



## **RULES OF COURT**

### **CITY OF ARLINGTON** **MUNICIPAL COURT OF RECORD**

#### **RULE ONE: ENTRY OF A PLEA**

1.1 Written Plea: All pleas shall be in writing and signed by the Defendant or the Attorney representing the Defendant, except for pleas entered in open court before a judge. A fine payment shall constitute a plea of “no contest” and a waiver of jury trial pursuant to Article 27.14(c) Texas Code of Criminal Procedure.

1.2 Plea by Mail: The postmark date shall be designated as the date of filing of any plea received by mail.

1.3 Plea by FAX: The date of the receipt of a FAX by the Court Clerk shall be designated as the date of filing of any plea. Other than the entry of a plea, a fax does not otherwise constitute notice or an appearance.

1.4 Effect of “Not Guilty” Plea: All defendants who have entered a plea of “not guilty” shall be set by the Court Clerk to a Pro-Se Pre-Trial Docket, an Attorney Conference Plea Docket, or the defendant may attend a Walk-in docket subject to availability. Pursuant to Art. 28.01. Pre-Trial, the defendant’s presence is required during any pre-trial proceeding and as required by these Rules. A defendant represented by an Attorney *may not* attend a Walk-in docket to enter a plea without approval by the presiding judge in that docket.

#### **RULE TWO: COURTROOM DECORUM**

2.1 Order: Order shall always be maintained. Violation of this rule can result in a reprimand by the judge, expulsion from the courtroom or a finding of contempt of court which may include up to three (3) days in jail and/or a fine of up to \$100.

2.2 Dress: All persons should dress appropriately for court. Clothing that is not appropriate includes, but is not limited to, muscle shirts and tank tops, flip-flops, clothing with offensive messages, tube tops/halter tops/strapless tops/plunging necklines/bare midriffs, and shorts. Persons not appropriately dressed are subject to removal from the courtroom.

2.3 Food/Drink: To maintain cleanliness and decorum in the courtroom, no open containers of food or drinks (other than water in a spillproof container) shall be consumed in or brought into the courtroom, except when specifically allowed by the judge. Chewing gum and tobacco are prohibited. Alcohol or vaping devices are not allowed in any of the courtrooms or common areas of the courthouse.

2.4 Hats: No hats or sunglasses shall be worn in the courtroom except when allowed by a judge. Head coverings or sunglasses worn for religious or medical purposes are excluded from this prohibition.

2.5 Electronic Devices: All electronic devices must be turned off in the courtroom. Failure to do so may result in a finding of contempt of court or removal from the courtroom. Attorneys and their staff appearing before the court for official court business may have their electronic devices in silent mode and may access those devices in the courtroom as needed during all court proceedings.

2.6 Start Time: Dockets shall begin promptly at the scheduled time, and no grace period shall be required before a case is called. All parties must arrive on time for court proceedings. Judges may close the docket or courtroom after the commencement of the docket and late parties may be counted as absent. A judge may allow an exception if the defendant or attorney previously advised the court of “good cause” for the failure to arrive on time.

2.7 Children in the Courtroom: The court discourages bringing small children to court appearances; however, should they appear, they must remain under constant parental supervision.

2.8 Talking in the Courtroom: Personal conversations should be kept to a minimum and only if necessary and at a level that does not interfere with Court business.

### **RULE THREE: NOTICE**

3.1 Responsibility: It is the responsibility of all persons with business before the Court to update or notify the Court Clerk of any change of address, email, phone number or other identifying and contact information.

3.2 Notice: Notice of the date, time, and nature of each setting shall be given by the Court Clerk to each party in writing, in person or by mail, to the last known address of a party or counsel. A copy of each notice shall be included in the papers of the case and marked as to the manner of its delivery.

3.3 Verbal Representations: Reliance upon verbal information allegedly given by a clerk, concerning any matter, shall not be considered grounds for a continuance, setting aside of a warrant, or of any other relief. Reliance upon a police officer’s alleged verbal statement(s) regarding the disposition of an offense is not binding upon the Court.

