

LOCAL RULES OF PROCEDURE

AND

RULES OF DECORUM

FOR THE

CRIMINAL DISTRICT COURTS

OF

TRAVIS COUNTY, TEXAS

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CHAPTER 1

GENERAL PROVISIONS

1.1 OBJECTIVE

These rules shall be known as the “Local Rules of Criminal Practice in the Criminal District Courts of Travis County, Texas”. These rules shall be applied to secure the effective administration of criminal practice in the Criminal District Courts, and to eliminate unjustifiable expense and delay in the disposition of felony criminal cases. These Rules are promulgated to provide a uniform system for the fair, impartial, and prompt disposition of matters properly before the Criminal District Courts, and to eliminate and achieve fairness for all parties with due regard to the rights of the State, the accused, the victim, and the overall community of Travis County. They are to be interpreted consistent with this objective.

1.2 SCOPE

These rules shall govern all cases filed in the Criminal District Courts of Travis County, Texas. Each Court shall retain its inherent authority to adopt individual rules of Court that are not inconsistent or in conflict with these rules.

1.3 GRAND JURY TERMS

The rotation of Grand Jury terms will be set by the agreement of the Criminal District Judges and published annually in conjunction with the Jury and Non-Jury Schedule published by the Criminal Courts’ Office of Court Administration.

1.4 ORGANIZATION

The Courts of Travis County hearing felony cases are Courts of General Jurisdiction that have designations as Courts of criminal preference. These Courts are referenced within the confines of this document and hereinafter, as the Criminal District Courts of Travis County, Texas. Each Court has its own Judicial Aide/Court Coordinator that has the responsibility of managing that Court's docket and the setting of all cases assigned to that Court.

The Magistrate Court(s) receives assignments from all of the District Courts, and also has specifically designated duties which include the management and functioning of the jail reduction docket and hearings involving mental health cases meeting specific criteria agreed upon by the Criminal District Judges. All other duties are designated as assigned by the Criminal District Judges of Travis County.

In addition, the Office of Criminal Court Administration is responsible for the administration and proper administrative functioning and management of all of the Criminal District Courts.

1.5 LOCAL ADMINISTRATIVE JUDGE

By majority vote, the Judges of the Criminal District Courts of Travis County shall elect their Local Administrative Judge, who serves at their pleasure for a specified term, not to exceed four years, unless otherwise specified. The Judge may be re-elected to serve an additional specified term(s) upon majority vote and consent of the Judge. The Local Administrative Judge has the general administrative responsibility and

authority necessary to insure the proper functioning of the Criminal District Courts. The Local Administrative Judge has the authority to make Court assignments of Capital Murder cases, and to make judicial assignments in other specifically designated, agreed upon, or emergency situations and those situations in which the elected criminal judge(s) may not be able to perform the judicial duties.

The Criminal District Courts of Travis County adopt and are governed by the Rules of Administration of the 3rd Administrative Judicial Region of the State of Texas as promulgated, and, as may be amended. In all areas of conflict with our local rules, the 3rd Region's Administrative Rules shall prevail.

1.51 JUDGES' MEETINGS

The Criminal District Judges shall meet for the purpose of conducting the business of the Courts and all other matters relating to the Courts a minimum of once per month. The Local Administrative Judge, in conjunction with the office of Court Administration, shall circulate a proposed schedule of meetings prior to the beginning of the calendar year. All committee assignments and rotations will be reviewed at the January meeting for determination of any alternate placement(s), substitutions, or creation of any new committee(s) at the January meeting of each calendar year.

1.6 COURT ADMINISTRATOR

All dockets are administered by the Court Administrator for the Criminal District Courts, under the supervision of the Local Administrative Judge.

1.7 CALENDAR

The Criminal Courts' Administration Office shall publish an annual calendar that displays the jury and non-jury weeks of each court hearing criminal cases, as well as court holidays, and Grand Jury Court assignments.

The elected judges will generally be available as indicated by these rules and the calendar. However, when a judge is: on vacation; at a judicial or educational conference; incapacitated or suffering from an extended illness; or, in any other extenuating circumstance; it is the policy of the

Courts to obtain a visiting judge, whenever possible, so that there will be no interruption of the work schedule and docket efficiency and functioning of each court.

