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REVIEW OF THE ROLE OF A COURT  
COORDINATOR FOR BELL COUNTY, TEXAS  
DISTRICT AND COUNTY COURTS

July, 1976

Consultant:

James C. Dunlap, Esq.

NCJRS

MAR 8 1977

ACQUISITIONS

CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT  
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Law Enforcement Assistance Administration Contract Number: J-LEAA-013-76

This report was prepared in conjunction with The American University Law School Criminal Courts Technical Assistance Project, under a contract with the Law Enforcement Assistance Administration of the U.S. Department of Justice.

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## I. INTRODUCTION

The Hon. Don Busby, District Judge for the 27th Judicial District of Texas, requested technical assistance from LEAA's Criminal Courts Technical Assistance Project at The American University in October of 1975 through the Criminal Justice Division, Office of the Governor, Austin, Texas. The Criminal Justice Division is the LEAA State Planning Agency for Texas.

The purposes of this assignment were to review the role of the Court Coordinator in this jurisdiction and to conduct a general management review of court administration, with a particular eye toward the problems encountered in rural jurisdictions.

This jurisdiction is located in central Texas, some 60 miles north by northwest of Austin. The jurisdiction consists of three counties; Bell, Lampasas and Mills. Fort Hood, a major Army installation, is located within the jurisdiction, and contributes to the large caseload.

Under Texas law, as the number of District Court (general trial jurisdiction) judges is increased, the number of one-judge Judicial Districts is also increased. Thus, Bell County, the county with the preponderance of the population and caseload, contains three District Court Judges and three Judicial Districts (the 27th, 146th and 169th). The 27th Judicial District also includes the other two counties mentioned earlier, but the other two Judicial Districts do not.

Court management consultant James C. Dunlap performed the field work on this assignment on May 20th and 21st, 1976. Mr. Dunlap, former Georgia State Court Administrator, had designed the Court Coordinator role while serving as first incumbent in this position in Harris County, Texas. More recently, he has just completed a technical assistance assignment for The American University

Criminal Courts Technical Assistance Project in the 69th Judicial District of Texas (Dumas and environs), a District which is also a rural jurisdiction with a Court Coordinator program.

The methodology on this assignment consisted mainly of observations, interviews with key personnel, and review of relevant and available reports, grant applications, caseload statistics and the like. The following were interviewed:

- Judge Don Busby
- Judge J. F. Clawson, Jr.
- Judge William Black
- Judge Bill Bachus
- District Clerk staff
- District Attorney
- County Attorney
- Court Coordinator Jeanette Fuller and staff.

The following data was reviewed:

- Criminal Justice Division grant funding the Court Coordinator program
- Quarterly progress reports of the Court Coordinator
- Civil, Criminal and Domestic Relations calendars
- Inventories of civil cases
- Inventories of jail cases
- Inventories of complaints

A criminal court docket call was observed, as well, for the 27th Judicial District.

The technical assistance consultant would like to thank Judges Don Busby, William C. Black, J. F. Clawson, Jr., Bill Bachus and their Court Coordinator, Jeanette Duller, for their assistance.

## II. ANALYSIS OF THE EXISTING SITUATION

Bell County is one of sixteen urban counties in the State of Texas which has three District Courts. The steadily increasing number of cases being filed requires the full attention of the courts. The county is sixth in Texas in the number of felony cases filed. One of the major problems in maintaining a smoothly-flowing court docket is the transient nature of the population at Fort Hood. Court statistics reveal that there were 510 pending felony cases on June 1, 1975, 375 on December 31, 1975 and 425 on May 1, 1976. Between October 1, 1975 and December 31, new felony indictments were filed at a rate of 80 per month. During the 12-month period from June 1, 1975 through May 31, 1976 there was a total of 1470 felony cases in the system.

The County Courts hear all misdemeanors in Bell County. Between October 1, 1975 and December 31 of that year, the backlog of misdemeanor cases grew by 174. The number of cases pending on October 1, 1975 was 2099, with 1037 new filings between October 1 and December 31, and 863 dispositions, leaving a balance of 2273 misdemeanor cases pending on January 1, 1976.

A Court Coordinator Program was begun in Bell County in June of 1975, under a grant of LEAA funds from the Criminal Justice Division, Office of the Governor of Texas. The goal of this grant is to increase the efficiency of the District and County Courts, to permit the judges more time to try cases. This is to be accomplished by constant monitoring of all cases to ensure that each is scheduled for some action.

The Court Coordinator grant of some \$43,000 provides for a full time staff consisting of a Court Coordinator, an Assistant Court Coordinator, a keypunch operator and a statistician. The Court Coordinator has the following responsibilities:



- The coordination of the policies and procedures for management of the District and County Court at Law dockets;
- Scheduling cases for District Courts;
- Preparation of court calendars;
- Coordinating the activities of court support agencies;
- Coordinating the jurors and appearances by witnesses;
- Assisting in all functions necessary to administer the courts; and
- Preparing reports and press releases.

