

## City of Temple Municipal Court Rules of Conduct and Decorum

### I. Local Rules of Court

Under the inherent power and duty of all Texas courts as codified in Section 21.001 & 21.002, *Government Code*, the following Rules of Decorum shall apply and govern all proceedings before the Municipal Court of the City of Temple in the County of Bell, Texas.

### II. Rules and Laws Generally

Nothing about these rules should be construed as legal advice.

All proceedings before the Court shall be conducted within the Texas Rules of Criminal Procedure. For a copy of those rules go to:

<http://www.statutes.legis.state.tx.us/Docs/SDocs/CODEOFCRIMINALPROCEDURE.pdf>

Texas laws are available online at:

<http://www.statutes.legis.state.tx.us/Search.aspx>

The Texas Rules of Evidence apply to all proceedings and to the entering of evidence at trial. For a copy of these rules you may go to:

<http://www.courts.state.tx.us/rules/tre-toc.asp>

### II. Formal Opening

Each daily session of the Court shall be brought by announcement of the Bailiff, Clerk or other officer of the court requiring all to rise as the Judge takes the bench.

### III. Consent to Search and Courtroom Attire

#### A. Consent to Search

All person entering the building that houses the court facilities and the courtroom consent to search of their persons and all property in their possession by entry into the court building and courtroom and there is no requirement of probable cause to search any person or property in the justice building or courtroom.

#### B. While the Court is in session there shall be:

1. No smoking or use of tobacco products.
2. No reading of newspapers or magazines.
3. No propping of feet or sitting on tables, chairs, benches, or railings.
4. No loud noises or talking.
5. No food or beverages; and no chewing gum.
6. No gestures, facial expressions, or sounds indicating approval or disapproval.

7. No inappropriate attire such as:

no shorts, cut-offs, low-cut blouses or tops, no skirts or dresses that are short (less than halfway from knee to top of thigh); no muscle shirts or shirts without sleeves, clothing with offensive, vulgar, racist, sexist, obscene, lewd, or suggestive words, slogans, depictions, or pictures.

Note: Any clothing that causes a disruption to proceedings may result in your case being reset to return without disruptive attire.

8. No hats, caps, bandanas, or any headgear, except with permission of the judge. Religious attire, such as yamakas, turbans, and chunis are allowed.

9. No weapons of any type

10. No unattended children. If children are unable to be quiet for court, reasonable attempts will be made to accommodate the party by waiting in the lobby.

11. No Cell phones or pagers (Cellular phones and pagers must be off or they will be confiscated)

12. No Recording Devices of any kind may be used. Recordings of all types are prohibited.

See IV. Below.

#### IV. Recording Devices Prohibited in Court

Any requests for a record to be made of the trial by either party shall be in writing, filed, and submitted to the Court no later than the date and time of the Pre-Trial Hearing. If there is no Pre-Trial Hearing, the written request for a record to be made of the trial or any other hearing shall be made no less than 10 days before the trial or hearing date.

No audio or visual electronic recordings may be made of any court proceedings, hearings, or trials. The recording of any court proceedings is prohibited unless the Presiding Judge approves of this, after a written request. The use of any device including a cell phone device, camera, video recorder, smart phone, laptop, thinkpad, electronic tablet, etc. and any other electronic devices capable of recording are prohibited in the courtroom. Any person caught recording proceedings without previous approval from the Presiding Judge may be held in contempt of court and may have their recording device seized as evidence.

#### V. Conduct Required of all Persons Appearing

##### A. Identification for persons filing paperwork or appearing

Any person appearing on a case, in court or at the Clerk's Office, will be required to show proof of identity and will be required to fill out a contact form. Attorneys may also be required to show their credentials. Only Attorney's under the laws of the State of Texas or *Pro Se* Litigants are permitted to appear in the courtroom upon a case. A *Pro Se* Litigant is defined as a defendant who represents themselves without counsel.

##### B. Hearing Set Upon Motions from Litigants

Other than Motions for Continuance where "Cause" has been deemed by the judge to have been demonstrated on the face of the document, all Motions filed by litigants will be set for hearing at the

next Pre-Trial date available to the court. The clerk will make this setting at the window or it may be set in the courtroom. The clerk will, where possible, hand deliver the setting notice to the litigant. Refusal to accept the paperwork will not cancel the hearing.