1.8 JURY SELECTION

The Criminal District Courts utilize the electronic method of selecting the names of persons assigned for jury service. Jury impaneling is conducted in cooperation with the County, Municipal, and Justice Courts. Questions about the jury impaneling process and jury service may be addressed to the jury office at 512-854-9669.

1.9 EXHIBITS

In all cases, the attorneys shall, prior to the trial or hearing, insure that all exhibits, intended for introduction, have an exhibit label affixed thereto.

CHAPTER 2

DOCKET MANAGEMENT

2.1 ASSIGNMENT OF CASES

All felony criminal cases, with the exception of Capital Murder cases, shall be filed in rotation in the Criminal District Courts by the District Clerk. The Clerk shall file the cases by distributing them equally, on a rotating basis, among all of the Criminal District Courts. Cases are assigned to a specific Court, pursuant to these rules, and all matters concerning such filed case shall be heard by that specific Court unless otherwise assigned by the Regional or Local Administrative Judge, or, that have been transferred by mutual agreement from one Court to another. All other motions or matters concerning a filed case, shall be heard in that Court. The Court of assignment shall determine the process for setting pre-trial, jury, and non-jury settings and all other matters requiring a specific type of setting.

- a) A defendant, who has a pending case, shall have all subsequent cases assigned to the same court as the initial case.
- b) A defendant who is currently on probation, shall have all subsequent cases filed in the same court in which the Defendant was placed on probation, unless otherwise ordered by the Court.
- c) Multiple felony prosecutions arising from the same facts or against the same defendant shall be filed in the same court. If cases must be transferred to accomplish this, then all cases will go to the court of the cases that were filed first, unless otherwise agreed upon by the Judges of each of the Courts in which the cases are filed.

2.2 FIRST APPEARANCE

Unless otherwise directed, defendants will appear at the Blackwell-Thurman Criminal Justice Center (CJC) building according to the date and location written on their bond or specified on the summons received. After the first appearance setting in the Court Administration Office, all cases will be reset in the court that the case is designated for filing.

2.3 SETTING CASES

Case settings are requested by the defense attorneys in the court in which the case is assigned. Attorneys or their employees may reset cases no later than the day before the current setting in accordance with court rules. Attorneys are responsible for appearances scheduled by their staff to avoid losing this privilege. All cases are set at 9:00 a.m. unless otherwise ordered by the Court. All defendants and counsel are expected to be present, unless otherwise excused by the Judge. Those not appearing are subject to having their bonds forfeited for non-appearance on the setting date.

Judicial aides are authorized to set cases in accordance with the individual rules of each respective Criminal District Court. Each Court determines its own settings for cases. Each defendant and his attorney shall appear at each scheduled setting unless the appearance has been waived by the Court. All jury and non-jury matters assigned to the Court are set by each individual District Court Coordinator/Judicial Aide, and in some instances by the Judge of the Court, as per each individual Court process. Generally, the types of settings that are available are: Unindicted Docket ; Announcement/Designation; Pre-Trial Conference; Pre-Trial With Witnesses; Trial Before The Court with or without Witnesses; Plea; or, Jury Trial. All settings that are given, unless specifically designated otherwise, are for 9:00 a.m.

(a) **Unindicted Cases**

Defendants may appear, in accordance with the individual rules of the Court, or render an appearance through counsel of record.

(b) **Announcements/Designation**

Defendants may reset their announcements (in person only) to obtain counsel.

(c) **Pre-Trial Conference**

All cases may be set for a pre-trial conference whether or not an evidentiary hearing is necessary. Parties are encouraged to use all reasonable means to resolve pre-trial disputes to avoid the necessity of judicial intervention. This setting allows the opportunity for counsel to meet and consult with the State in order to allow, if possible, a prompt and just resolution of the case if all discovery requirements have been met. However, in many instances that is not a viable option. If the Defense desires to argue any motion(s) that does not require witnesses for either side, notification must be given to the State and the State must be served with a copy of the motion in adequate time to prepare for the setting in accordance with the Texas Code of Criminal Procedure and Texas Rules of Evidence. If witnesses are necessitated by either party, then the case should be set on the pre-trial with witness docket upon notification to the Court all parties involved.

