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DISTRICT COURT
90th Judicial District
Young and Stephens Counties, Texas

HON. STEPHEN E. BRISTOW
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90th Judicial District Court
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AMENDED LOCAL RULES 9-1-2023

All Counsel is to communicate with the court via email: districtjudge@youngcounty.org. It is required that all parties practicing before this court provide a current and valid email address to the coordinator within ten (10) days of these rules being adopted. Although the email will be checked daily, we will only respond to disputed issues (including court settings, etc.) if all parties of record have been CC'd within the email. In order to prevent the appearance of impropriety or any ex parte communication, ALL communication (email and/or fax) must be CC'd to all parties involved in the case.

With the extremely heavy docket (criminal and civil) pending, I feel it is incumbent on me to implement the following rules in order to move the cases as expeditiously and effectively as possible:

1) COURT SETTINGS

- A) All settings will be scheduled through the court coordinator. Please call or email in advance in order to receive the dates/times on which your case may be heard. Once a court date is agreed upon by all counsel, please notify the coordinator immediately. A confirmation email cc'd to all parties will be required.
- B) Occasionally, it will be incumbent upon the court to set the case for hearing. All parties will be notified and counsel will be expected to be present on such date.
- C) If this court has a conflict with a case, all settings will be set pursuant to a visiting/assigned schedule. Due to the busy schedules and the expense related to bringing in a visiting/assigned judge, it will be mandatory that all counsel on the case be ready to proceed when their case is called.
- D) Except on prior approval of the Court, all matters concerning temporary orders in which the managing conservatorship is at issue, the parties shall be granted not more than one hour each to present their case. Only the party will be called.

In all other temporary matters, including modifications of temporary orders, the parties shall be granted not more than 30 minutes each to present their case.

Each attorney will call their own client for testimony. There will be no calling of the opposing party. In the case of a pro se litigant, the Court will hear from them first before cross by opposing counsel.

Counsel should not request an extended setting at the time the application for temporary relief is presented to the Court for scheduling unless, because of unusual circumstances, the time limits are unworkable or inappropriate for the case at hand. The Court shall determine the amount of time that shall be allotted for the hearing and counsel will be bound by that time.

- E) The Court encourages settlement of all cases. If you have a setting for a time slot, you must attempt to resolve the issues BEFORE your time slot starts. The Court will move on to the next case in the time slot provided to avoid a backing up of cases. Please arrive at least 30 minutes before your hearing is to start to discuss the case with opposing counsel in attempt to resolve issues.

2) CONTINUANCES

- A) Only the Court will cancel a setting. No party shall cancel a trial or hearing without the consent of opposing counsel and then only upon notification to the Court.
- B) Any continuance or changes in settings must be the agreement of all parties before they will be cancelled. Upon opposition to a continuance or rescheduling of a setting, a formal Motion for Continuance must be timely filed and copied to all parties and a hearing shall be held either in open Court or via conference call.

3) ORDERS

UPON FAILURE TO FURNISH THE COURT WITH A TEMPORARY ORDER, FINAL JUDGMENT, OR DECREE WITHIN THE APPLICABLE TIME PERIOD, THE COURT MAY, AT THE COURT'S DISCRETION, CONTINUE THE CASE OR PLACE THE CASE ON THE COURT'S DISMISSAL DOCKET.

- A) No order shall be submitted to the Court for approval without a hearing unless it has been approved by opposing counsel and is accompanied by the motion requesting the relief granted. If opposing counsel has not approved the order, there shall be an order setting the matter for hearing accompanying the motion and attorney fees can be awarded. If the opposing side is pro-se, a signature on the proposed order is not required.

- B) All Final Judgments/Decrees/Orders of the Court shall be reduced to writing by counsel designated by the Court within thirty (30) days after rendition, announcement of the Court's ruling, announcement of agreement/settlement in open Court and forwarded to opposing counsel for approval as to form. Within thirty (30) days after receipt by opposing counsel, orders shall be delivered to the Court for signature and filing.
- C) All temporary orders shall be reduced to writing within ten (10) days after rendition, announcement of the Court's ruling, announcement of agreement/settlement in open Court and forwarded to opposing counsel for approval as to form. Within ten (10) days after receipt by opposing counsel, orders shall be delivered to the Court for signature and filing.
- D) Agreed orders of any kind shall be approved by all counsel as to form and content. If counsel is unable to secure all opposing counsel's approval as to form, counsel may:
 - (a) File a motion for entry of the proposed judgment, order, or decree and secure a hearing for the same, with notice to all opposing counsel, pursuant to Rule 21 (a), Texas Rules of Civil Procedure. At a hearing, the Court may assess costs and attorney's fees within the Court's discretion; or
 - (b) Present the Court with the proposed judgment, decree, or order, together with a letter requesting the Court to sign the same if the Court has not received a written objection from opposing counsel within ten (10) days from the date of the letter. Each party who submits a proposed judgment for signature shall serve the proposed judgment and a copy of the letter on all parties who have appeared and remain in the case, in accordance with Rule 21 (a), Texas Rules of Civil Procedure. If the Court receives a written objection from opposing counsel within the stated time, the proponent of the judgment, decree, or order shall schedule a hearing for the entry of the same with the Court coordinator.

