

RULES OF MUNICIPAL COURT

GRAND PRAIRIE, TEXAS

RULE ONE: PLEAS

- 1.1 Method of Entering Pleas.** Pleas may be entered in person at the Court, through the postal service, or deposited in the Night Drop Box. Pleas will not be accepted by fax or e-mail.
- 1.2 Written Pleas.** All pleas shall be in writing. If a plea of “guilty” or “no contest” is entered in person at the Court, it shall be initialed by the defendant.
- 1.3 Pleas by Mail.** Postmark dates shall be designated as the date a plea was entered or payment received. A fine payment shall constitute a plea of no contest (nolo contendere) per Article 27.14(c) Texas Code of Criminal Procedure.
- 1.4 Requests for Assistance.**
- a. A request for a language interpreter shall be made in writing at the time a plea is entered.
 - b. Requests for special assistance for persons with disabilities shall be made at the time a plea is entered.

RULE TWO: CONDUCT AND COURTROOM DECORUM

- 2.1 Order.** All persons entering the courtroom are required to behave in a dignified and respectful manner. Order shall be maintained at all times. Violation of this rule may result in a reprimand from the judge, expulsion from the courtroom, or a finding of contempt punishable by three days in jail and/or a \$100 fine.
- 2.2 Conduct Required of Counsel.** The Standards of Professional Conduct in Section IV of the Texas Lawyer’s Creed as promulgated by the Texas Supreme Court and the Texas Court of Criminal Appeals are adopted and incorporated herein by reference as guidelines for participating in litigation in the Municipal Court of the City of Grand Prairie, Texas.
- a. Counsel shall timely appear before the Court at each setting and following each recess.
 - b. Counsel shall be appropriately attired for all court proceedings.
 - c. Counsel shall rise and remain standing while addressing the Court.

- d. Counsel shall address all statements, requests and objections to the Court and not to opposing counsel.
- e. Counsel shall not argue objections in the presence of the jury without prior leave of court.
- f. Counsel shall not interrupt or talk over opposing counsel except to state formal objections.
- g. Counsel shall remain seated behind counsel table while examining witnesses.
- h. Counsel shall request leave of court before approaching the bench or to approach the witness when necessary to work with documentary or tangible evidence.
- i. Counsel shall neither make nor insinuate derogatory or insulting remarks about opposing counsel, witnesses or defendants.
- j. Counsel shall address the Court as “Your Honor” or “Judge. Except with leave of court, counsel shall refer to all counsel, parties and witnesses (except children) by their surnames, using such titles as Mr., Mrs., Ms., Dr., etc., as appropriate. The use of first names, nicknames, discriminatory or inappropriate references are prohibited.
- k. Counsel shall neither exit nor enter the bar while court is in session without prior permission of the Court or the bailiff.
- l. Counsel shall not lean on the bench except as may be necessary to prevent jurors from overhearing bench conferences.
- m. Counsel shall advise clients, witnesses and others subject to counsel’s control of these rules of conduct and courtroom decorum.

2.3 Conduct Required of All Persons. All persons in the courtroom during trials and other proceedings shall be attentive to the proceedings and shall refrain from any action which may be disruptive. All persons shall comply with the following:

- a. All persons shall be appropriately dressed for court in a manner reasonably befitting the dignity and solemnity of court proceedings. The following are prohibited: Tank tops; clothing which allows underwear, lingerie or midriffs to be seen; shorts; clothing that is tattered or soiled; hats, caps or do-rags; sunglasses.

- b. No tobacco use in any form is permitted.
- c. No bottles, beverage containers, paper cups or edibles are allowed in the courtroom except as permitted by the Court.
- d. No chewing gum is permitted.
- e. No reading of newspapers, books or magazines is permitted.
- f. No propping of feet on tables or chairs is permitted.
- g. No talking or unnecessary noise is permitted which interferes with court proceedings. No one may talk while the judge is speaking.
- h. No person may, by facial expressions, shaking or nodding of head, or by any other conduct, express approval or disapproval of any testimony, statement or transaction in the courtroom.
- i. All persons shall rise when the judge enters the courtroom and at such other times as the bailiff shall instruct.
- j. No person shall bring packages, suitcases, boxes, duffel bags, shopping bags or containers into the courtroom without prior approval of the bailiff.
- k. No person shall be permitted any verbal or physical contact with any other person who is taken into custody without prior approval by the bailiff or the Court.
- l. No person shall bring radios, tape recorders, computers, cameras, cellular telephones, pagers or other electronic devices into the courtroom without prior approval by the bailiff or the Court.
- m. Cellular telephones and pagers are to be turned “Off” or set in “vibrate” mode.
- n. No person shall recline anywhere in the courtroom unless specifically permitted to do so by the Judge.