(d) Pre-Trial With Witnesses

In all cases necessitating an evidentiary hearing, motions must be filed and served on the District Attorney at least 21 days prior to the hearing, unless otherwise agreed upon by the parties. All pre-trial motions must be filed at the appropriate time in accordance with the Texas Rules of Criminal Procedure. All requests for evidentiary hearings, shall be finalized upon the permission and consent of the Judge of the Court in which the case is filed. All requests for a pre-trial hearing setting must also include an estimate of the time required for the hearing in its entirety. The Defense shall file the requisite motions and subpoena all witnesses, including law enforcement officers necessary for the hearing, unless otherwise agreed upon by the parties. All pre-trial hearings will be held on the date set and at a time specified by the Court unless a written State or Defense motion for continuance has been granted by the Court.

(e) Trial Before the Court With Witnesses

Attorneys should not set a case for a trial before the Court with witness setting unless the defendant and the State waive jury prior to the acquisition of the setting unless otherwise agreed upon by the Court. An estimate of the time required for the hearing must be given at the time of the setting. All cases shall be tried when set before the Court unless a written State or Defense motion for continuance is granted.

(f) **Plea**

Meaningful plea negotiations between the parties are encouraged. Cases set on the plea docket are those that have either reached a plea bargain agreement or are appearing before the Court and requesting the Court to assess the appropriate punishment. In either instance, a pre-sentence investigation report will be ordered, unless otherwise agreed upon by both parties, or waived, depending on the circumstances of the individual case.

(g) **Sentencing**

The cases that are appropriately set for sentencing are those in which the defendant has entered a plea of guilty, and a pre-sentence report has been ordered, unless otherwise agreed upon. Resets for sentencing are at the discretion of the Judge. Failure to appear at sentencing may result in bond forfeiture or sentencing in absentia, at the discretion of the Court. These cases are set for final disposition on the date of sentencing.

(h) **Jury Trial**

All parties, inclusive of the defendant and his attorney, shall appear at the scheduled jury docket call setting. The defendant is expected to execute all necessary trial motions with the District Clerk, and have filed other motions, such as: motions in-limine, an application for probation, an election of punishment, and any other motions necessary, at the statutorily required time. The State and Defense must either announce ready or file a written motion for continuance on or prior to

the date of the jury docket call setting. If the defendant waives jury at the docket call, a written waiver, signed by counsel and defendant must be presented at that setting.

(i) **Community Supervision Revocation and Adjudication Docket**

Resets on the community supervision revocation docket are at the discretion of the Judge. The Court shall review the probation violation report, and discuss the options available to all parties, if appropriate. If no agreement is reached, the revocation hearing must then be set with the judicial aide or the Court, pending final outcome of the revocation or adjudication motion. Probationers shall appear in person in Court on the date of the revocation hearing setting.

(j) **Preferential Settings**

Preferential settings are hearings to be heard before all other settings on that docket. Preferential settings are subject to the permission of the Court, and specified by the Court in which the case is to be heard. A request for a preferential setting of any contested hearing must be made to the Court with all parties present at the time of the setting. The expectation of the Court is that the preferential setting will be heard on the date approved by the Court unless changed by the Court PRIOR to that date.

(k) **Motion for Continuance**

A motion for continuance must be in writing, under oath, and presented in open court with all parties present, as required by the Texas Code of Criminal Procedure, Chapter 29. A continuance shall only be granted

for sufficient cause shown, as defined by the statute, and at the discretion of the Court. Motions for Continuance must be presented at as much time prior to the setting as possible. In jury cases, the Motion for Continuance shall be presented no later than the jury docket call setting unless permission to do otherwise has been granted by the Court.

(l) **Transfer of Cases**

The transfer of cases between Criminal District Courts of Travis County shall be done by written order upon consent of the judges in those courts participating in the transfer.