4) DIVORCE & SAPCR CASES

- A) The Court's Standing Order will accompany all family law pleadings and shall take effect the moment that the party receives notice of its filing.
- B) If there is a request for the Court to speak to a child, the parties will not bring the child to the Courthouse or Courtroom to wait for such conference. A special time will be reserved for the conference and the child should not miss any school if this can be avoided.

(5) CONFERENCE REQUIRED

- A) Except for motions expressly allowed by law to be filed ex-parte, before filing any motion, counsel for a moving party shall confer with the counsel for all parties affected by the requested relief to determine whether or not the contemplated motion will be opposed. Such conference is required for all motions except motions to dismiss the entire action or indictment, motions to suppress, motions for summary judgment and motions for new trial.
- B) All motions shall contain a certificate by the party filing same that efforts to resolve the dispute without Court intervention have been attempted and failed and shall set forth specifically the efforts taken by date, action and method. If an opposing party is pro se, and that party does not respond to efforts to confer, counsel may certify that the pro se party failed to respond.
- C) Any motion omitting such certificate shall not be set for hearing until such certification has been filed.

(6) ATTORNEY VACATION AND ATTORNEY CLE

Subject to the following provisions, an attorney designated either as the attorney in charge or lead counsel may designate days for vacation or Continuing Legal Education, during which time the attorney will not be assigned to trial or required to engage in pre-trial procedures.

- A) All designations must be in writing and filed with the Clerk and the Court Coordinator.
- B) All designations must be made at least sixty (60) days prior to the first day of the period designated.

Designation made pursuant to this rule will protect the attorney from trials scheduled during the designated period, unless an order specially setting the case for trial was signed prior to the designation being filed.

(7) ALTERNATE DISPUTE RESOLUTION

- A) No jury trial on the merits shall be conducted in any case until all contested issues have been referred to Mediation and Mediation has been unsuccessful. In non-jury cases, mediation will be at the discretion of the court and may be requested by the parties.

- B) It is anticipated that the parties will cooperate in referring such issues to a Mediator under terms and conditions mutually agreeable between the parties without the need for Court intervention. However, if the parties cannot agree, upon notification of the Court, the Court will appoint a qualified Mediator. C) Except on leave of Court, only the parties, an authorized agent, corporate representatives, insurance representatives, accountant or CPA, and attorneys shall attend. All parties with the authority to settle the case must be present.

(8) DISMISSAL DOCKET, INVOLUNTARY DISMISSAL

- A) Time. At least once a year, all cases in which there has been no activity on the file for 180 days shall be placed on the dismissal docket and sent a notice of the Court's intentions to dismiss the case for want of prosecution as provided by Texas Rule of Civil Procedure 165a. Written motions to remove the case from the dismissal docket must be presented to the trial judge prior to the notified date of dismissal.
- B) Dismissal. If no appearance or announcement is made when the case is called for trial, the case will be dismissed for want of prosecution at that time.
- C) Reset. Where motions to remove a case from dismissal docket are granted, the case shall be set for trial.

(9) REMOTE HEARINGS

On occasion, Parties and their Attorneys may wish to appear remotely. These will be only allowed with permission of the Court. NO CONTESTED matters will be allowed remotely. All email addresses must be provided to the Court Coordinator at least one business day prior to the hearing. Any exhibits or documents to be used in the hearing must be provided to opposing counsel AND the Court reporter one business day prior to the hearing. Documents that exceed 25 pages must be provided by mail or in person and not be sent via email. Each requested party will be provided notice 30 minutes prior to the hearing.

Any witnesses for a remote hearing need to properly attired and explained rules of Court prior to appearing

(10) EXHIBITS

All exhibits, whether written, audio or video must be in a form acceptable by Appellate Courts. (See Attached)

RULES GOVERNING CRIMINAL PROCEEDINGS IN DISTRICT COURT

1) Arraignment

A) Each Indictment will have attached to it an Order of the Court requiring appearance to determine if a defendant has an attorney and a second date for arraignment. If an attorney has been retained or appointed, please notify the Court of your representation as soon as practical after a defendant is served.

