court may censure attorneys for side-bar remarks and attempted post-ruling arguments in the presence of the jury; such censure shall include in part that counsel is violating the court's rules furnished prior to commencement of the trial.
7. Counsel will receive a reasonable opportunity to present their arguments prior to the court's ruling, but counsel may not utilize such opportunity to bring matters to the jury's attention that are not in evidence.
8. Attorneys are responsible for knowing dates and times for court settings and shall be punctual in attendance at such proceedings.
9. Counsel shall comply strictly with Rules 8 and 10, Texas Rules of Civil Procedure, in order to withdraw from a case.
10. Unless expressly excused by the court, all persons present during jury trials (including observers) shall remain seated in the courtroom until the court announces the court is in recess.

3. COURT ASSIGNMENTS IN CIVIL CASES

The District Clerk shall allocate all civil cases between the 62nd Judicial District Court and the Hopkins County Court-at-Law on a percentage of cases filed. For every five cases filed, the 62nd Judicial District Court will receive four cases and the Hopkins County Court-at-Law will receive one case.

If a case to be filed in the Hopkins County Court-at-Law is outside the jurisdictional limit of the court, the District Clerk will file that case in the 62nd Judicial District Court and assign the next case to the Hopkins County Court-at-Law.

For cases filed prior to September 1, 2020, the Hopkins County Court-at-Law has jurisdiction over civil cases in which the matter in controversy exceeds \$500 but **does not exceed \$200,000**, excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs, as alleged on the face of the petition. Tex. Gov. Code 25.003

For cases filed on or after September 1, 2020, the Hopkins County Court-at-Law has jurisdiction over civil cases in which the matter in controversy exceeds \$500 but **does not exceed \$250,000**, excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs, as alleged on the face of the petition. Tex. Gov. Code 25.003

Notwithstanding the preceding allocation, all civil law cases that are refiled following nonsuit or other dismissal shall be filed in the same court previously assigned.

4. COURT ASSIGNMENTS IN TAX CASES

The District Clerk shall assign all tax cases to the Hopkins County Court-at-Law.

5. COURT ASSIGNMENTS IN CPS CASES

The District Clerk shall assign all CPS cases to the 62nd Judicial District Court.

6. COURT ASSIGNMENTS IN ATTORNEY GENERAL CHILD SUPPORT CASES

The District Clerk shall assign all Attorney General Child Support cases to the Hopkins County Court-at-Law.

7. COURT ASSIGNMENTS IN FAMILY LAW CASES

The District Clerk shall allocate all family law cases between the 62nd Judicial District Court and the Hopkins County Court-at-Law on a percentage of cases filed. For every five cases filed, the Hopkins County Court-at-Law will receive three cases and the 62nd Judicial District Court will receive two cases.

Notwithstanding the preceding allocation, all family law cases that are refiled following nonsuit or other dismissal shall be filed in the same court previously assigned.

Similarly, all requests for custody modification shall be filed in the same court in which the original custody order was entered, if the original order was entered in Hopkins County. If the original order of custody was entered in a county other than Hopkins County, the District Clerk shall file the case in accordance with the general allocation procedure prescribed above.

Nothing in these rules prohibits a party from filing a motion to recuse or disqualify a judge.

8. COURT ASSIGNMENTS IN FELONY CRIMINAL CASES

The District Clerk shall assign all felony criminal cases to the 8th Judicial District Court in those cases in which the Grand Jury returns true bills of indictments and in those cases where the District Attorney files the case upon Information after, or contemporaneously with, a waiver of Indictment signed by the Defendant and filed with the Clerk.

9. ASSIGNMENT OF JUDGES & STATUTORY CONCURRENT JURISDICTION

Effective October 1, 2019, the judges of the 8th Judicial District Court and the 62nd Judicial District Court have been assigned to the Hopkins County Court-at-Law and the judge of the Hopkins County Court-at-Law has been assigned to the 8th Judicial District Court and the 62nd Judicial District Court. The local administrative district court judge and the local administrative statutory county court judge independently promulgate the same local rule for Hopkins County. **An assigned judge may hear any matter in any court they have been assigned to.**

Each of these courts retains their full scope of subject matter jurisdiction provided by the Texas constitution and by statute, including any areas of concurrent jurisdiction between the courts.

10. DISQUALIFICATION OF JUDGE

There may be times when the judge of the court to which a case is assigned pursuant to these Local Rules is disqualified from sitting in the case pursuant to Rule 18b(a), Texas Rules of Civil Procedure. The grounds for disqualification will be submitted to the judge for determination prior to transfer of the case to another court with concurrent jurisdiction. When transfer is appropriate, the District Clerk will reassign the case based on the next available court in rotation. This rule does not alter or interfere with the requirements under Rule 18a, Texas Rule of Civil Procedure, that all motions to recuse and to disqualify must be forwarded to the Presiding Judge of the First Administrative Judicial Region for determination and reassignment regardless of whether the judge voluntarily recuses.

11. DISMISSAL DOCKETS: FAMILY LAW AND OTHER CIVIL CASES

Once each year, the District Clerk shall notify attorneys and pro se litigants in writing that their cases will be dismissed for want of prosecution unless good cause is shown, in writing, and within 30 days from the date shown on the District Clerk's notification, why the case should not be dismissed

for want of prosecution. This notification applies as follows: For divorce cases on file for over 12 months without entry of a final order and for all other civil cases on file for over 24 months without entry of a final judgment.

12. GENERAL

Nothing contained in these rules shall restrict the right of the district and county court-at-law judges to make other orders, not inconsistent with the laws of Texas, which are necessary in the judge's discretion for the orderly disposition of court business.

Effective the 1st day of October, 2019



**HON. EDDIE NORTHCUTT
8th JUDICIAL DISTRICT COURT**



**HON. WILL BIARD
62nd JUDICIAL DISTRICT COURT**



**HON. CLAY HARRISON
HOPKINS COUNTY COURT-AT-LAW**