Working under the Court Coordinator, the Assistant Court Coordinator has specific responsibility for the following:

- Maintaining the dockets for County Courts at Law;
- Scheduling case settings for County Courts at Law;
- Maintaining records for preparation of reports; and
- Working closely with other support agencies.

The grant is expected to reduce backlog, which in turn would result in speedier trials, a reduction in the number of dismissals, and a decrease in the time from arrest to disposition. Increased speed and efficiency in paper flow is also anticipated. The grant established three targets for speedier case disposition:

- Felony non-jail dispositions in less than 90 days
- Felony jail cases dispositions in less than 90 days
- Misdemeanor dispositions in less than 30 days.

The success of this program has been dramatic; most notably, in the reduction of time to case disposition. Over the last six months of 1975, the average number of days a defendant remained in jail pending disposition fell from 130 to 75 -- significantly below the 90-day speedy-disposition target for jail

felony cases. And, despite an increasing backlog of misdemeanors in County Court, the average time to disposition fell from 145 days to a remarkable 39 days in the last half of 1975. The number of judge/jury trials increased from an average of six a month over the first five months of 1975 to nine per month during the last seven months of 1975. The number of guilty pleas increased from an average of 42 a month over the first six months of 1975, to an average of 60 in the last half. These statistics demonstrate that the constant monitoring of cases provided by the Court Coordinator's Office has, in fact, resulted in better caseload management and more timely disposition of cases.

Another innovation in this jurisdiction which should be discussed is the use of the Olivetti S-14 Writing System. The Olivetti S-14 is a tape-mode automatic typewriter with memory retention and a storage capability which can respond to key words. This system contains information on all misdemeanor cases filed in County Court, all felony cases, all jail cases and all cases awaiting Grand Jury action. Appendix A of this report is a sample print-out from this unit.

The court system reviewed has many strengths. Perhaps its major one is the fact that the judges work together, administering a justice system which is becoming more unified administratively. The judges of the District Courts and County Courts of Law sit together on the Board of Judges, but their cooperation extends much further. For example, examining trials are now being conducted by the District Court, rather than the Justices of the Peace. This eliminates one common source of delayed -- or lost -- cases. The Court Coordinator's office serves both the District Court and the County Court. The Olivetti S-14 system tracks cases in both courts. The judges have established a system for team-hearing of cases, so that if one court has more than one criminal case ready for trial, the second can be transferred to another judge expeditiously.

A second strength of the present system is the assertion of court control over the criminal calendar. The District Court controls the calendaring of felony cases, and the County Court controls the misdemeanor calendar. All members of the Board of Judges believe that the courts must control all calendars, including those for civil, domestic relations, felony, misdemeanor and juvenile cases. Control of calendars is aided by both the Court Coordinator program and the Olivetti S-14 system. The latter provides the obvious point for a unified records system for this jurisdiction.

The Court Coordinator's assistance to the District Judge during the criminal docket call expedites case processing, as does the County Court at Law practice of calendaring all misdemeanor cases, by attorney, on special days during "attorney's week."

The system does, however, have problems:

- Not all cases filed prior to Grand Jury proceedings receive District Court case numbers. This makes them difficult to locate or track.
- Procedures regarding Grand Jury actions on cases are cumbersome. On the one hand, a significant number of cases are heard by the Grand Jury without an examining trial having been held. On the other hand, there is no regular procedure whereby a defendant can waive Grand Jury indictment.
- The Olivetti S-14 system could be expanded; for example, to prepare Grand Jury calendars for the District Attorney, and to contain information on civil and domestic relations cases.
- The District Courts specialize in the types of cases heard. Presently, the 27th Judicial District hears criminal cases, the 146th hears domestic relations matters, and the 169th maintains the civil docket. The frequent result is that, by mid-week, one court calendar nears completion, while another court appears unable to complete its calendar, and cases must be transferred.
- Neither the civil, nor the domestic relations calendar is under court control. Attorneys schedule cases through the Clerk's office instead.
- The County Judge, who has probate jurisdiction and who hears misdemeanors at least on occasion, is not a member of the Board of Judges in this jurisdiction. In jurisdictions where the County Judge is on the Board, as he is in Corpus Christi, favorable results are reported.

- There is no central file or records system for the three counties which constitute the 27th Judicial District.
- There is no unified, District-wide budget for the courts. This means, for example, that there is no provision for the needs of a central judicial office of management for this jurisdiction. Specifically, the uncertainty of future funding for the Court Coordinator program when the present grant expires is a source of concern.

### III. RECOMMENDATIONS

The problems discussed in the last section of this report lead to the following recommendations:

A calendar should be prepared for examining trials to be held by the District Judges. The importance of having examining trials before District Court judges is that only these judges can bring finality to felony charges through the vehicle of finding probable cause, waiving indictment, and accepting a plea on an information.