B) All defendants, their attorneys and bond persons are required to personally appear for the defendant's formal arraignment unless arraignment is waived as set out below. Arraignment may be waived in writing signed by the attorney and filed with the clerk at least forty-eight (48) hours before the scheduled an arraignment. For those who are served after the arraignment date, the defendant is to contact the Court coordinator for a new Court setting.

2) Pretrial

- A) A pretrial will be set on each case after arraignment. The District Attorney is requested to have discovery completed before a case may go on a pretrial docket. After discovery is complete, the defense and the state are requested to meet concerning the case and the state is requested to notify the defense of either a written offer or the state's intent not to make an offer in the case.
- B) A pretrial date will be set by the Court. Defendants and their attorneys must be present for the pretrial. E) The Court will set trial dates and will pick cases for trial. Cases will not necessarily be taken in docket order.

3) Counsel

- A) Counsel for indigent defendants shall be appointed pursuant to the provisions of the Young/Stephens County appointment of counsel plan adopted by the Courts of Young/Stephens County.
- B) No retained counsel shall be permitted to withdraw from a case without first presenting a written motion and obtaining from the Court an order of withdrawal. This withdrawal will not be allowed to interfere with the orderly disposition of cases.
- C) The duty to notify a defendant of his obligation to appear before the Court in a criminal case shall be the joint duty placed on both the surety and the defense counsel.

COURTROOM CONDUCT

Conduct Required of Counsel

1. Counsel shall timely appear before the Court at each setting and following each recess.
2. Counsel shall be appropriately attired for all Court proceedings.
3. Counsel shall rise and remain standing while addressing the Court.
4. Counsel shall address all statements, requests and objections to the Court and not to opposing counsel.
5. Counsel shall not argue objections in the presence of the jury without prior leave of Court.
6. Counsel shall not interrupt or talk over opposing counsel, except to state formal objections.
7. Counsel shall remain behind counsel table while examining witnesses. If requested by counsel, and approved by the Court, counsel may stand at a podium while examining witnesses.
8. Counsel shall neither make nor insinuate derogatory or insulting remarks about opposing counsel.
9. Counsel shall address the Court as "Your Honor" or "Judge" and except with leave of Court, shall refer to all counsel, parties and witnesses (except children) by their surnames, using such titles as Mr., Mrs., Miss, Dr., etc. as appropriate, and not by first names or nicknames, or any discriminatory or inappropriate classification.
10. Counsel shall neither exit nor enter the bar while Court is in session without prior permission of the Court or the bailiff. This rule does not apply during Docket Calls or during the Court's weekly criminal non-jury docket.
11. Counsel shall request leave of Court before approaching the bench or to approach the witness when necessary to work with documentary or tangible evidence.
12. Counsel shall not lean on the bench except as may be necessary to prevent jurors from overhearing bench conferences. Counsel shall not engage in personal discussions with the Court or each other during trial while in the presence of jurors, parties, or witnesses.
13. Counsel shall advise counsel's clients, witnesses and others subject to counsel's control of these rules of conduct and Courtroom decorum.

Conduct Required of All Other Persons

All other persons in the Courtroom during trials and other proceedings shall be attentive to the proceedings and shall refrain from any action which may disrupt the proceedings. Therefore, all such persons shall comply with the following

1. All persons shall be appropriately attired for Court proceedings. All persons entering the Courtroom shall be dressed in clothing reasonably befitting the dignity and solemnity of Court proceedings. Hats will be taken off.
2. No tobacco use in any form is permitted.
3. No edibles are allowed in the Courtroom, except as permitted by the Court.
4. No gum chewing is permitted.
5. No reading of newspapers, books, or magazines is permitted.
6. No propping of feet on tables or chairs is permitted.
7. No talking or unnecessary noise is permitted which interferes with the Court proceeding.
8. No person may, by facial expression, shaking or nodding of the head, or by any other conduct, express approval or disapproval of any testimony, statement or transaction in the Courtroom.
9. All persons shall rise when the judge enters the Courtroom, and at such other times as the bailiff shall instruct.
10. No person shall bring packages, suitcases, boxes, duffel bags, shopping bags or containers into the Courtroom without the prior approval of the bailiff or the Court.
11. No person shall be permitted any verbal or physical contact with a prisoner without the prior approval of the bailiff or sheriff.
12. No person shall bring radios, tape recorders, computers, cameras, or other electronic devices into the Courtroom unless the device is required for the Court proceeding and prior approval has been given by the bailiff or the Court. Cellular telephones and pagers are not permitted except by the attorneys in the case.
13. No children under the age of twelve (12) shall be permitted in the Courtrooms during any Court proceeding without prior approval of the Court.

Enforcement

The sheriff or bailiff of the Court shall enforce the rules of conduct and Courtroom decorum.