

## **PART 5. RULES GOVERNING PROCEEDINGS IN CASES BEFORE THE CRIMINAL COURTS**

### **RULE 5.1: GENERAL PROVISIONS**

#### **Rule 5.11: Definitions**

In Part 5:

- (a) “County Courts” means Tarrant County Criminal Court No. 1, Tarrant County Criminal Court No. 2, Tarrant County Criminal Court No. 3, Tarrant County Criminal Court No. 4, Tarrant County Criminal Court No. 5, Tarrant County Criminal Court No. 6, Tarrant County Criminal Court No. 7, Tarrant County Criminal Court No. 8, Tarrant County Criminal Court No. 9, and Tarrant County Criminal Court No. 10.
- (b) “District Courts” means Tarrant County Criminal District Court No. 1, Tarrant County Criminal District Court No. 2, Tarrant County Criminal District Court No. 3, Tarrant County Criminal District Court No. 4, the 213<sup>th</sup> District Court, the 297<sup>th</sup> District Court, the 371<sup>st</sup> District Court, the 372<sup>nd</sup> District Court, the 396<sup>th</sup> District Court, the 432<sup>nd</sup> District Court, and the 485<sup>th</sup> District Court.
- (c) “Criminal Courts” means the combined District Courts and County Courts as they are defined in subsections (a) and (b).
- (d) “Local Rules” means all rules in Part 5 of the Local Rules of Court of Tarrant County, Texas.

#### **Rule 5.12: Authority**

These Local Rules are promulgated pursuant to Texas Government Code section 74.093, Rule 10 of the Texas Rules of Judicial Administration, and Rule 5 of the Eighth Administrative Judicial Region Rules of Administration.

#### **Rule 5.13: Objective**

The Local Rules are promulgated to provide a uniform system for the fair, impartial, and prompt disposition of matters before the Criminal Courts, and to achieve fairness for all parties with due regard to the rights of the State, the accused, and the

citizens of Tarrant County. They shall be interpreted consistently with these objectives.

#### **Rule 5.14: Scope**

The Local Rules shall govern all cases filed in the Criminal Courts, but each court retains its inherent authority to adopt individual rules of court. The Local Rules may not be interpreted or applied in conflict with state or federal law, with rules adopted by the Texas Supreme Court or the Texas Court of Criminal Appeals, with the Texas Rules of Judicial Administration, or with the Eighth Administrative Judicial Region Rules of Administration.

### **RULE 5.2: COURTROOM CONDUCT AND DECORUM**

#### **Rule 5.21: Conduct Required of Counsel**

- (a) Counsel are officers of the Court and shall assist the Court in maintaining proper decorum.
- (b) Counsel shall timely appear before the Court at each setting and following each recess and shall ensure their clients and witnesses are available when called.
- (c) Counsel shall wear business attire while in Court.
- (d) Counsel shall remain seated except when addressing the Court or jury, or when the Court grants leave to approach the bench, approach the witness, use any audio–video equipment, or to publish an exhibit to the jury.
- (e) Counsel shall address all statements, requests, and objections to the Court and not to opposing counsel.
- (f) Counsel shall neither make nor insinuate derogatory or insulting remarks about the court, opposing counsel, or any witness.
- (g) 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., or Dr. as appropriate.

- (h) When making an objection, counsel shall state the objection's legal basis.
- (i) Counsel shall advise their clients, witnesses, and any other person subject to their control of the rules of courtroom conduct and decorum in Local Rule 5.22.
- (j) Counsel shall assist the Court in expediting trials and hearings consistent with their duty to provide zealous representation to their client.

**Rule 5.22: Conduct Required of all Persons**

- (a) All persons in the courtroom during trials and other proceedings who are not a party to the proceedings shall be attentive and refrain from speaking.
- (b) All persons entering the courtroom shall be dressed in clothing reasonably befitting the dignity and solemnity of court proceedings. Shorts, sleeveless shirts, flip-flops, and hats, among other items of clothing, are prohibited.
- (c) All persons shall rise when the judge or jury enters or leaves the courtroom and at other times as instructed by the bailiff.
- (d) No beverages, food, chewing gum, tobacco products, or vape pens are permitted in the courtroom without the Court's permission.
- (e) Reading of newspapers, books, or magazines while court is in session is prohibited.
- (f) No person shall sit on railings, tables, or desks, nor shall any person prop their feet on tables, chairs, or other fixtures.
- (g) No person shall make gestures, facial expressions, or sounds indicating approval or disapproval of any ruling, testimony, person, or conduct.
- (h) No electronic devices shall be used in court—except by an attorney or their staff during hearings in which that attorney is participating—without the Court's prior approval.
- (i) No audible sounds from cell phones or other electronic devices shall be permitted.

- (j) Audio or video recording of a court proceeding is prohibited without the Court's prior approval.
- (k) No advertising or political campaign material is permitted in the courtroom.
- (l) No person shall display or wear any item that could influence the jury in the performance of its duties.
- (m) No person shall have any contact with a prisoner without the bailiff's or sheriff's approval.
- (n) No children under 12 years old shall be permitted in the courtroom during any court proceeding without the prior approval of the Court or unless called as a witness.