The transfer of cases from a Criminal District Court to a County Court at Law must be done in accordance with the Texas Code of Criminal Procedure, Article 21.26.

2.4 Incarcerated Defendants

In all cases in which the accused is incarcerated, the defense must inform The Judicial Aide/Court Coordinator as to whether or not the presence of the defendant is necessary any setting requested. If the defendant's presence is requested, the attorney must notify the coordinator by 2:00 p.m. on the day prior to the Court setting. In instances where civilian clothes are necessary, the attorney must notify the bailiff and coordinator of that need for clothing at least 24 hours prior to the appearance date. If the attorney is providing civilian court clothes for a defendant in custody, the clothing must be delivered to the court bailiff on the morning of trial. The clothes will be searched and inventoried by the TCSO. At the conclusion of trial, the attorney must retrieve the clothing immediately. If counsel is requesting

that the jail provide indigent clothing, counsel must notify the court coordinator on the day of the jury docket call.

2.5 BOND PROCEDURES

All matters involving the release of an accused on bond; bond conditions; bond reduction; bond forfeiture, and, any matter involving the bond or any other form of release, must be presented to the Judge of the Court in which the case has been designated, filed, probated, sentenced, or is otherwise pending. In all matters involving pre-trial services, the information regarding the accused and his circumstances must be presented to the Court along with any bond requests. In situations that involve violent crime, sexual offenses, and any other matters involving an alleged victim, counsel for the accused must notify the District Attorney's office of the date and time in which the bond request or matter is to be presented to the Court. The input of the District Attorney's office is to be considered by the Court in those and other appropriate circumstances. Each individual Court is free to set any other bond presentation requirements as they deem necessary. In situations in which the Court is to be out for an extended period of time, Counsel should consult with the judicial aide/court coordinator of that Court for any specific directions given regarding the presentation of bonds assigned to that Court. In the absence of any such direction, Counsel may present such request to another Criminal District Court Judge for consideration unless specifically prohibited from doing so by the originating Court. In all situations, when approaching the Court regarding a bond, Counsel must divulge any other requests made of other Criminal District Court Judges, and any refusals made in the granting or denial of bond by those Courts. Counsel must also divulge any prior decisions

regarding bond conditions and previous requests made regarding such conditions to other Courts as well as the circumstances under which such requests were made.

2.6 INTERPRETERS

The attorney shall make all arrangements for foreign language and deaf interpreter requests through the respective Court's coordinator/judicial aide. In Spanish language cases that are set for any type of hearing, other than plea or sentencing, where an interpreter is needed, the attorney is required to make a request for an interpreter on the setting prior to the actual hearing date. If the court interpreter is not readily available, the coordinator will contact an alternate selection from the interpreter list provided by court administration.

For languages other than Spanish, and for deaf interpreter services, the attorney shall contact the coordinator on the setting date prior to the requested date in order to arrange interpreter service with court administration. The attorney shall also contact the coordinator/judicial aide when such services are needed for scheduled jail visits and or court appearances.

CHAPTER 3

CONDUCT OF COUNSEL

3.1 APPOINTMENT OF COUNSEL

The appointment of counsel to represent indigent defendants will be governed by the Travis County District Courts' Indigent Defense Plan. The Judges hearing criminal cases proscribe the plan by which indigent defendants are appointed counsel. Any entity or individual appointed to represent indigent defendants must adhere to the requirements and guidelines of the plan and maintain those standards that are required by the plan to represent indigent defendants accused of felony criminal conduct.

Any entity or individual attorney appointed must insure that all requirements of the Fair Defense Act Program Guidelines are met and adhered to. The failure to effectively represent appointed defendants, meet plan requirements, and, the failure to appear or respond promptly to communications from the Court, will render counsel ineligible to represent indigent defendants.

3.2 ATTORNEY FEES

Attorneys appointed to represent indigent defendants must disclose to the Court and to the designated appointing authority any and all compensation received from any source on behalf of the indigent defendant. The Court shall take that disclosure into consideration in determining the appropriateness of the appointment and in decision-making as to the payment of counsel. All attorneys' fees are paid in accordance with a schedule of fees adopted by the formal action of the Judges of the Criminal

Courts of Travis County, pursuant to the Texas Code of Criminal Procedure, Article 26.05.

