COUNTY COURT AT LAW NO. 3
JUDGE CHRISTOPHER DUPUY

MISDEMEANOR DOCKET CONTROL PLAN

CONCURRENT FELONY DISPOSITION

If a Defendant has a pending felony charge stemming from the same incident made the basis for the misdemeanor complaint, then any future pre-trial setting on the misdemeanor complaint shall be set on a date that the Defendant is required to appear in District Court.

I. FIRST SETTING

1.0 Prior to the First Setting, the State shall make available for viewing all videos related to the Defendant, unless an extension of time is granted by the Court for good cause shown.

1.1 If blood evidence has been collected, then the State shall make a good faith effort to obtain the results prior to this setting.

1.2 Defendant, their defense counsel, and counsel for the State, shall appear and be prepared to discuss resolution of the matter in good faith.

1.3 Absent resolution, then Defendant's next appearance shall be approximately three (3) months after the first setting.

1.4 During this time period, the Court expects all parties and their attorneys to:

i. diligently continue their independent investigations of the matter;

ii. obtain and prepare evidence in admissible form;

iii. timely share with one another all information required by Law; and,

iv. communicate with one another about resolution <u>without</u> the necessity of a Second Setting.

1.5 The Court anticipates all attorneys involved to comply with the *Guidelines for Professional Conduct*, attached hereto on page 2.

II. SECOND SETTING – MOTIONS

2.0 Approximately three (3) months after the First Setting, Defendant, their defense counsel if any, and counsel for the State, shall reappear and be prepared to discuss resolution of the matter in good faith.

2.1 Absent resolution, the Court intends to hear all discovery and dispositive motions at this setting.

2.2 All discovery and dispositive motions, including motions to suppress, must be filed no later than ten (10) days *prior to* this date, unless an extension of time is granted by the Court for good cause shown. All responses shall be filed no later than five (5) days *prior to* the hearing date, unless an extension of time is granted by the Court for good cause shown. See Local Rule 6.4 C.

2.3 Each pre-trial motion that is set for hearing must:

i. succinctly state the relief sought, the facts pertinent to the motion, and supporting argument with authorities;

ii. be signed by counsel and, where required, by the Defendant;

iii. be sworn to when required;

iv. contain a certificate of service and consultation with opposing counsel and a statement that the matter raised in the motion was not resolved, or if no consultation was accomplished, an explanation thereof;

v. contain a notice the motion will be presented to the Court at the pre-trial hearing with or without evidence; and,

vi. contain a proposed order granting or denying the motion in full or in part.

See Local Rule 6.4 D.

2.4 The Court may refuse to consider any pre-trial motion that fails to comply with these rules. See Local Rule 6.4 E.

III. THIRD SETTING – PRE-TRIAL SETTING

3.0 All cases not resolved above, shall be set on a pre-trial docket no later than one (1) month after the Motion Setting.

3.1 Absent resolution, the Court intends to hear all remaining motions at this setting.

3.2 All remaining pre-trial motions and non-dispositive motions, including motions in limine, must be filed no later than ten (10) days *prior to* this date, unless an extension of time is granted by the Court for good cause shown. All responses shall be filed no later than five (5) days *prior to* the hearing date, unless an extension of time is granted by the Court for good cause shown.

3.3 All motions entertained at this setting must comply with Local Rule 6.4 D.

3.4 The Court may refuse to consider any pre-trial motion that fails to comply with these rules. See Local Rule 6.4 E.

IV. FINAL SETTING – TRIAL

4.0 All cases not resolved above, shall be set on a trial docket no later than one (1) month after the Pre-Trial Setting.

The Court is mindful that the Texas Supreme Court mandates that all criminal cases shall be brought to trial within the time limits "as provided by Article 32A.02, Code of Criminal Procedure." See Judicial Administration Rule 6.1a.

The Court is also aware that the Texas Legislature, in 2005, deleted Article 32A.02 from the Code of Criminal Procedure.

GALVESTON COUNTY
COURT AT LAW NO. 3
COURTROOM ETIQUETTE AND CONDUCT

1. **<u>GUIDELINES FOR COURTROOM ETIQUETTE</u>**. People who appear in court must observe these and other conventions of courteous, orderly behavior.

a) Be punctual.

b) Dress to maintain the dignity, integrity, decorum, and professional atmosphere of the Court and the justice system. (No shorts, bare midriffs, sunglasses, hats, swimwear, sandals, or clothing that shows undergarments (bras, boxers, etc.)).

c) Remain in attendance until excused. Parties and counsel must remain in attendance during jury deliberations; absence waives the right to attend the return of the verdict.

d) Refrain from reading newspapers or playing with electronic devices. (No reading of magazines or newspapers, and no audible cell phones or pagers, including no playing of any gaming system).

e) Address others only by their titles and surnames, including lawyers, witnesses, and court personnel.

f) Stand when the Court speaks to you; stand when you speak to the Court. Speak only to the Court, except for questioning witnesses and, in opening and closing addresses to the jury.

g) Avoid approaching the bench. When a bench conference is unavoidable, obtain permission first.

h) Hand to the bailiff, not the judge or reporter, all things for examination by the judge.

i) Stand when the judge or jury enters or leaves the courtroom.

j) Question witnesses while seated at counsel table or standing at the lectern. When it is necessary to question a witness about an exhibit, ask permission to approach the witness.

k) Conduct no experiment or demonstration without permission.

l) Do not participate in a trial as an attorney if you expect you may be called as a material witness.

m) Avoid disparaging remarks and acrimony toward counsel, and discourage ill will between the litigants. Counsel must abstain from unnecessary references to opposing counsel, especially peculiarities.

n) Counsel are responsible for advising their clients and witnesses about proper courtroom behavior.

2. <u>GUIDELINES FOR PROFESSIONAL CONDUCT</u>. <u>See</u> also *The Texas Lawyers Creed*.

a) In fulfilling his or her primary duty to the client, a lawyer must be ever conscious of the broader duty to the judicial system that serves both attorney and client.

b) A lawyer owes, to the judiciary, candor, diligence and utmost respect.

c) A lawyer owes, to opposing counsel, a duty of courtesy and cooperation, the observance of which is necessary for the efficient administration of our system of justice and the respect of the public it serves.

d) A lawyer unquestionably owes, to the administration of justice, the fundamental duties of personal dignity and professional integrity.

e) Lawyers should treat each other, the opposing party, the court, and members of the court staff with courtesy and civility and conduct themselves in a professional manner at all times.

f) A client has no right to demand that counsel abuse the opposite party or indulge in offensive conduct. A lawyer shall always treat adverse witnesses and suitors with fairness and due consideration.

g) In adversary proceedings, clients are litigants and though ill feeling may exist between clients, such ill feeling should not influence a lawyer's conduct, attitude, or demeanor towards opposing lawyers.

h) A lawyer should not use any form of discovery, or the scheduling of discovery, as a means of harassing opposing counsel or counsel's client.

i) Lawyers will be punctual in communications with others and in honoring scheduled appearances, and will recognize that neglect and tardiness are demeaning to the lawyer and to the judicial system.

j) If a fellow member of the Bar makes a just request for cooperation, or seeks scheduling accommodation, a lawyer will not arbitrarily or unreasonably withhold consent.

k) Effective advocacy does not require antagonistic or obnoxious behavior and members of the Bar will adhere to the higher standard of conduct which judges, lawyers, clients, and the public may rightfully expect.