

CLAY COUNTY JUSTICE COURT

LOCAL RULES

PART 1. GENERAL RULES

RULE 1.1. OBJECTIVES OF LOCAL RULES

In accordance with the provisions of Section 27.061 of the Texas Government Code, requiring the justices of the peace in each county to adopt local rules of administration, and also Section 75.404 of the Texas Government Code, the Justice of the Peace, Precinct One in Clay County, adopts local rules to provide for administration of cases and for the assignment, docketing, transfer, and hearing of cases. As the sole justice of the peace office authorized in Clay County, the Justice of the Peace, Precinct One in Clay County (the Justice Court), has civil and criminal jurisdiction, county-wide. It is the objective of these Local Rules to provide for the efficient processing of cases that come before the Clay County Justice Court so that persons coming before the court have a meaningful opportunity to be heard, consistent with Chapter 45 of the Texas Code of Criminal Procedure and Part V of the Texas Rules of Civil Procedure governing practice and procedure in the Justice Court.

RULE 1.2. HOURS AND PLACES FOR HOLDING COURT

- A. Court shall be held at such times as may be determined expedient by the justice of the peace.
- B. Court shall be held at the Clay County Courthouse Annex Courtroom, 214 N. Main, Henrietta, Texas. If the court location is moved, a notice will be posted at the Annex Courtroom.

RULE 1.3. COURTROOM DEMEANOR

All persons in the courtroom shall conduct themselves with decorum and in such a manner so as not to interfere with or obstruct judicial activities or proceedings. All persons appearing before the Court shall, as far as practicable, appear in appropriate attire.

- (1) No one shall make gestures, facial expressions nor sounds indicating approval or disapproval of any ruling, person or conduct.
- (2) No one shall eat, drink, chew gum nor use tobacco, nor read newspapers in the courtroom.
- (3) No one shall wear a hat or cap in the courtroom.

RULE 1.4. ALTERNATIVE DISPUTE RESOLUTION

It is the policy of this state to encourage the peaceable resolution of disputes, and the Court may, on motion of a party or on the judge's own motion, refer a case for mediation.

Parties ordered to mediation must attend and should have authority to enter into a resolution.

RULE 1.5. MOTIONS FOR CONTINUANCE IN CIVIL AND CRIMINAL CASES.

Prior to filing a motion for continuance, the party seeking a continuance must confer with the opposing party or parties in an effort to secure an agreement to the delay. Except in case of emergency, a motion for continuance shall be in writing, supported by affidavit, and filed with the Court at least three (3) business days preceding the date of trial or hearing.

RULE 1.6. CONFLICTING ENGAGEMENTS OF ATTORNEYS

A. Attorney in trial in another Court.

- (1) An attorney who is, or is scheduled to be in trial in another court, will, in writing and as soon as the conflict becomes apparent, inform the Justice Court in which there is a conflicting setting of the case number and the court in which the case is being tried. When informed that an attorney is in trial, the Court will verify the assignment. The case will be placed on "hold" or reset, depending upon the circumstances.
- (2) If the attorney is not actually in trial as represented by the attorney or agent, the case may be tried

without further notice.

B. Attorney assigned to trial in two courts for the same date:

(1) It is the duty of the attorney to call the Court's attention, in writing, to any conflicting trial setting as soon as the conflict becomes apparent.

(2) The Justice of the Peace will agree on which case has priority, with consideration given to the following order:

(i) Jury Trials.

(ii) Criminal cases.

(iii) Cases given preference by statute.

(iv) Cases given preferential settings.

(v) Case with earliest filing date.

RULE 1.7. APPEARANCE OF COUNSEL CRIMINAL CASES

Retained counsel shall file an appearance as soon as possible after being retained. Attorneys appointed by the 97th District Court shall file a copy of the appointment order in the Justice Court, styled with the Justice Court case number. Appearance/Orders may be faxed to the Justice Court Clerk, at (940)214-4161.

RULE 1.8. WITHDRAWAL OR SUBSTITUTION OF COUNSEL

An attorney of record may withdraw from representation of a party only upon written motion for good cause shown. If another attorney is to be substituted as attorney for the party, the motion must provide the contact information for the substituting attorney. If no other attorney is to be substituted, the motion must be delivered to the party and contact information for the party must be provided in the motion.

RULE 1.9. RECORDING OR BROADCASTING OF COURT PROCEEDINGS.

Unless written permission is obtained from the Justice of the Peace, recording or broadcasting of court proceedings is prohibited.

PART 2. ASSIGNMENT AND TRANSFER OF CASES

RULE 2.1. ASSIGNMENT OF CASES ON DISQUALIFICATION (CIVIL AND CRIMINAL).

When presented with a proper motion, the Justice of the Peace shall request that the County Judge appoint a temporary Justice of the Peace to preside over the case until all issues are adjudicated or the case is appealed.

PART 3. ON CALL/MAGISTRATE DUTIES

RULE 3.1. FUNERAL HOME CONTACT PROCEDURE

Any funeral home, crematory or organ bank seeking Waivers, Orders or other assistance may file the request or supporting documents in person, by fax or email to the Justice of the Peace Office during normal business hours, Monday through Friday from 8:00 A.M. to 5:00 P.M. (Fax: 940/264-4164; Email: john.swenson@claycountytexas.com) After business hours contact the Clay County Sheriff's Dispatcher, at 940/538-5611, and ask for the on-call justice of the peace.

APPROVED:

DATE: January 1, 2015

John Swenson

Justice of the Peace Pct. 1

Clay County, Texas