3.3 ATTORNEY VACATION AND CONTINUING EDUCATION

Counsel wishing to avoid assignment to trial or other court setting during a vacation or continuing education period shall advise the Court by notifying the Court coordinator in writing at least 45 days prior to the beginning of the vacation period.

3.4 CONFLICTING SETTINGS

(a) A conflicting setting exists when an attorney is already set for trial or hearing in another court, or an attorney is assigned to more than one court at the same time. It is the duty of the attorney to call the affected judges' attention to all multiple settings as soon as they are known by the attorney. The Court may require documentation or communication with the other Court(s) to resolve the conflict.

(b) Conflicts in Trial Settings: Factors to consider in determining the priority of trial settings include: the date the case was placed on the trial docket; whether the case involves an incarcerated defendant; respective ages of the cases; and, any other terms as agreed upon by the judges of the District Courts of Travis County. *Adjustments* to trial settings can be made by the agreement of the judges on each case.

(c) Conflicts in Docket Settings: Priority for conflicts in docket settings shall be governed by the schedule of the particular docket

day, and any preferences agreed upon by the judges of the Criminal District Courts.

(d) Felony cases shall take priority over all other criminal settings pursuant to the Texas Government Code, Section 23.101.

3.5 APPEARANCE OF COUNSEL

Any attorney who makes a bail bond for a Defendant, obtains the release of a defendant by asserting his or her intent to represent a defendant as a condition of release on a personal bond, or, who appears at any hearing for the Defendant shall be considered the attorney of record for the Defendant until released as such by the Court. In the event more than one attorney represents a Defendant, the lead attorney shall file with Court a designation of lead attorney. An attorney may also become the attorney of record in a case by listing his or her name on a bond application, or, by setting or resetting the case, or by Court appointment. He or she remains attorney of record until relieved by written order of the Court

In retained cases, upon employment, the Defense Attorney shall give written notice thereof to the Court, the District Clerk and the Court Coordinator in the Court in which the case is filed. The new attorney shall also notify prior counsel of his retention.

3.6 MOTIONS TO WITHDRAW OR SUBSTITUTE

An attorney remains the attorney of record until relieved by the written order of the Court. If, prior to the disposition of a case, an appointed or retained attorney has reason to withdraw, the attorney must file a written

motion to withdraw with the Court and appear before the Court with the Defendant to address the motion. The motion will be heard at the next setting or at any time designated by the Court when the defendant has had notice to appear. Adequate notice may be shown by certified mail, return receipt requested, to the last known address of the defendant. If the defendant does not appear at the setting, and has been notified to do so, or set by the Court to appear, the bond will be forfeited and a warrant issued.

A retained attorney shall notify in writing, the previously appointed attorney and the Court of his/her retention immediately upon being retained. The motion must also have attached a certificate of service showing notice to both previous counsel in the case and the District Attorney. If an attorney is retained to replace existing counsel, the attorney must file a motion to substitute counsel, naming both himself and the attorney to be relieved. The motion will be granted without hearing if the order is signed by the defendant, as well as the incoming and outgoing attorneys, and the motion states that the incoming attorney accepts the case's next setting. A motion to substitute counsel that will cause delay requires a hearing and is subject to the discretion of the Court. Motions to withdraw or to substitute counsel should be set with notification to the State as to when the motion is set.

CHAPTER 4

RULES OF DECORUM

4.1 GENERAL RULES OF COURTROOM CONDUCT

All officers of the court, except the Judge and jurors, and all other participants, except witnesses who have been placed under the rule, shall promptly enter the courtroom before the scheduled time for each court session. When the bailiff calls the Court to order, complete order should be observed. All persons in the courtroom during trials and other proceedings shall be attentive and shall refrain from any action which may disrupt the proceedings.

