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Re: Updated Rockwall County Courts at Law Criminal Docket Procedures

Counsel:

We would like to take this opportunity to thank you for your diligence and patience during these difficult times. Thanks to your continued flexibility and cooperation, we were able to completely restructure our docket procedures while following state mandated safety guidelines and to open the County Court at Law No. 2.

The purpose of this letter is to inform the Bar of some additional changes to the Courts' procedures and to reinforce the current processes going forward. Please know that we continue to appreciate how challenging the practice of law is during these unique times. Our hope is that these updated docket procedures will make your jobs easier and enhance your ability to conduct business all while maintaining safety for us all. However, the following docket procedures will only be effective with the continued dedication and efforts of the Bar.

SCHEDULING

1. Pending Cases. **Effective 9/21/20**, all pending cases shall be reset prior to the next scheduled court setting for either plea or trial. This will help limit the size of dockets for the foreseeable future.
2. First Appearances. From the date an attorney first makes an appearance in a case, the case will be set out for approximately 90 days for a plea setting. Both the attorney and the client **must** appear at this plea setting. Until the state mandated limitations on court appearances terminate, attorneys may reset initial settings by phone or email.
3. Status Report. The Courts will set a Status Report Date on or about 45 days prior to the plea date. On or before this status report date, defense attorneys and prosecutors **shall** contact the Courts' Coordinators by email with confirmation that the parties have exchanged discovery and discussed a plea recommendation. If the status report is not made, the Court **will** schedule a show cause hearing to determine the reasons that discovery and plea negotiations have not been conducted. Both defense counsel and the state **will be required to appear in person at this show cause hearing**. The obvious reason for this status report is to ensure that the parties are progressing to a disposition by the plea setting. Again, these docket procedures will only succeed if the defense and prosecution use the 90-day reset period to determine the proper course of action for a pending case.

4. Plea Setting. At the plea setting on the 90th day, the case shall be disposed of or set for trial or a dispositive hearing. **Please note: Courts will NOT accept a plea agreement after this 90th day except for the existence of extreme circumstances.** These docket procedures shall **NOT** be used as a mechanism to delay the consideration of a plea agreement or the resolution of a case. Put simply, the trial docket **WILL NOT** be used as an unnecessary form of continuance.
5. Expedited Plea Settings. Earlier plea dates may be set any Monday, Wednesday or Friday during the 90 period. Please take advantage of this opportunity to dispose of your cases prior to the 90-day plea setting. Be assured that the Courts will make every effort to accommodate expedited plea settings.

PLEA PROCEDURES

We have had a positive response to our new scheduling procedures and plea paper preparations. With the help of the District Attorney's Office and members of the criminal defense bar, we have developed a process to expedite pleas as follows:

1. **Defense and Prosecution** – **Both** parties agree on plea terms and a plea date. Plea papers will be completed by the State.
2. **Prosecution**– Complete and sign all necessary plea papers; email plea papers to County Clerk.
3. **County Clerk** – Prepare judgment for plea and return all completed documents to Prosecution for approval.
4. **Prosecution** – Approve judgment; email judgment, plea papers, and discovery log to Defense.
5. **Defense** – Sign judgment, plea papers, and discovery log (if necessary); have Defendant sign all documents if possible; return all signed documents to the Prosecution by email.
6. **Prosecution** – Final review; send all documents to County Clerk by email or Efile.
7. **Defense** – Submit pay sheets to County Clerk by Efile (if necessary)
8. **County Clerk** – Place all documents in the appropriate court file.

The above described procedures helped to expedite the amount of time the defendant and his/her attorney will actually be in the courtroom. They also help to avoid any delays in waiting for the preparation of plea paperwork. Now, only fingerprinting and signature verification are needed at the time of the plea.

REMOTE PLEAS

While we prefer that final disposition of criminal matters be held in person, we understand the potential health concerns associated with appearing in court. Additionally, the Texas Office of Court Administration suggests that essential and nonessential matters should be dealt with remotely when feasible. We appreciate the importance of defense counsel being with their client during a plea and the

potential ramifications of a defendant feeling they received inadequate representation. We further understand the importance of having the defendant's fingerprints taken at the time of plea to verify the judgment for any future proceedings. With all of this in mind, the Courts can institute procedures for conducting a plea remotely if necessary and requested.

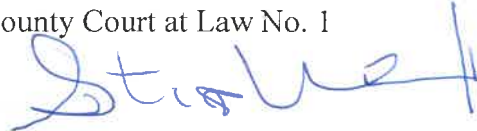
Again, thank you all for your patience and resilience as we attempt to work through these trying times in our country. We understand that the above described procedures are a significant deviation from all we have all become accustomed to in the last decade. However, if all Bar members will make every effort to embrace these procedures, we believe that we will enhance the efficiency and accessibility of the Rockwall County Courts at Law. If you have any questions or concerns, please contact the respective court. We look forward to the day when we can all return to normalcy. Until then, please stay safe.

Sincerely,



J. Brian Williams, Judge

County Court at Law No. 1



Stephani Woodward, Judge

County Court at Law No. 2