

2016 RULES OF DECORUM AND CONDUCT IN BURLESON MUNICIPAL COURT OF RECORD

I. COURT WHERE APPLICABLE

Under the inherent power and duty of all Texas courts as codified in Section 21.002, Texas Government Code, the following Rules of Decorum and Conduct shall apply and govern all proceedings before the Burleson Municipal Court of Record in the County of Tarrant/Johnson, State of Texas.

II. TO WHOM THESE RULES ARE APPLICABLE

All attorneys practicing before this Court, all Pro-se defendants acting as their own counsel, and one or both of the parents or legal guardians of any juvenile defendant who is under the age of seventeen (17) years of age.

III. ATTIRE

All attire shall be appropriate to show respect to the Court. All court participants shall remove hats, caps, or any materials that cover their head when entering the courtroom, except religious hats or materials, such as yam akas, turbans, or chunnis. All shirts will be tucked in. Clothing that would be considered unacceptable includes, but is not limited to:

- a. Shorts and cut-offs;
- b. Low-cut blouses or tops;
- c. Skirts or dresses that are short (less than halfway from knee to top of thigh);
- d. Muscle shirts, shirts with no sleeves, clothing with lewd, sexual, offensive, vulgar, racist, sexist, obscene, or sexually suggestive words, slogans, depictions, or pictures, including grotesque creatures;
- e. Clothing that is dirty, torn or ragged;
- f. Clothing that is too tight, too short, excessively baggy, pant waists worn below the waist;
- g. Hats, caps or bandanas

IV. CONSENT TO SEARCH

All persons entering the Courthouse and Courtroom consent to search of their persons and all property in their possession.

V. CONDUCT REQUIRED OF COUNSEL AND PRO-SE DEFENDANTS

- 1.) Individuals who are representing themselves (Pro-Se Parties) should be prepared to present their case(s) in a proper manner. It is not the Court's duty or responsibility to protect or represent you, or to instruct or educate you on 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, you may lose your case.

- 2.) 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.
- 3.) All attorneys shall advise their clients and witnesses of the Rules of Decorum and Conduct that may be applicable to them.
- 4.) Pro-se defendants who are representing themselves without retaining an attorney shall conform their behavior to all provisions applicable to attorneys.
- 5.) Counsel shall be dressed appropriately while in attendance at Court.
- 6.) All parties shall be prompt in arriving for Court and in attending to Court business. Any party who arrives late may risk the issuance of a warrant if they are not present when the docket is called after the Court goes into session.
- 7.) Attorneys are not excused from arriving late even if in another Court, unless previous arrangements and approval of the Judge has been given.
- 8.) Attorneys and pro-se defendants agree to appear for all hearings and court dates set by the Court, whether such notice was given to them by the Judge in open court or given to them by the Court Clerk at the at the Judge's direction via fax, first class mail, certified mail, telephone, or via telephone voicemail message. Failure to appear as ordered may result in a warrant and/or new charges filed against defendants; and Contempt of Court charges and/or referral to the State Bar of Texas Disciplinary Proceedings for attorneys.
- 9.) Attorneys may appear in lieu of adult defendants on the first and second court appearance. Juvenile defendants represented by counsel will be required to appear in person to enter his or her plea in open court before the Municipal Court Judge. Attorneys understand and agree to complete any forms required on behalf of their client and to provide any other necessary documentation required by the Court or Deputy City Attorney if the attorney chooses to enter into a plea bargain agreement without the presence of their client. The attorney is permitted to sign any necessary documentation on behalf of their client and agrees to communicate all information to the defendant contained therein.
- 10.) Attorneys understand and acknowledge that the Court does not require defendants to appear with their attorney for the first two court appearances ordered by the Court. If after two appearances, the case is not resolved, the Court will set the case for a Status Conference, unless good cause is shown. **BOTH THE ATTORNEY AND THE DEFENDANT ARE REQUIRED TO ATTEND THE STATUS CONFERENCE AND ANY FURTHER PROCEEDINGS THEREAFTER. NO PLEA BARGAINS WILL BE APPROVED AT THE STATUS CONFERENCE WITHOUT THE PRESENCE OF THE DEFENANT UNLESS GOOD CAUSE IS SHOWN.**
- 11.) All attorneys representing defendants with cases before the Court will be

required to submit in writing a list of approved attorneys who may appear on their behalf at a court setting. Once the list is submitted, those approved attorneys will be allowed to appear in lieu of the attorney of record at any court setting. Those attorneys standing in for the attorney of record will be responsible for getting all of the pertinent paperwork to the attorney of record after the court setting. This includes any agreed plea bargains, plea offers, and/or future court settings. If no list is provided, the Court will assume that no other attorneys are permitted to appear in lieu of the listed attorney of record.