- All persons entering the courtroom shall be dressed in clothing reasonably befitting the dignity and solemnity of court proceedings. No shorts or bare midriffs are allowed.
- All persons shall rise when the judge enters the courtroom, and at such other times as the bailiff shall instruct.
- No beverages, food, chewing gum, candy, bottles, cups, or beverage containers; and, no tobacco products are permitted in the courtroom without permission of the Court.
- No reading of newspapers, books, or magazines is permitted.
- No propping of feet on tables or chairs is permitted.
- No person shall make gestures, facial expressions, or sounds indicating approval or disapproval of any ruling, testimony, person, or conduct.
- Noise or talking that interferes with the court proceedings are prohibited.

- No earphones may be worn unless designated as a hearing assistance device.
- No person shall bring radios, tape recorders, computers, cameras, or other electronic devices into the courtroom unless the device is required for the court proceedings and prior approval has been given by the bailiff or the Court.
- No audible sounds from communication devices shall be permitted. No phone calls are to be made or received in the courtroom unless permission of the Court has been obtained.
- No weapons are allowed including but not limited to: knives, firearms, and dangerous chemicals.
- No overt advertising, campaign buttons, and campaign materials are permitted in the courtroom.
- No person shall be permitted to display or wear any clothing, item, or thing that may influence the jury in the performance of its duties.
- No person shall be permitted any verbal or physical contact with a prisoner without the prior approval of the bailiff or sheriff.

4.2 OFFICERS OF THE COURT

The Judge, the attorneys, and other officers of the court will refer to and address other court officers and other participants in the proceedings respectfully and impersonally, by using appropriate titles and surnames rather than first names. All officers of the court shall dress appropriately for court sessions.

- Attorneys should observe the letter and spirit of all canons of ethics, including those dealing with discussion of cases with representatives of the media and those concerning improper ex parte communications with the Judge.
- Attorneys should advise their clients, witnesses, and others subject to counsel's control, of these rules of conduct and courtroom decorum.
- Counsel shall timely appear before the Court at each setting and following each recess.
- Counsel and all witnesses shall be appropriately attired for all court proceedings.
- Counsel shall rise and remain standing while addressing the Court.
- Counsel shall address all statements, requests, comments, and objections to the Court and not to opposing counsel.
- Attorneys should not approach the bench without leave of court and must never lean on the bench. Counsel shall request permission of the Court before approaching the witness when necessary to work with documentary or tangible evidence.
- Attorneys shall remain seated at the counsel tables at all times except:
 - when the Judge enters and leaves;
 - when addressing the Judge or jury; and
 - when it may be proper to handle documents, exhibits, or other evidence (leave of court is not required)
- Attorneys should anticipate any need to move furniture, appliances, or easels, and should make advance arrangements with the bailiff. Tables should not be moved during court sessions.

- Counsel shall neither make nor insinuate derogatory or insulting remarks about opposing counsel.
- Counsel shall address the Court as "Your Honor" or "Judge" and except with permission of the Court, shall refer to all counsel, parties and witnesses (except children) by their surnames, using such titles as Mr., Mrs., Dr., etc. as appropriate, **and** not by first names or nicknames or any discriminatory or inappropriate classification.
- Counsel shall strictly follow Rule 3.07 of the Texas Disciplinary Rules of Professional Conduct regarding trial publicity.

CHAPTER 5

MEDIA PROVISIONS

RULES GOVERNING THE RECORDING AND BROADCASTING OF COURT PROCEEDINGS

Recording, broadcasting, televising or photographing of court proceedings before the Criminal District Courts of Travis County

5.1 Definitions

- (1) **Court.** "Court" means the particular Judge or Magistrate before whom the proceeding will be held.
- (2) **Media Coverage.** "Media coverage" means any visual or audio coverage of court proceedings by a media agency.
- (3) **Media or Media Agency.** "Media" or "Media agency" means any person or organization engaging in news gathering or reporting and includes, but is not limited to, any newspaper, radio or television station or network, news service, magazine, trade paper, in-house publication, professional journal, or other news reporting or news gathering agency or individual.
- (4) **Visual Coverage.** "Visual coverage" means coverage by equipment that has the capacity to reproduce or telecast an image, and includes still and moving picture photographic equipment and video equipment.
- (5) **Audio Coverage.** "Audio coverage" is coverage by equipment that has the capacity to reproduce or broadcast sounds, and includes digital, tape and cassette sound recorders, and radio and video equipment.