### **Rule 5.23: Enforcement**

The sheriff or bailiff of the Court shall enforce the rules of courtroom conduct and decorum. Failure to abide by these rules may be enforced by any judicial remedy.

## **RULE 5.3: DOCUMENTS**

### **Rule 5.31: Motions**

- (a) All motions requesting affirmative relief shall be presented to the Court within three (3) business days of filing.
- (b) All motions shall be accompanied by a proposed order.
- (c) If a motion is unopposed or is agreed, the word "unopposed" or "agreed" shall appear in the title of the motion and shall include a certificate of conference confirming that fact.
- (d) A response to a motion may be filed no later than 14 days after the filing of the original motion. The Court may rule on the original motion before any response is filed.

- (e) If an evidentiary hearing is required, the movant or the respondent shall clearly state that fact in the motion or response.

### **Rule 5.32: Amendments and Supplements**

- (a) An amended document other than an indictment or information shall include the word “amended” or a variation thereof in the document’s title. A supplemental document shall include the word “supplemental” or a variation thereof in the document’s title.
- (b) An amended document supersedes the original document. A supplemental document does not supersede the original document.

### **Rule 5.33: Use of Artificial Intelligence in Court Filings**

- (a) Artificial Intelligence (“A.I.”) means a computer tool (whether referred to as generative artificial intelligence or by another name) capable of generating new content, such as images and text, in response to a submitted prompt.
- (b) A party who files a document created with the assistance of A.I. shall ensure the accuracy of all drafted language, quotations, sources, citations, arguments, and legal analyses created or contributed to by A.I.
- (c) All motions and briefs filed with the court shall include a certification, signed by the filing party, attesting either that the document was created using A.I. or that the document was not created using A.I.
- (d) If A.I. was used to create the document, the certification in Rule 5.33(c) shall also include the following statements:
  - (1) All drafted language, quotations, sources, citations, arguments, and legal analyses created or contributed to by A.I. have been verified as accurate by a human being, and
  - (2) The filing party understands and acknowledges that he or she will be held responsible for any document he or she files that violates this Rule regardless of who drafted the document.

- (e) Upon the court's request, the filing party shall disclose the specific parts of the document created with the assistance of A.I. and the name of the A.I. used.
- (f) A violation of this Rule or filing a false certification may subject a party to sanctions, including but not limited to striking the noncompliant filing or contempt proceedings.

## **RULE 5.4: ATTORNEYS**

### **Rule 5.41: Appearance of Counsel**

Upon a party's first appearance through counsel, the attorney whose signature appears on the initial pleading shall be the attorney in charge, unless another attorney is specifically designated. The attorney's appearance shall be a general appearance and the attorney shall remain as the attorney in charge until final disposition of the case or until permission is otherwise granted by the Court.

### **Rule 5.42: Withdrawal or Substitution of Counsel**

- (a) Except as provided in Local Rule 5.52(b), if an appointed or retained attorney has reason to withdraw before final disposition of the case, the attorney shall file a written motion to withdraw with the Court in compliance with Rule 5.4.
- (b) If an attorney is retained to replace existing appointed counsel, the newly retained attorney shall file a notice of appearance, at which time the clerk shall automatically replace the appointed attorney with the newly-retained attorney as defense counsel. The appointed attorney does not need to file a motion to withdraw.

### **Rule 5.43: Attorney Appointments**

- (a) The District Courts' and the County Courts' respective indigent defense plans shall govern the appointment of counsel to represent indigent defendants. Appointed counsel shall adhere to the rules of the applicable plan.
- (b) Attorneys appointed to represent indigent defendants must disclose to the Court all compensation received from any source on behalf of the defendant. The Court will consider the disclosure when determining the appropriate payment to the attorney.

- (c) Attorneys' fees will be paid in accordance with a schedule of fees adopted pursuant to Texas Code of Criminal Procedure article 26.05(b).

**Rule 5.44: Attorney Vacations and Continuing Legal Education**

- (a) This Local Rule and Local Rule 1.11 shall govern attorney vacations and continuing-legal-education (CLE) commitments.
- (b) If an attorney has a scheduled vacation or CLE commitment, the attorney shall file a notice of the vacation or CLE commitment in all impacted cases no later than 30 days before the first day of the planned vacation or CLE. A notice of vacation or CLE commitment does not preclude the Court from setting a case for a hearing or trial during the noticed period.
- (c) If a Court setting, including a trial, conflicts with an attorney's scheduled vacation or CLE commitment, the attorney shall file a sworn motion for continuance under Texas Code of Criminal Procedure Chapter 29 no later than 7 days after receiving notice of the setting. The Court may grant or deny the continuance in its discretion.

