



EL PASO COUNTY LOCAL RULES For Criminal Courts

PART ONE – GENERAL RULES

RULE 1.01 **SCOPE, AUTHORITY, AND APPLICATION OF LOCAL RULES**

- (A) These rules are the Local Rules of the Courts of El Paso County, Texas. They shall govern proceedings in the District Courts, Specialty Courts, and the Statutory County Courts at Law of El Paso County, Texas, for the purpose of securing uniformity and fairness in those proceedings and to promote justice.
- (B) These rules are adopted by the trial judges of the district and county courts at law acting in council pursuant to the inherent power of courts to control and guide the trial and disposition of causes, and pursuant to the provisions of the Supreme Court's order of February 4, 1987, as amended, the Regional Rules of Judicial Administration, and to the provisions of the Court Administration Act, Section 74.093, Government Code, as they now exist, or as they may be hereafter amended.
- (C) These rules are standing orders of all district and statutory county courts of this county, now existing or as may be created hereafter. Knowing or intentional violation of these rules may be punished by contempt or other sanctions authorized by law or by rules of procedure as the trial judge may deem appropriate.
- (D) If any provisions in these rules are found to conflict with any statutes or other statewide rules, the statutes or statewide rules shall prevail.

RULE 1.02 **SELF-REPRESENTED LITIGANTS**

- (A) Any natural person proceeding on their own behalf without an attorney shall be expected to read and follow these Local Rules, the Texas Rules of Civil Procedure, the Texas Rules of Evidence, the Texas Code of Criminal Procedure, and the Texas Rules of Appellate Procedure, as may be appropriate in the particular case. Failure to comply may be sanctioned or punished in accordance with applicable provisions of all these rules. Self-represented litigants shall be responsible for providing the clerk with current addresses, email addresses, and telephone numbers, and shall also be responsible for providing copies of all papers filed to all other parties or attorneys. Such filed papers shall always contain the current address, email address, and phone number of the self-represented party. The

clerks of the courts shall provide a self-represented party a copy of this Rule 1.02 at the time a petition or an answer is filed. Courts may use video conferencing for remote hearings.

- (B) Resources to assist self-represented litigants may be found online or in the law library located at the Enrique Moreno County Courthouse. For those seeking the assistance of lawyers, it may also be helpful to contact the local El Paso Bar Association.

RULE 1.03 PRIVATE SERVICE OF PROCESS:

Process service must be handled in accordance with Rule 103 of the Texas Rules of Civil Procedure.

RULE 1.04 COURT SECURITY:

All persons entering the courtroom or suite of offices assigned to a court are subject to search by the bailiff or anyone else responsible for security. All counsel and parties shall be alert to security risks and shall notify the court or bailiff of any security concerns.

RULE 1.05 EMERGENCY AND SPECIAL SESSIONS; TEMPORARY ORDERS:

- (A) Except in emergencies, when the clerk's office is not open for business, no application for immediate or temporary relief shall be presented to a judge until it has been filed and assigned to a court as is provided in these rules.
- (B) If the judge of the court to which such case is assigned is absent or is occupied with other matters, such application may be heard by any other district or county court at law judge who may sit for the judge of the court in which the case is pending and who shall make all orders, writs and process returnable to the court to which the case is assigned.
- (C) Hearings on applications for temporary injunctions, temporary receiverships, and the like, shall be set in the court to which the case has been originally assigned by consulting with that court in compliance with these local rules.
- (D) All applications for ex parte relief shall state whether, within the knowledge of applicant and applicant's attorney, the opposing party is represented by counsel and, if so, the name of such counsel, and whether or not such counsel/party has been apprised of the application for ex parte relief.
- (E) Except for cases filed under the Texas Family Code, the party requesting such temporary relief shall be present in court at the time such relief is requested, unless the court waives this requirement for good cause shown.

- (F) 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 the assigned court.
- (G) Family cases are not governed by this Rule 1.05. See Part Four of these Local Rules.