5.2 Media Coverage Permitted

5.2.1 Investiture or Ceremonial Proceedings

If media coverage is of investiture or ceremonial proceedings, permission for, and the manner of such coverage, are determined solely by the Court, with or without guidance from these Rules. If media coverage is desired for other than investiture or ceremonial proceedings, the provisions of these Rules shall govern.

5.2.2 Written Order Required

Media coverage is permitted only on written order of the Court. A person wishing to broadcast, televise, record or photograph a court proceeding must file with the District Clerk a request to cover the proceeding. The request must state:

- (A) the case style and number;
- (B) the date and time when the proceeding is to begin;
- (C) the name of the requesting person or organization;
- (D) the type of coverage requested (for example, televising, recording or photographing); and
- (E) the type and extent of equipment to be used.

The request shall be filed with the District Clerk, with a copy delivered to the Court, Court Administrator, all counsel of record and all parties not represented by attorneys. Such request shall be made in time to afford the attorneys and parties sufficient time to confer, to contact their witnesses and to be fully heard by the Court on the questions of whether media coverage should be allowed and, if so, what conditions, if any, should be imposed on such coverage. Whether or not consent of the parties or witnesses is obtained, the Court may in its discretion deny, limit or terminate media coverage. In exercising such discretion the Court shall consider any relevant factors.

5.2.3 Consent Forms

If media coverage is sought with consent, consent forms adopted by the Court shall be used to evidence the consent of the parties and witnesses. Original signed consent forms of the parties shall be attached to and filed with the request for order. Consent forms of the witnesses shall be obtained in the manner directed by the Court. No witness or party shall give consent to media coverage in exchange for payment or other consideration, of any kind or character, either directly or indirectly. No media agency shall pay or offer to pay any consideration in exchange for such consent.

5.2.4 Coverage without Consent

If media coverage is sought without consent, the decision to allow such coverage is discretionary and will be made by the Court on a case-by-case basis. Objections to media coverage should not be conclusory but should state the specific and demonstrable injury alleged to result from media coverage. If the Court denies coverage, it shall set forth in its order the findings upon which such denial is based. In determining an application for coverage, the Court shall consider all relevant factors, including but not limited to:

- a) the type of case involved;
- b) whether the coverage would cause harm to any participants;
- c) whether the coverage would interfere with the fair administration of justice, advancement of a fair trial, or the rights of the parties;
- d) whether the coverage would interfere with any law enforcement activity;
- e) the objections of any of the parties, prospective witnesses, victims, or other participants in the proceeding for which coverage is sought;

- f) the physical structure of the courtroom and the likelihood that any equipment required to conduct coverage of proceedings can be installed and operated without disturbance to those proceedings or any other proceedings in the Courthouse;
- g) the extent to which the coverage would be barred by law in the judicial proceeding of which coverage is sought; and
- h) the fact that any party, prospective witness, victim, or other participant in the proceeding is a child, to which fact the Court shall give great weight.

5.3 Media Coverage Prohibited

Media coverage of proceedings held in chambers, proceedings closed to the public and jury selection is prohibited. Audio coverage and close-up video coverage of conferences between an attorney and client, witness or aide, between attorneys, or between counsel and the Court at the bench is prohibited.

5.4 Coverage of Jurors Prohibited

Visual coverage of potential jurors and jurors in the Courthouse is prohibited except when in the courtroom the physical layout of the courtroom makes it impossible to conduct visual coverage of the proceedings without including the jury, and the Court so finds. In such cases visual coverage is allowed only if the jury is in the background of a picture of some other subject and only if individual jurors are not identifiable.