## **RULE FOUR: MOTIONS**

4.1 All Motions shall be in writing, require a Certificate of Service to all parties, and be filed with the Court Clerk in person, by mail, or by fax. EMAILED MOTIONS WILL NOT BE ACCEPTED.

4.2 Motion for Continuance - Trial: The Municipal Court of Arlington is charged under Texas law with the fair, impartial and efficient administration of justice. While the Court recognizes that motions for continuance may be necessary in certain circumstances, unnecessary or excessive continuances undermine the timely resolution of cases and place an undue burden on the Court's docket. Such delays also result in the inefficient use of judicial resources, court staff time, law enforcement availability, witness participation, and other public resources. Consistent with the Texas Code of Criminal Procedure and the Court's inherent authority to manage its docket, this policy establishes guidelines governing the limited granting of motions for continuance. The purpose of this policy is to promote accountability, reduce avoidable delay, and ensure that cases are heard and resolved within a reasonable time while preserving judicial discretion to grant continuances for good cause shown. Continuances are governed by Chapter 29, Texas Code of Criminal Procedure. These rules augment but do not replace this code. All rules concerning Motions for Continuance shall apply to all parties, including a pro se defendant.

- a. All motions for continuance for Jury or Non-Jury trial settings shall be **in writing, be sworn to pursuant to Article 29.08 of the Texas Code of Criminal Procedure**, and be filed with the Court Clerk in person, by mail, or by fax (EMAILED MOTIONS WILL NOT BE ACCEPTED) immediately upon discovering the necessity for a continuance. Motions for continuance filed within ten (10) business days prior to the scheduled setting may be denied. A "Judge's Service Request" will not suffice as a substitute for a written motion as required by this rule.
- b. Each motion shall contain:
  - i. The cause number
  - ii. The name of the defendant.
  - iii. The date and time of the setting to be continued.
  - iv. The specific and detailed facts justifying the continuance.
  - v. A Certificate of Conference indicating the agreement or disagreement of the opposing party (Email Certificate of Conference will be allowed) **shall** be required if the Motion is filed **less than 30 days before the trial date**.
  - vi. A Certificate of Service to the opposing party.
  - vii. An Order for Judge to sign to designate whether the motion is "Granted" or "Denied".
- c. The Court will grant a continuance only for good cause shown on a case-by-case basis to evaluate whether sufficient cause has been shown to justify a continuance. As a guide to the parties, the following factors, except for continuances sought on Constitutional or Statutory grounds, may be considered in determining whether the Motion shall be granted or denied and include but are not limited to:
  - i. The specific nature of the conflict in scheduling to include a request for continuance when a police officer or any other witness is either in

training, scheduled to be on vacation or otherwise unavailable unless the Court is advised of the conflict soon after the case is scheduled and sufficiently in advance of the trial (see below).

- ii. The age of the case.
  - iii. The number of previous continuances granted to each party.
  - iv. The timeliness of the filed Motion, including the dates on which the scheduling conflict, if any, became known to the Movant.
  - v. Any other matter relevant to the Motion.
- c. **Officer/Witness Unavailable:** Where the State or Defendant has learned that a necessary witness is unavailable for trial, the State or Defendant, in accordance with Art. 29.04, 29.05 and Art. 29.06, Art 29.07 of the Texas Code of Criminal Procedure, the State or Defendant, respectively, shall set forth “the diligence which has been used to procure his [the witnesses’] attendance” regarding any motion for continuance filed as the result of a witnesses’ lack of availability. In furtherance of that goal, all such motions shall include the date when the State or Defendant learned the witness was unavailable, and articulable, detailed facts of all attempts to contact the witness, if any, the State or Defendant utilized to procure the witnesses’ attendance. If a second or any request thereafter to reset a trial is denied, the parties must proceed to trial as set.