**Rule 5.45: Interpreter Requests**

- (a) Requests for an interpreter for trial shall be made to the Court no later than 28 days before the commencement of jury selection.
- (b) Requests for an interpreter for any other non-trial setting shall be made to the Court no later than 14 days prior to the setting.
- (c) The Court may enforce this rule through any appropriate means.

**RULE 5.5: DOCKET MANAGEMENT**

- (a) Court dockets shall be set and governed as directed by the presiding judge of each individual court.
- (b) The judges of the Criminal Courts will work together to schedule their dockets with the goal of promoting court efficiency. This goal includes the timely

disposition of pending cases and allowing attorneys to effectively handle their cases.

- (c) Attorneys are expected to be familiar with the guidelines of any case management system adopted by the District Courts, the County Courts, or both. Case management systems will be available on Tarrant County's website.
- (d) Parties shall use all reasonable means to resolve pretrial disputes without judicial intervention and to have meaningful plea negotiations.
- (e) The following rules apply to conflicting court settings:
  - (1) A conflicting setting exists when an attorney is simultaneously set for a trial or hearing in more than one court.
  - (2) When a conflicting setting occurs, the attorney with the conflict shall immediately file a notice informing all affected courts.
  - (3) Conflicts in trial settings may be resolved by agreement of the affected courts. If an agreement is not reached, the conflict shall be resolved by Texas Code of Criminal Procedure article 32A.01, Texas Government Code section 23.101 and Rule 10 of the Eighth Administrative Judicial Region Rules of Administration.

## RULE 5.6: COURT ADMINISTRATION AND MANAGEMENT

### **Rule 5.61: Court Administration and Management**

- (a) Pursuant to Texas Government Code section 74.093(c), the judges of the Criminal Courts shall elect three judges to form a Presiding Criminal Judges Panel (PCJP).
- (b) The PCJP shall be composed of the following:
  - (1) A Criminal Courts Presiding Judge selected by the judges of the Criminal Courts,

- (2) A County Courts Presiding Judge selected by the judges of the County Courts, and
- (3) A District Courts Presiding Judge selected by the judges of the District Courts.

**Rule 5.62: Criminal Courts Presiding Judge**

- (a) The Criminal Courts Presiding Judge shall be elected by a majority of the judges of the Criminal Courts in November of each year.
- (b) The Criminal Courts Presiding Judge shall serve a one-year term beginning on the first day of January following his or her election under subsection (a).
- (c) The Criminal Courts Presiding Judge serving in even-numbered years shall be a District Court judge and the Criminal Courts Presiding Judge serving in odd-numbered years shall be a County Court judge.
- (d) If a vacancy occurs in the position of the Criminal Courts Presiding Judge, the judges of the Criminal Courts shall hold an election within 30 days of the vacancy to fill the position for the remainder of the one-year term.
- (e) The Criminal Courts Presiding Judge shall preside over all meetings of the PCJP and of the Criminal Courts.

**Rule 5.63: District Courts Presiding Judge and County Courts Presiding Judge**

- (a) The District Courts Presiding Judge shall be elected by a majority of the judges of the District Courts in November of even-numbered years.
- (b) The County Courts Presiding Judge shall be elected by a majority of the judges of the County Courts in November of odd-numbered years.
- (c) Both the District Courts Presiding Judge and the County Courts Presiding Judge shall serve a two-year term beginning on the first day of January following their election under either subsection (a) or (b).

- (d) If a vacancy occurs in the position of the District Courts Presiding Judge or the County Courts Presiding Judge, a majority of the judges of the courts from which the vacancy occurs shall elect a replacement within 30 days of the vacancy to fill the position for the remainder of the two-year term.
- (e) No judge may serve as the District Courts Presiding Judge or as the County Courts Presiding Judge for more than two consecutive full terms. If appointed to serve the remainder of an unfinished term, a judge may be appointed to two additional consecutive full terms.

#### **Rule 5.64 Authority and Duties of the Presiding Criminal Judges Panel**

- (a) Pursuant to Texas Government Code section 74.093(c)(4), the PCJP shall be responsible for the administration and management of the Tarrant County Criminal Court system and its auxiliary services.
- (b) The PCJP acts under the general authority and direction of the Criminal Courts.

#### **Rule 5.65: Rule Modification**

Rule 5.6 may be temporarily modified by a vote of two-thirds of all judges of the Criminal Courts. Any such vote shall only apply to the immediate proposal at issue and the original, unmodified rule shall continue in full force and effect after the temporary modification expires.

#### **RULE 5.8: REPEAL AND EFFECTIVE DATE**

The Local Rules replace all prior versions of Part 5 and are effective immediately upon being published on the Texas Office of Court Administration website under Rule 3(a) of the Texas Rules of Civil Procedure and Rule 10(a) of the Texas Rules of Judicial Administration.

Adopted by majority vote of the judges of the Criminal Courts of Tarrant County, Texas on March 11, 2025.

Local Rule 5.33 adopted by majority vote of the judges of the Criminal Courts of Tarrant County, Texas on March 27, 2026.