5.5 Equipment and Personnel

The Court may, among other things:

- (a) require that a person seeking to cover a proceeding demonstrate or display the equipment that will be used;
- (b) prohibit equipment that produces distracting sound or light;

- (c) prohibit signal lights or devices showing when equipment is operating, or require their concealment;
- (d) prohibit moving lights, flash attachments, or sudden light changes;
- (e) require the use of courtroom's existing video, audio, and lighting systems, if any;
- (f) specify the placement of personnel and equipment;
- (g) determine the number of cameras to be allowed in the courtroom;
- (h) require pooling of equipment if more than one person wishes to cover a proceeding;
- (i) require that operators not move equipment or enter or leave the courtroom while the Court is in session, or otherwise cause a distraction. All equipment shall be in place in advance of the proceeding or session; and,
- (j) require that identifying marks, call letters, words and symbols shall be concealed on all equipment. Media personnel shall not display any identifying insignia on their clothing.

5.6 No Delay of Proceedings

No proceeding or session shall be delayed or continued for the sole purpose of allowing media coverage, whether because of installation of equipment, obtaining consent, conduct of hearings related to the media coverage or other media coverage questions. To assist media agencies to prepare in advance for media coverage, and when requested to do so:

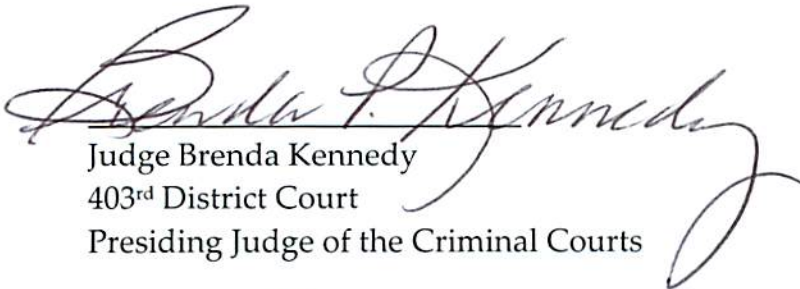
- (i) the Court will attempt to make the courtroom available when not in use for the purpose of installing equipment;
- (ii) counsel (to the extent they deem their client's rights will not be jeopardized) should make witness lists available to the media; and,
- (iii) the Court Bailiff or Coordinator, upon request, shall inform the media agencies of settings or proceedings.

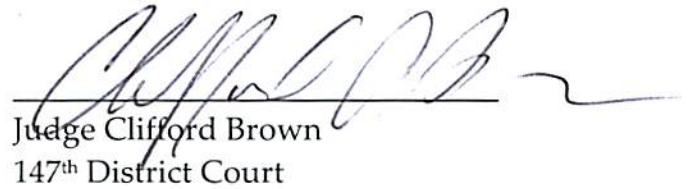
5.7 Official Record

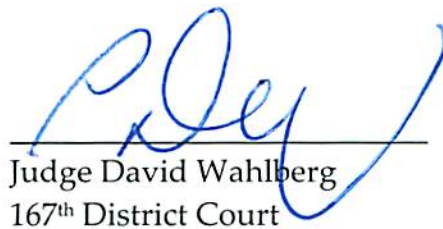
Any product of media coverage of a proceeding pursuant to these Rules shall not be considered as part of the official court record.

Adoption of Local Rules

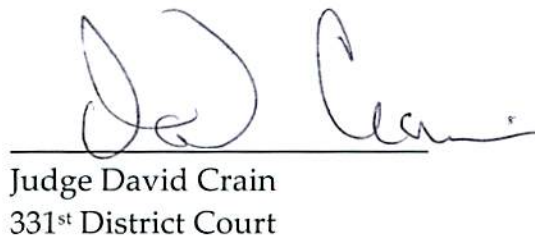
The "Local Rules of Procedure and Rules of Decorum for the Criminal District Courts of Travis County, Texas" are hereby adopted by the undersigned District Judges in Travis County on this the 15th day of April, 2015, and submitted to the Supreme Court of Texas for promulgation. These rules shall become effective upon their approval by the Supreme Court of Texas.


Judge Brenda Kennedy
403rd District Court
Presiding Judge of the Criminal Courts


Judge Clifford Brown
147th District Court


Judge David Wahlberg
167th District Court


Judge Karen Sage
299th District Court


Judge David Crain
331st District Court


Judge Julie Kocurek
390th District Court


Judge Jim Coronado
427th District Court