4.3 Motion for Continuance Other than Jury or Non-Jury Trial Settings - Conflicting engagements of counsel: Where counsel has a setting in another court that conflicts with a setting in the Arlington Municipal Court:

- a. The Court Clerk will allow a reset, if said request is the first request for continuance filed by the party. Permission by the Court will not be needed if the request is filed a minimum of 5 business days prior to the date of the setting.
- b. The approval of the Court will be necessary on any request for a continuance after a first reset or if filed untimely, even if submitted as an agreed motion by the parties.
- c. Approval by a judge is required if the reset is requested for a case set on any setting other than a pre-trial or attorney conference plea docket.

4.4 Motions to Withdraw: Any attorney who makes an appearance on behalf of a defendant in writing, in open court, or who posts a bond for a defendant shall remain the attorney of record until a motion to withdraw as counsel or substitute as counsel is filed and granted. A Motion to Withdraw as Counsel for Defendant may be granted without a hearing only if the moving attorney files a verified Motion stating the last known mailing address of the Defendant and describes what efforts have been made to locate the Defendant or if Counsel files along with the Motion a written consent to the withdrawal signed by the client which consent acknowledges that the Defendant has been advised of all future court settings. Otherwise, said motions *may be set for hearing*, and both counsel and the defendant will be notified of the hearing date and time by the Court Clerk.

4.5 Pre-Trial Motions: Any Pre-Trial Motion, including, but not limited to motions for

discovery, suppression of evidence, and/or to quash, shall be filed with the Court Clerk at least 20 days before trial and responses thereto, if any, shall be filed at least 7 days before trial. Upon review of the motion(s), the Court may ask the Court Clerk to set the motion(s) for hearing. If a hearing is set, the Court Clerk will notify the parties of the hearing date. Otherwise, the Motion(s) will be heard by the Court immediately before trial on the trial date. The State is responsible for the appearance of all necessary witnesses in response to a Defendant's motion to suppress evidence.

#### 4.6 Denied Motions:

- a. Defendant: If the Court denies the Defendant's request for a reset, the Court may:
  - i. Require that a bond be posted up to the amount of the fine; and/or
  - ii. Issue a warrant for the arrest of the Defendant.
  - iii. If a defendant fails to appear after a surety bond has been posted, the bond may be forfeited as allowed by law, and a judge may require a cash bond before the case is reset again.
  - iv. It is the responsibility of the Pro-Se Defendant or Counsel for the Defendant to determine if a motion was granted or not and to determine whether a bond is required.
- b. State: If a State's Motion for Continuance is denied, the case will proceed as docketed, or other disposition.

#### 4.7 Motions – Other Requirements:

- a. Vacation Letters: Attorneys shall file a vacation letter no less than 60 days before the anticipated beginning date of the vacation. This letter shall be filed with the Court Clerk. If the vacation letter is not filed at least 60 days before the vacation commencement date, the Attorney shall file a Motion for Continuance in each case set during the vacation period for the Judge to consider. Please note that unplanned vacation requests submitted less than 60 days as requested will be given minimal consideration.
- b. Copies: On all motions filed with the Court, the movant must file the original motion and one copy with the Court Clerk. The Court Clerk will file-mark both copies, scan the original into the court computer system, and forward the original document to the Court and a copy to the State. Defendants desiring conformed copies shall provide the Court Clerk with a second copy of the document(s) along with a return envelope properly addressed and stamped. Service/ mailing of said motion(s) only to the State shall not be deemed filed with the Court Clerk.

## **RULE FIVE: ATTORNEY/PRO SE DOCKETS**

5.1 Effect of “Not Guilty” Plea: All defendants who have entered a plea of “not guilty” shall be set by the Court Clerk to a Pro-Se Pre-Trial Docket (PPT) or Attorney Conference Plea Docket (ACPD). Failure of a pro-se defendant or defendant represented by an attorney to appear at these dockets where required by these Rules may result in the issuance of a warrant for arrest for the defendant and/or requirement of bond unless good cause is shown.