2.4 Weapons. Absolutely no weapons shall be brought into the courtroom with the exception of those intended to be offered as evidence. Commissioned peace officers may bring weapons into the courtroom. The judge shall have the discretion to have any object removed from the courtroom.

RULE THREE: NOTICE

Notice. Notice of the date, time and nature of each setting shall be given to each party in writing, in person or by mail to the last known address of a party or counsel. It is the responsibility of all persons with business before the Court to appear promptly on the date and time given in the notice. No dispositions, extensions, scheduling of court appearances, or resets are permitted by telephone.

A telephone call does NOT constitute an appearance.

RULE FOUR: MOTIONS

- 4.1 Motions for Continuance.** Continuances are governed by Chapter 29, Texas Code of Criminal Procedure. These rules augment but do not replace that code.
- 4.11 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. Motions filed less than five working days prior to the scheduled event will be ruled on at the call of the docket with the filing party's presence being mandatory. 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. Any motion that does not meet these requirements will be denied without prejudice to the right to re-file.
- 4.12 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.
- 4.2 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. Attorneys who have posted bonds on behalf of clients must pay a \$50 per case charge if their motion to withdraw is granted.
- 4.21 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.

- 4.22 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.
- 4.3 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.
- 4.31 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.
- 4.32 Deadline to File.** Unless leave of Court has been granted, all pretrial motions shall be filed at least fourteen (14) days prior to trial.
- 4.33 Service.** It shall be the responsibility of the party filing any pretrial motions to serve opposing counsel or party with a copy of the motion within three (3) days of the filing of said motion. Service may be by hand delivery or certified mail.
- 4.34 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.
- 4.4 Filing of Motions.** All motions, including a Motion for Continuance, must be filed with the Clerk of the Municipal Court in triplicate. Failure to do so will result in the motion being returned to the filing party. Motions will not be accepted via facsimile, e-mail or other electronic transmission.

RULE FIVE: UNSCHEDULED APPEARANCES

- 5.1 In General.** Defendants or attorneys representing defendants will generally not be able to meet with either the prosecutor or judge in reference to specific cases outside the regular docket settings absent a showing of good cause.
- 5.2 Files.** Defendants and their attorneys have access to court files in the

presence of court personnel. Clerks shall not release files to anyone except court personnel. Files shall not be removed from the courtroom except with authorization by the judge or in the presence of a city attorney or his/her assistant.

RULE SIX: PRO SE PRETRIAL DOCKET

- 6.1 **In General.** Cases in which pro se defendants plead “not guilty” will be set for a pretrial docket prior to being set for trial.
- 6.2 **Pretrial Docket.** At the pretrial docket, the defendant will be given an opportunity to speak with the prosecutor and be made aware of options available in lieu of trial.

RULE SEVEN: ATTORNEYS

- 7.1 **Letters of Representation.** A letter of representation is required on every case for which an attorney is to appear on behalf of a defendant. An attorney will not be entered as the attorney of record on a case not specifically referenced in a letter of representation. If an attorney wants a copy of the letter of representation file-marked for their own records, one additional copy along with a self-addressed, stamped envelope must be submitted. No letter of representation is required if a motion to substitute counsel has been granted on a specific case.
- 7.2 **Attorney Plea Docket.** In general, an attorney who wants to meet with the prosecutor in reference to a specific case shall request a setting on the Attorney Plea Docket. Any attorney requesting a reset on a case set for the Attorney Plea Docket must present an individual motion for each case set on the docket. Such motions shall be governed by the rules governing continuances as set forth in Rule 4 herein.
- 7.3 **Vacations.** Where no court settings have taken place, each attorney desiring to ensure that they will not be assigned a court setting during a vacation period, not to exceed four (4) weeks, shall submit a vacation request in writing to the Office of the Presiding Judge at least thirty (30) days in advance of the scheduled vacation. Such request shall include:
- a. Vacation dates;
 - b. A list of all the attorney’s cases set for court including the defendant’s name, cause number, and date/time of setting; and
 - c. The name and address of the person(s) who will receive notice of

new court setting(s).

- 7.31 No Vacation Letter or Change in Vacation Date.** If no vacation letter has been filed, or if the attorney desires to change their vacation period, the attorney must present an individual motion for each case set during the new/different vacation period requested. Such motions shall be governed by the rules governing continuances as set forth in Rule 4 herein.
- 7.4 Failure to Appear for Court Setting.** Failure to appear for a court setting without prior approval from the Court may result in the issuance of a Show Cause Notice for Contempt of Court.