PART TWO – LOCAL ADMINISTRATION AND LOCAL ADMINISTRATIVE JUDGE

- (A) The Local Administrative Judge shall be selected by the majority of vote of members of the Council of Judges at the regular meeting for the month of March of each odd-number year and shall serve terms of two years. A separate policy on the election process shall be passed by the majority of the Council of Judges.
- (B) The terms of office shall be from April 1 to March 31.
- (C) The Local Administrative Judge will perform the duties as outlined in Texas Government Code Sec. 74.092 and Rules 9 and 10(d) of the Rules of Judicial Administration.
- (D) The local administrative judge or a majority of the judges will call meetings of the judges at least once each month (generally the last Thursday of each month), and as needed. The local administrative judge shall preside over such meetings and in his/her absence the district or county presiding judge shall serve as temporary chair.
- (E) In order to give effect to the El Paso Council of Judges' policy of maintaining the status quo of existing dockets upon the change of the presiding judge of any court, the local administrative judge, upon a majority vote of the Council of Judges, shall have the authority to transfer any one or any number of cases from any court to another court of equal jurisdiction randomly selected by the Council of Judges or by the Regional Administrative Judge.
- (F) VEXATIOUS LITIGANTS –
 1. An individual deemed a vexatious litigant pursuant to Texas Civil Practices & Remedies Code Sec. 11.101 is prohibited from filing new litigation as a self-represented litigant unless the person obtains permission to file litigation from the local administrative judge.
 2. The clerk of the court, upon receipt of a petition for permission to file by a vexatious litigant, shall immediately deliver the petition to the local administrative judge.

PART FIVE – CRIMINAL CASES

RULE 5.01 ASSIGNMENT AND TRANSFER OF CASES

All cases shall be filed with the District Clerk or County Clerk in random order according to the percentages provided for in the most recent wheel allocations for the specific type of case.

- (A) Courts may exchange cases and benches to equalize their dockets or to specialize the types of cases assigned to a specific court.
- (B) Any case may be transferred to another court by order of the judge of the court in which the case is pending with the consent of the judge of the court to which it is transferred which is randomly selected by the Council of Judges or by the Regional Administrative Judge.
- (C) All pending misdemeanor cases shall be filed in the same county court. All pending felony cases shall be filed in the same district court. If pending cases are filed in multiple county or district courts, all pending cases should be transferred to the county or district court with the earliest filed case.

RULE 5.02 APPOINTMENT OF COUNSEL

Counsel will be appointed to indigent defendants as provided by the most recent “Standards and Procedures related to Appointment of Counsel” contained in the **El Paso County Indigent Defense Plan**.

RULE 5.03 ATTORNEY CONTACT INFORMATION

Attorneys representing defendants in criminal cases in El Paso County must register a current email address, physical address and phone number with the Council of Judges for the County of El Paso.

RULE 5.04 DURATION OF ATTORNEY REPRESENTATION

Once an attorney makes an appearance in a case or is appointed, that attorney shall represent the defendant until charges are dismissed, the defendant is acquitted, appeals are exhausted, or the attorney is permitted or ordered by the court to withdraw as counsel for the defendant after a finding of good cause is entered on the record.

- (A) Cases referred to PTD are not final until disposed of through a dismissal, plea or trial.
- (B) Trial cases are not final until all direct appeals have been exhausted or the defendant has indicated in writing that the defendant does not wish to pursue any further direct appeals.

- (C) Court appointed counsel is appointed through the filing of a Petition for Discretionary Review to the Texas Court of Criminal Appeals. If the Petition is granted, counsel's appointment continues until the issue on PDR is resolved.

RULE 5.05 PRIORITY OF CASES BETWEEN CRIMINAL COURTS

The following priority shall be observed by the respective courts when an attorney is set for trial in multiple courts:

- (A) Criminal Cases in which the defendant is detained. Priority should be given to the defendant that has been detained the longest.
- (B) Criminal Cases in which the defendant is not in detention. Priority is given to higher grade offenses and the age of the respective cases.
- (C) Priority among similarly situated defendants is determined as follows:
1. Priority to the defendant detained the longest;
 2. Priority to the defendant with the highest grade offense;
 3. Priority to the oldest case base on the date of the offense;
 4. Priority to the earliest set case.

RULE 5.06 ELECTION OF PUNISHMENT

Unless otherwise provided by a court's discovery order, an election of punishment may be submitted any time prior to the commencement of jury selection.

RULE 5.07 VOIR DIRE SHALL BE RECORDED

In all cases, voir dire shall be recorded by the court's official court reporter.

RULE 5.08 STANDARD DISCOVERY ORDER FOR MISDEMEANOR CASES

In every misdemeanor case filed in El Paso County, a standard discovery order will be filed and entered at the time of arraignment.

RULE 5.09 MOTIONS FOR CONTINUANCE

- (A) All motions for continuance must be in writing and sworn to by a person having personal knowledge of the facts relied on for the continuance.
- (B) All motions for continuance should be accompanied by a proposed order granting/denying the requested relief.

- (C) A case may be continued upon a showing of good cause which cause shall be fully set forth in the written motion and only for as long as necessary.
- (D) Motions for continuance based on the unavailability of witnesses must contain the information required by Chapter 29 of the Texas Code of Criminal Procedure.