5.2 Pro-Se Pre-Trial Docket (PPT): The purpose of the Pro-Se Pre-Trial Docket is to resolve cases prior to trial and set for trial those cases that cannot be resolved. Defendants will receive notice of their cases set for PPT which shall be mailed to the defendant a minimum of 4 weeks prior to the setting. It is the responsibility of the Defendant to inform the court of any change or address or status.

5.3 Attorney Conference Plea Docket (ACPD): The purpose of the Attorney Conference Plea Docket (ACPD) is to resolve cases before trial and to set for trial those cases that cannot be resolved. Attorneys will receive notice of their cases set for docket via notification by mail to the address on file with the Clerk’s office a minimum of 4 weeks before the setting. The Prosecutor may process and convey plea offers to the Attorney prior to the ACPD at its discretion and within a reasonable timeframe as determined by the Chief Prosecutor. It is the responsibility of the attorney to notify his/her clients of any pending offer(s) for serious consideration. The Attorney Conference Plea Docket shall be a mandatory negotiation conference, and attorneys are expected to appear in good faith on behalf of their clients, fully prepared to discuss Prosecutorial offers of settlement and authorization to accept or deny any offers of settlement. Attorneys who routinely appear at the ACPD unprepared to proceed, or send appearance counsel without any settlement authority, or previous review and knowledge of the settlement offers will be subject to a show cause hearing set by the Court for determination of why the Attorney shall not be held in contempt.

5.4 Disposition at Attorney Conference Plea Docket/Pro-Se Pre-Trial Docket: One reset will be allowed at the request of a Pro Se Defendant, or Attorney for the Defendant<sup>1</sup>. All cases that have not been resolved at the Pro-Se Pre-Trial or Attorney Conference Plea Docket shall be docketed as follows:

- a. *Request for Bench Trial*: If a defendant pleads Not Guilty and elects to proceed to a bench trial, the following setting shall be a bench trial.
- b. *Request for Jury Trial*: If a defendant pleads Not Guilty (or refuses to enter a plea) and does not waive a jury trial, the following setting shall be for a jury trial.
- c. *Defendants must appear in person for all requests for trial*. Any request for a waiver of in-person appearance for just cause must be in writing and submitted to the Court a minimum of 5 days before the docket date.

5.5 Requests for Assistance:

- a. A request for a language interpreter shall be made in writing at the Pro-Se Pretrial Docket or the Attorney Conference Plea Docket.

- b. A detailed request for reasonable accommodation for persons with disabilities shall be made at the Pro-Se Pretrial Docket or the Attorney Conference Plea Docket.

## **RULE SIX: TRIALS**

6.1 All trials shall be set for a date certain, subject to a motion for continuance (**SEE MOTIONS FOR CONTINUANCE RULE 4.2 ABOVE**) having been filed by either party in accordance with these rules. A Jury Trial shall be continued only upon the timely motion by either the State or the Defense, for good cause. Jury trials are scheduled for a specific date with ample advance notice to both parties. Timely notice for a request for continuance shall be deemed a minimum of 30 days prior to the jury trial, allowing the Court Clerk to stop all procedures to empanel a jury.

6.2 A pro-se defendant (a defendant who represents him or herself) shall be expected to follow all applicable rules and laws of court as set out in part by the Code of Criminal Procedure as well as the Rules of Evidence.

6.3 Subpoenas:

- a. Court Clerk: All requests for the subpoena of a witness shall be made in writing and filed with the Court Clerk. The Court Clerk shall prepare all said subpoenas without permission of the Court unless a pre-trial motion concerning said subpoenas has been properly filed. Said motions shall be directed immediately to the court for review. A motion to quash a subpoena should be immediately set for a motions docket.
- b. Arlington Police Department/Warrant Unit: The service of all subpoenas shall be completed by an officer of the Arlington Police Department who shall, upon execution of said subpoena, complete the Return of Service and file said document, along with a copy of the subpoena, with the Court Clerk.