RULE EIGHT: JUVENILES AND MINORS

- 8.1 Presence of Parent/Guardian Required for Juveniles.** A person who is considered a juvenile (10-16 years of age) and is charged as a juvenile with an offense in the Municipal Court, must be accompanied by a parent or legal guardian at all appearances. No action will be taken unless the juvenile is so accompanied by such person. However, the Court may hear the case if satisfied that due diligence has been used to obtain the presence of the parent or legal guardian and the juveniles waives in writing the right to have a parent or legal guardian present.
- 8.2 Alcohol-Related Offenses by Minors.** A minor (under 21 years of age) charged with an alcohol-related offense under Chapter 106 of the Alcoholic Beverage Code must be present in open court before a judge to enter a plea of guilty or no contest. Furthermore, no person under 17 years of age may enter a plea on an alcohol-related offense with the parent or legal guardian being present. However, the court may hear the case if satisfied that due diligence has been used to obtain the presence of the parent or legal guardian, and the juveniles waives in writing the right to have a parent or guardian present.

RULE NINE: ANCILLARY DOCKETS

Authority to Create. The Presiding Judge may create Ancillary Dockets at such times and dates as may be deemed necessary.

RULE TEN: TRIALS

- 10.1 Trial Settings.** A request for trial may be made prior to or at the scheduled appearance date. The request shall specify either a jury trial or bench trial. All requests for bench trials must include a jury trial waiver.

- 10.2 Docket Order.** Subject to the discretion of the Judge calling the docket, the order of cases proceeding to trial (both bench and jury) shall be as follows: (1) Preferential settings; (2) Cases according to age, oldest first. All cases not reached will be noted as the Court's reset with no penalties assessed against either party.
- 10.3 Preferential Settings.** To receive a preferential setting, subject to the judge's approval, a party must meet one of the following criteria:
- a. Reside more than fifty (50) miles outside the city;
 - b. Have a condition, illness, or injury that would necessitate expedited disposition of the case;
 - c. Have a non-defendant witness who has appeared on at least one prior trial setting without the case having been reached; OR
 - d. Other special circumstances the Court deems worth of a preferential setting.
- 10.4 Required Appearance.** All interested parties must be present in the courtroom at the time the docket is called. Interested parties are defined as:
- a. Defendants
 - b. Defense counsel, if applicable
 - c. State's counsel
- 10.5 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 warrant for the defendant's arrest 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 for Contempt of Court 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.
- 10.6 Pretrial Motions.** Pretrial motions are governed by Rules 4.3 *et. seq.* and will be heard immediately prior to the commencement of the trial on the merits.
- 10.7 Record of Proceedings.** Grand Prairie Municipal Court is a court of record. A record of all trial proceedings, including hearings on pretrial motions, will be made by electronic recording.

- 10.8 Audio/Visual Equipment.** A defendant who wishes to use audio or visual aids must notify the Court at least one (1) week prior to trial so that arrangements can be made for the proper equipment to be available. However, the judge hearing the case shall make the final decision on what audio or video recordings, if any, are to be admitted into evidence.
- 10.9 Media Access.** As a general rule, broadcast media will not be allowed to record any court proceeding. Any exceptions may be made by the judge presiding in each particular case.

RULE ELEVEN: POST-TRIAL

- 11.1 Appeals.** A defendant found guilty in a trial has the right to appeal the verdict. Appeals from municipal courts of record are governed by Chapter 45 of the Texas Code of Criminal Procedure and Section 30.000014, *et. seq.* of the Texas Government Code.
- 11.2 Appellate Information.** The Clerk of the Court shall make available to each *pro se* defendant found guilty at trial a handout summarizing the appellate process.

RULE TWELVE: WARRANTS

Authority. A warrant for arrest will be issued for any defendant who fails to appear for a court date. If a defendant does not pay a fine, meet all the obligations of an installment payment plan, discharge the fine by performing community service as ordered by the Court, or complete any additional conditions ordered by the Court, a warrant for arrest will be issued.

RULE THIRTEEN: TRANSFER OF CASE

- 13.1 Complete Judicial Authority.** A Municipal Court Judge presiding over any court or docket shall exercise complete judicial authority of judgments, orders and process of said Judge's court.
- 13.2 Assignment of Judges.** The Presiding Judge may temporarily assign judges to exchange benches and to sit and act for each other in a pending court proceeding if necessary for the expeditious disposition of business in the court.
- 13.3 Transfer of Case(s).** A Judge may transfer any case set in his/her court to another court, provided the court to which the case is transferred accepts the case(s). No specified order of transfer need be entered of record.

RULE FOURTEEN: SUBSTITUTE JUDGES

Same Powers. The part-time Judges of the Municipal Court, when sitting, have the same powers as the full-time Municipal Court Judges, including the powers and duties of a magistrate. They shall serve in such courts and at such times as prescribed by the Presiding Judge.

The Rules of the Municipal Court of the City of Grand Prairie, Texas, as provided herein shall be effective January 10, 2011.

Signed and Ordered this _____ day of _____, 2011.

Nancy Robb
Presiding Judge, Municipal Court
City of Grand Prairie, Texas