### C. Rules of Ethics, Rules of Decorum & Pro-Se Litigants

Attorneys shall observe the letter and spirit of all canons of ethics, including those concerning improper *ex parte* communications with the Judge and with those dealing with discussion of cases with representatives of the media. Attorneys must advise their clients and witnesses of Rules of Decorum that may be applicable.

Pro-se litigants (defendants acting as their own counsel) must conform their behavior to all provisions applicable to Counsel.

### D. Attendance & Conduct of All Parties

#### 1. Arrival

All parties shall be prompt in arriving for Court and in attending to Court business. Parties arriving late may be admitted by permission from the judge. In order to obtain permission from the judge, the late party must check-in with the Clerk's Office who will assist the party where reasonable.

Once a party has entered the courtroom and is appearing before the Court, he/she may not leave without obtaining permission from the Court. Attorneys who do not appear, or who appear late may be reported to the State Bar of Texas. All defendants not appearing at the designated time are subject to the issuance of a warrant in their name.

a. All requests for continuance must be made in writing and filed with the Clerk's Office in the lobby of the justice building no later than 24 hours prior to the hearing sought to be continued. Motions must have an order attached to them by the filing party, which indicates whether the motion is granted or denied. All litigants, attorney or pro-se, understand that they are not excused from attending court hearings or trials simply based upon the filing of a motion for continuance. Trials are usually not reset unless there is an emergency situation. Only if the motion is granted will the parties be excused from appearing in court. It is the duty of the movant to ascertain whether the Judge has granted or denied their motion for continuance. If the motion is not granted, all parties are required to appear. If the motion is granted, all parties, attorneys, and pro-se litigants agree to appear at the new court date. It is the duty of all parties, attorneys, and pro-se litigants to contact the court and ascertain the reset time and date. Failure to appear at the time and date on which the case is re-set shall constitute a Failure to Appear/Bail Jumping, a Forfeiture of your Bond or Appearance Bond, and criminal charges may be issued along with the Appearance Bond being executed. This could result in the filing of contempt of court (order) charges being filed against the attorney as well as a possible complaint being issued to the State Bar of Texas for disciplinary proceedings.

b. In the event of personal emergency or weather-related emergency that prohibits the party from appearing, the party may send a fax with a motion for continuance attached which states the

reasons for non-appearance. All other rules for such motions will still govern the handling of a faxed request.

c. An attorney's or party's previous commitment to appear in another court is not a legitimate reason to appear late or fail to appear in this court. If you have another court hearing or appearance conflicting with your setting in this court, it is incumbent on you and your attorney to ask the court for a continuance.

2. Individuals who are representing themselves (pro-se parties) should be prepared to present their cases in a proper manner. It is not the Court's duty or responsibility to instruct, protect, or represent pro-se litigants on proper court procedures, evidence, rules or how to present and prove your case. If you are unprepared, unaware, and not knowledgeable as to presenting your case, this could adversely affect your ability to defend yourself and/or present your case. A pro-se defendant accepts all of the risks inherent in representing themselves without benefit of legal counsel. Pro-se parties who are representing themselves without retaining an attorney shall conform behavior to all provisions applicable to attorneys.

3. All remarks of counsel to the Court shall be addressed to the Court formally. The Court and opposing parties shall address each other and members of the Jury without familiarity. The use of first names shall be avoided.

4. All objections, arguments, and other comments shall be directed to the Judge or Jury and not to opposing counsel.

5. Objection shall be in proper legal form. (See Rule II above). When an objection is made upon legal grounds, both parties will cease speaking until a ruling is made by the Judge Presiding. Argument will not be entertained upon an objection except with the Court's permission. Do not thank the judge for his/her ruling on an objection.

6. Counsel shall remain seated at the counsel tables at all times except:

- a. when the Judge enters and leaves;
- b. when addressing the Judge or jury;
- c. whenever it may be proper to handle documents, exhibits, or other evidence;
- d. when given permission by the Judge, and
- e. when objecting to opposing counsel.