6.4 Required Appearance: All interested parties must be present and in the courtroom at the time the docket is called. Interested parties are defined as:

- a. Defendants
- b. Defense counsel
- c. State's counsel

6.5 Failure to Appear: A warrant for arrest shall be entered if a defendant is not present at the time the docket is called. The warrant will not be cleared, and the case will not be reset unless a bond is posted with the Court Clerk. The docket judge will determine the amount of the bond and can set the bond up to double the fine amount.

6.6 Media Access: Broadcast media will not be allowed to record any court proceeding except as allowed by the Chief Judge or the Judge presiding over the case sought to be recorded or broadcast.

6.7 Exhibits/Printing/Equipment:

- a. Counsel shall limit their requests for courtroom clerk assistance with printing, copying or other administrative tasks during trial, hearings and other court proceedings.
- b. A request for assistance or instructions for use of court equipment to display videos, audio tapes, or demonstrative exhibits for *parties unfamiliar* with the court's equipment should be presented to the Clerk's office a minimum of 3 days business days prior to commencement of the party's case in chief to avoid courtroom delay and unnecessary confusion.

**RULE SEVEN: BAILIFFS**

7.1 A Bailiff or Bailiffs shall always be present when the Court is in session or in recess unless excused by the presiding Judge.

7.2 The Bailiffs shall enforce all rules of court and all other duties assigned by administration consistent with the applicable law and ordinances.

7.3 A Bailiff or Bailiffs shall "call the halls" for all dockets before any party is deemed "failure to appear."

**RULE EIGHT: CONDUCT REQUIRED OF COUNSEL AND PRO SE DEFENDANTS**

8.1 Conduct Required of Counsel. The Standards of Professional Conduct in Section IV of the Texas Lawyer's Creed as promulgated by the Texas Supreme Court and the Texas Court of Criminal Appeals are adopted and incorporated herein by reference as guidelines for participating in litigation in the Municipal Court of the City of Arlington, Texas.

- a. Counsel shall timely appear before the Court at each setting and following each recess.
- b. Counsel shall be appropriately attired for all court proceedings.
- c. Counsel shall rise and remain standing while addressing the Court.
- d. Counsel shall address all statements, requests, and objections to the Court and not to opposing counsel.
- e. Counsel shall not argue objections in the presence of the jury without prior leave of Court.
- f. Counsel shall not interrupt or talk over opposing counsel except to state formal objections.
- g. Counsel shall remain seated behind counsel table while examining witnesses

unless the Court has granted a request to “approach the witness.”

h. Counsel shall request leave of court before approaching the bench or approaching the witness when necessary to work with documentary or tangible evidence.

i. Counsel shall neither make nor insinuate derogatory or insulting remarks about opposing counsel, witnesses or defendants.

j. Counsel shall address the Court as “Your Honor” or “Judge.” Except with leave of court, counsel shall refer to all counsel, parties and witnesses (except children) by their surnames, using such titles as Mr., Mrs., Ms., Dr., etc., as appropriate. The use of first names, nicknames, discriminatory or inappropriate references is prohibited.

k. Counsel shall neither exit nor enter the bar while the court is in session without prior permission of the Court or the bailiff.

l. Counsel shall not lean on the bench except as may be necessary to prevent jurors from overhearing bench conferences.

m. Counsel shall advise clients, witnesses and others subject to counsel’s control of these rules of conduct and courtroom decorum.

8.2 A pro-se defendant shall be expected to follow these rules of conduct as applicable.

**These amended and restated Local Rules are effective March 1, 2026, and supersede all previous Local Rules of the City of Arlington Municipal Court.**

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<sup>i</sup> This includes any attorney appearing as Appearance Counsel with full authority to act on behalf of the Attorney of Record for the Defendant.