

Rules for County Court at Law 4

TO: All Attorneys

FROM: Judge Dimple Malhotra

RE: Procedures in County Court at Law 4

DATE: Effective January 1, 2021

I. General Rules:

- A. Be professional and courteous to the judge, court staff, opposing counsel, witnesses, and defendants. Notify the bailiff or the judge if you are being treated in a disparaging or disrespectful manner.
- B. Please arrive on time at 8:30 a.m. for all dockets unless excused by the judge or court staff.
- C. All electronic devices must be turned off or silenced prior to entering the courtroom.
- D. Notify the court coordinators if you will need an interpreter for your case as quickly as possible so arrangements can be made in a timely manner.
- E. All spectators and witnesses are welcome in the courtroom. Please see the bailiff, Deputy Jesse Ibarra, to inquire about specific rules in the courtroom. Spectators and those seated in the gallery shall refrain from any disrespectful or disruptive behavior such as laughing, smirking, or any other inappropriate outbursts.
- F. File motions or pleadings with the court clerk in County Court 4. At the time of the filing, provide an electronic copy to the State as well as a courtesy copy to the judge.
- G. Please discuss cases NOT on the docket after the lunch break. Please avoid interrupting the morning docket for off-docket matters. Please feel free to email the court directly about any off-docket matters if necessary.
- H. Personal bonds will be considered after Pre-Trial Services has provided the court with all bond paperwork including criminal history and recommendations.

- I. State and defense will be allowed to give input as requested by the court.
 - J. The judge will only sign bonds arising out of County Court 4 cases, unless the case has not been assigned to another court.
 - K. Announcement and general docket unfiled settings can be reset over email at cc4reset@traviscountytexas.gov.
- II. Pretrial Conference Settings:
- A. Beginning January 1, 2021, all pretrial conferences will be scheduled Monday through Thursday beginning at 8:30 a.m.
 - B. There is a total of three pretrial conference settings permitted for discovery purposes. If additional pretrial conferences are necessary, both parties must approach the Court to request additional settings.
 - C. Defense counsel can appear on behalf of defendant for the first two pretrial conferences, however, both defendant and defense counsel must appear together on the third pretrial conference setting (and any subsequent settings approved by the court unless the defendant's presence has been waived by the court).
 - D. Unresolved cases will be moved to a contested setting after the third pretrial conference setting (unless additional pretrial settings have been approved by court).
 - E. Cases moved to the plea docket must have a jury waiver form signed by all parties.
- III. Plea Settings:
- A. Regarding pleas of guilty/ nolo contendere, a form with the admonishments, voluntary statements, waivers, stipulations, and judicial confessions must be signed by all parties. A certification of defendant's right to appeal must be signed by the defendant and counsel.
 - B. It is imperative that attorneys go over these forms thoroughly with their clients prior to entry of the plea. The defendant and counsel should sign and initial the form where indicated.

- C. If the defendant is to receive probation, please notify the court probation officer, Alexis Garza, PRIOR to submitting paperwork to the clerk.
 - D. Attorneys should carefully review all conditions of probation with the defendant prior to sentencing.
 - E. Give the signed and executed plea form to the clerk and inform the clerk if the defendant is pleading to “time served” so back-time credit can be calculated by the clerk.
- IV. Pretrial with Witness Settings:
- A. The court will consider a pretrial with witness setting if motions have been filed. Once a case is given a pretrial with witness setting, announcements of ready or not ready must be made no later than 10:00 a.m. The defendant and defense counsel must be present.
- V. Trial before the court (TBC):
- A. Cases may not be set on this docket unless discovery is complete, the parties have negotiated, and a jury trial waiver has been signed by all parties.
 - B. Announcements of ready or not ready must be made no later than 10:00 a.m. Both defendant and defense counsel must be present.
- VI. Jury Trials:
- A. Only cases where negotiations have been exhausted and all pretrial matters have been resolved will a defendant be arraigned, and the case set on the jury docket.
 - B. Motions related to trial should be filed before the date of trial.
 - C. In-custody cases will be given the top priority on the jury docket. If there are no in-custody cases on the jury docket, older out-of-custody cases will have priority over newer cases.
 - D. Each side will generally be allowed only one continuance (unless given express permission by the court). Any request for continuance must be made at the bench and communicated directly to the court.
 - E. Jury docket call shall be held at 8:30 a.m. the Tuesday before jury trial week.

- F. Defense counsel and defendants are required to be present at jury docket call (unless excused by the court).
 - G. If the parties announce “ready” or all motions for continuance are denied, then any final plea negotiations should be concluded by the close of business on Thursday of that week.
 - H. The court will decide the order of cases for trial, not the parties. Attorneys for the top five cases will be emailed by noon on the Friday before jury trial week about the order of preference for jury trial the following Monday. Cases not in the top five will be automatically reset.
 - I. On the day of trial, all attorneys and their client’s must be present no later than 8:30 a.m. Defense attorneys shall ensure their client is on time.
 - J. Voir dire shall begin at 9:00 a.m. on the first day of every jury week. Both sides shall be prepared to begin testimony at 1:30 p.m. that same day.
- VII. Rules of Conduct for Jury Trials:
- A. Have all exhibits pre-marked before the trial commences.
 - B. Thoroughly inform your witnesses of the judge’s rulings including motions in limine and other pretrial motions.
 - C. No speaking objections.
- VIII. Protective Order Docket:
- A. All protective orders will be set for Friday at 8:30 a.m. unless otherwise ordered by the court.
 - B. If you are appointed to represent an indigent client who has a corresponding protective order and you wish to represent him/her on the corresponding protective order, please approach the judge for appointment/compensation.
 - C. Contested sexual assault hearings shall be set for Friday afternoons at 1:30 p.m.