- 12.) Attorneys and pro-se defendants understand that they are not excused from Court based on the filing of a Motion for Continuance or any request for a continuance. All motions and requests for continuance must be in writing, and must be submitted to the Court before the hearing sought to be continued. When submitting a motion, as in all motions, the defendant and his or her attorney are required to attach an order for the Judge to sign indicating whether the motion has been granted or denied. Only if the motion is granted are the attorneys and parties excused from attending. It is the duty of the movant to ascertain whether the Judge has granted or denied the motion. If the motion has not been granted, the attorneys and parties are required to attend the court setting. If the motion was granted by the Judge, it is the duty of all attorneys, pro-se defendants, and parties to appear at the new court date. All contested motions will be set for a hearing. There will be no continuances granted for trial settings barring exigent circumstances for good cause shown.
- 13.) Once an attorney, defendant, or party has entered the courtroom and is appearing before the Court, he/she shall not leave without obtaining permission from the Court or the City Marshal.
- 14.) The State shall be seated at the counsel table nearest the jury box. Counsel for the defendant and pro-se defendants shall be seated at the other counsel table.
- 15.) All remarks of counsel and pro-se defendants to the Court shall be addressed to the Court formally.
- 16.) The Court and opposing parties shall address each other and members of the jury without familiarity. The use of first names shall be avoided. Address the Court as "Judge" or "Your Honor." Address opposing parties, counsel, witnesses, and Court Officers as "Mr."; "Mrs."; "Miss"; "Marshal"; etc.
- 17.) All objections, arguments, and other comments shall be directed to the Judge and not to opposing counsel. Once a party has made an objection, the other party shall stop and wait for the Judge to make a ruling on the objection before proceeding.
- 18.) All objections shall be in proper legal form and shall comply with the Texas Rules of Evidence or other laws of this State. Argument will not be heard upon an objection without the Court's permission.
- 19.) In addressing the Court or jury, counsel and pro-se defendants shall rise and remain standing at counsel table.
- 20.) When questioning a witness, counsel and pro-se defendants shall remain

- at counsel table and shall not attempt to approach the bench or witness unless permission is granted by the Judge.
- 21.) Counsel and pro-se defendants shall remain seated at counsel table at all times, except: when addressing the Judge or jury; when it is necessary to handle documents or exhibits; when granted permission from the Court to approach the bench, a witness, or an exhibit; and when objecting to opposing counsel or pro-se defendants.
 - 22.) Counsel and pro-se defendants shall not approach the Judge's bench except with permission from the Court.
 - 23.) Counsel and pro-se defendants shall not lean on the bench, sit on rails or tables, or appear to engage the Court in a confidential manner, unless requested by the Court.
 - 24.) Do not argue with the Court, opposing counsel, or the witnesses.
 - 25.) Do not talk at the same time as the Judge, counsel, witnesses, or other Court personnel.
 - 26.) 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.
 - 27.) Do not enter and depart the courtroom excessively.
 - 28.) Do nothing to disturb or distract the court, counsel, witnesses, and court personnel. Children must not create a disturbance or they will be asked to leave the courtroom.
 - 29.) Do not approach the Judge's bench or Clerk's desk without permission. Do not rest arms or hands on the bench. When at the bench, defendants are to keep their hands at their sides and out of their pockets at all times.
 - 30.) Do not lean over the Judge's bench or touch any part of the Judge's bench or go past any railings, markers, or dividers placed in front of the bench to restrict access to the bench.
 - 31.) Have all paperwork, Driver's License, proof of auto liability insurance, etc. ready when called to approach the Judge.
 - 32.) No food or gum is allowed in the courtroom. Water is permitted if it is in a bottle with a secure lid.
 - 33.) No cell phones will be allowed in the courtroom, except by attorneys, jury panel members, or with permission of the City Marshal.
 - 34.) The Court may enforce these Rules of Conduct and Decorum by appropriate action or sanctions.
 - 35.) Nothing herein shall prevent or prohibit the further adoption of new rules or revision of these rules.