7. Counsel shall not approach the bench except with permission or on request of the Court.

8. Counsel shall not lean on the bench, sit on rails or tables, or appear to engage the Court in a confidential manner.

9. Neither counsel nor the defendant shall argue with the Judge, opposing counsel, or the witness.

10. Racist, sexist, obscene, or profane language or gestures are prohibited unless it is pertinent to a case and is elicited and quoted from facts in the case.

11. Do nothing to disturb or distract the court, counsels, witnesses, and other court personnel. Children must not create a disturbance or they will be asked to be removed from the courtroom. Young children, such as infants and toddlers should not be brought into the courtroom.

12. The Court may enforce these rules of conduct and decorum by appropriate action or sanctions, including a finding of contempt. Nothing herein shall prevent or prohibit the further adoption of additional rules of decorum.

13. Attorney Notice: The court may enforce these rules of conduct and decorum by appropriate action or sanction, including a referral to the State Bar of Texas and the State Bar Ethics Commission.

#### VI. Pre-Trial Hearings

All cases where a plea of “not guilty” has been entered shall be set for a mandatory Pre-Trial Hearing. It is hereby ordered that in all cases not disposed of before pre-trial that the prosecutor and defendant shall appear and be prepared to present any motions and argument regarding the following pre-trial matters, pursuant to article 28.01, Texas Code of Criminal Procedure:

- a. Arraignment of the defendant;
- b. Pleadings of the defendant;
- c. Special pleas, if any;
- d. Exceptions to the complaint;
- e. Motions for continuance;
- f. Motions to suppress evidence;
- g. Motions for change of venue;
- h. Discovery;
- i. Entrapment;
- j. Motions for appointment of an interpreter;
- k. Requests for jury trial and/or request for jury to assess fine rather than the judge;
- l. Any requests for Subpoena or Subpoena Duces Tecum
- m. Any other requests or motions as provided by law

A failure to present and argue any of the above motions or matters at pre-trial shall constitute a waiver of the party’s right to present said motion or matter to the court.

#### VII. Address and Telephone numbers of Defendants and Attorneys

Attorneys appearing before this court, parents of juvenile defendants (under 17 years of age), and adult defendants (pro se or represented by counsel) are ordered to deliver, in writing, notice of correct current mailing address and working telephone number at the time of their first court appearance. All attorneys, parents of juvenile defendants, and all adult defendants are also ordered to advise the Court of any changes to their mailing address and telephone number within three (3) days of said change. Defendants, parents, and attorney acknowledge and understand that failure to update the court with a new address and/or telephone number may result in a failure to receive notice of a court setting that may result in a judgment being rendered or a warrant being issued for defendant’s arrest. A defendant’s failure (or a parent or attorney’s failure) to update an address and/or telephone number will not raise the defense of lack of notice of a hearing, trial, or show

cause setting. Failure to advise the court of a change of address may also result in the filing and prosecution of contempt charges against the defendant or parents of a juvenile defendant.

#### VIII. Bailiffs

A. The Bailiff or Bailiffs shall be present at all times when the Court is in session or in recess, unless excused by the Judge.

B. The Bailiff shall see that the flag of the United States of America and the flag of the State of Texas are properly displayed and respected in the Courtroom.

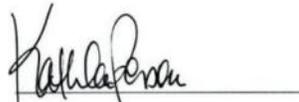
C. The Bailiff shall enforce all rules of conduct and decorum and other duties assigned by the Judge.

D. In the absence of the Judge in the Courtroom and upon instruction by the Judge if the Judge is present in the Courtroom, the Bailiff's instructions to any and all persons in the courtroom are to be obeyed without question.

#### IX. Endorsements

All attorneys and pro-se defendants are required to conform their conduct to the above stated Rules of Conduct and Decorum. Violation of the Rules of Conduct and Decorum may constitute Contempt of Court and may be punishable by a fine and/or confinement pursuant to Section 21.002(c) of the Texas Government Code.

Signed and Ordered on December 16, 2013

A handwritten signature in black ink, appearing to read 'Kathleen Person', is written over a horizontal line.

Honorable Kathleen Person, Presiding Judge  
Temple Municipal Court