VI. ADDRESSES, EMAIL, AND TELEPHONE NUMBERS OF DEFENDANTS AND ATTORNEYS

Attorneys appearing before this court, parents of juvenile defendants (under 17 years old), and adult defendants (Pro-se or represented by counsel) are ordered to deliver, in writing, notice of a correct current mailing address, working telephone number, and email address where applicable 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 numbers within seven (7) days of said change. Defendants, parents, and attorneys 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 at 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.

VII. ATTORNEYS WHO ACT AS BAIL BONDSMEN OR WHO BIND THEMSELVES AS SURETY FOR THEIR CLIENT WHO IS A DEFENDANT IN THIS COURT.

The Professional Ethics Committee for the State Bar of Texas issued Ethics Opinion 599 in regards to the question as to whether a lawyer who serves as bail bondsman for his or her client in a criminal prosecution may add in the bail bond form a provision in which the client agrees that, if the client fails to appear in court, the attorney is authorized to enter a "no contest" plea that will result in a fine and may result in the issuance of a warrant for the client's arrest. (August 2010)

SYNOPSIS

"Loyalty to client is impaired...in any situation when a lawyer may not be able to consider, recommend or carry out an appropriate course of action for one client because of the lawyer's own interests or responsibilities to others. The conflict in effect forecloses alternatives that would otherwise be available to the client."

CONCLUSION

The Professional Ethics Committee for the State Bar of Texas held that under the Disciplinary Rules of Professional Conduct, it is not permissible for a lawyer who serves as bail bondsman for his client in a criminal prosecution to add to the bail bond any provision in which the client agrees that, if the client fails to appear in court, the attorney is authorized to enter a "no contest" plea that will result in a fine and may result in the issuance of a warrant for the client's arrest. Such an arrangement is a prohibited business transaction between lawyer and client that is not on terms fair and reasonable to the client, creates an impermissible conflict of interest for the lawyer, and impermissibly purports to eliminate the lawyer's duty to consult with, and abide by the decision of the client concerning the entering of a plea. Therefore, based on the Ethics Opinion, **IT IS ORDERED** that any lawyer who appears in the Court as legal counsel for a defendant and is also acting as a bail bondsman or surety for that defendant is required to advise the Court of this fact before entering any plea of "no contest" or "guilty" and must have the client

personally with them if such pleas are going to be submitted to the Court or must have written consent from the client to do so.

VIII. CITY MARSHAL

The Marshals are given full authority to enforce and are ordered to enforce all Rules of Conduct and Decorum.

IX. VACATION

Each attorney may designate not more than four weeks of vacation during a calendar year, during which time the attorney will not be assigned to trial or required to engage in any pretrial proceedings. Written designation is required and must be mailed or delivered to the Burluson Municipal Court Clerk's office thirty days in advance. In the event an attorney has a setting at the time the vacation notice is filed, there is no automatic assurance and a Motion for Continuance needs to be filed and a ruling obtained.

X. ACKNOWLEDGEMENT AND ENDORSEMENT

All attorneys practicing before this Court, all Pro-se defendants acting as their own counsel, and one or both of the parents or legal guardians of any juvenile defendant who is under the age of seventeen (17) years of age are required to read these rules carefully and to conform their conduct to the above stated Rules of Decorum and Conduct. Furthermore, all attorneys and Pro-se defendants acting as their own counsel are required to check to make sure they have read the latest copy of these Local Rules since there will be addendums and new revisions to these Rules when required. All attorneys and Pro-se defendants acknowledge that it is their responsibility to check with the Court to ensure they have read the most current Rules of Decorum and Conduct.

SIGNED AND ORDERED on this 16 day of May, 2016.



Markie Cooke, Presiding Judge
Burluson Municipal Court of Record