Each of the three District Courts should have a mixed calendar of criminal, civil and domestic relations matters, so that caseloads can be distributed more evenly among the judges, and judges more easily could combine resources to handle fluctuations in workload volume. The number of trials held each week could rise to between 14 and 20, from the present average of nine. Two related measures would contribute to expedited court processing of cases. First, a central file should be established for all cases filed in Lampasas and Mills Counties. The Court Coordinator could then calendar these cases for dates certain, using the Olivetti S-14 system. This would permit more efficient use of judicial time, and could reduce the amount of travel time required. Second, at least 20 cases per week, per judge, should be scheduled for trial, for at least an initial trial period. The experience of the court under this schedule could permit the development of a weighted-caseload system for assessing the relative demands of criminal, civil and domestic relations cases and allow more precise scheduling of court time.

Procedures for advancing cases for examining trials, Grand Jury indictment and filing of informations should be streamlined. A plan should be worked out with the District Court Clerk, whereby all complaints receive a District Court

number at the time of filing. This would give the District Clerk, Court Coordinator and District Court Judges speedier and more effective control over the filing of complaints, bonds, and indictments; and would have the additional benefit of eliminating one or more sets of files for the District Clerk. Cases should also be assigned to a specific District Court Judge and a specific District Attorney as soon after filing as possible. Every opportunity should be extended to defendants and defense counsel to waive indictment in appropriate cases where probable cause has been found at the examining trial. This would permit immediate filing of an information, should the defendant wish to plead guilty at this time. The court should begin to hold waiver-of-indictment hearings, as a stopgap measure to reduce court backlog. This might begin on a first-in, first-out basis with the existing inventory of cases, until hearings have been held in all cases. All old complaints should be screened and set for Grand Jury action or dismissal, and any outstanding warrants and detainers should be removed.

The Board of Judges should establish a central judicial budget for this jurisdiction. This budget should include funding for a central court management office and for each of the courts. Personnel included within the purview of this budget would include court reporters, probation personnel, the Court Coordinator staff, secretaries and other personnel ancillary to smooth court operation. Presumably, the three counties would share in their support of this budget, in proportion to the caseload of each. One vehicle for presenting this budget might be for the Board of Judges to hold a State of the Judiciary meeting, to which commissioners from all three counties would be invited. To ensure that the Board of Judges truly represents the judiciary, County Judges who perform judicial functions should be invited to join the Board of Judges.

This is especially important in budgetary issues, since County Judges function also as the chief executives in their counties.

One reason for recommending a unified, jurisdiction-wide budget is to better ensure continuation of the Court Coordinator program. The present Court Coordinator should be encouraged to retain her position. She has performed an excellent job, and her continued presence is required in order to provide continuity to present efforts to devise a more efficient caseflow system for criminal, civil and domestic relations cases alike. The Board of Judges should also meet with County Commissioners to obtain continued funding for this office. Savings resulting from more efficient use of jurors, reduction in the number of appearances by indigent counsel, and postponement of the need for an additional District Court judgeship could save the counties in excess of \$150,000 per year -- far in excess of the cost of the Court Coordinator's office.

Cases should be assigned to individual judges by the Court Coordinator, pursuant to clear written guidelines agreed to by all three District Court judges. In support of this move, use of the Olivetti S-14 system should be expanded to include an inventory of all civil and domestic relations cases. This inventory would be used to ensure that all cases are set for dates certain, prepare court calendars, and monitor all cases to disposition. This system should also be used to calendar for the District Attorney cases slated for Grand Jury action. This would permit the monitoring of all cases from filing to indictment, filing of an information, or dismissal -- a capability the present system does not have.

APPENDICES



#### IV. SUMMARY

The Court Coordinator program in Bell County has been a success. It should be continued, to allow the Board of Judges and their Coordinator enough time to complete the caseflow system that will include all criminal cases from arrest to disposition, all civil cases, all domestic relations cases, and all other cases assigned to both District and County Court at Law Judges.

The Bell County system with District Judges conducting examining trials could serve as a model criminal justice process system in Texas.

The Olivetti S-14 Writing System, as used in this jurisdiction, can provide other rural jurisdictions with a method of controlling their inventory of cases without the cost of an expensive computer.

The Board of Judges must serve as a focal point for judicial reform, because if the Judiciary is divided, change cannot occur. The Board provides the vehicle for a united judiciary.

The Court Coordinator program also proves that using modern management principles can reduce the time from arrest to disposition of cases.

Appendix C of this report, "Presiding Over a Docket," is provided at the request of the Court Coordinator. This appendix provides further information on waiver of indictment hearings and forms for updating the calendar systems.

APPENDICES

APPENDIX A:

Justice Practice for Tracking Felonies

APPENDIX B:

Sample County Court Calendar

APPENDIX C:

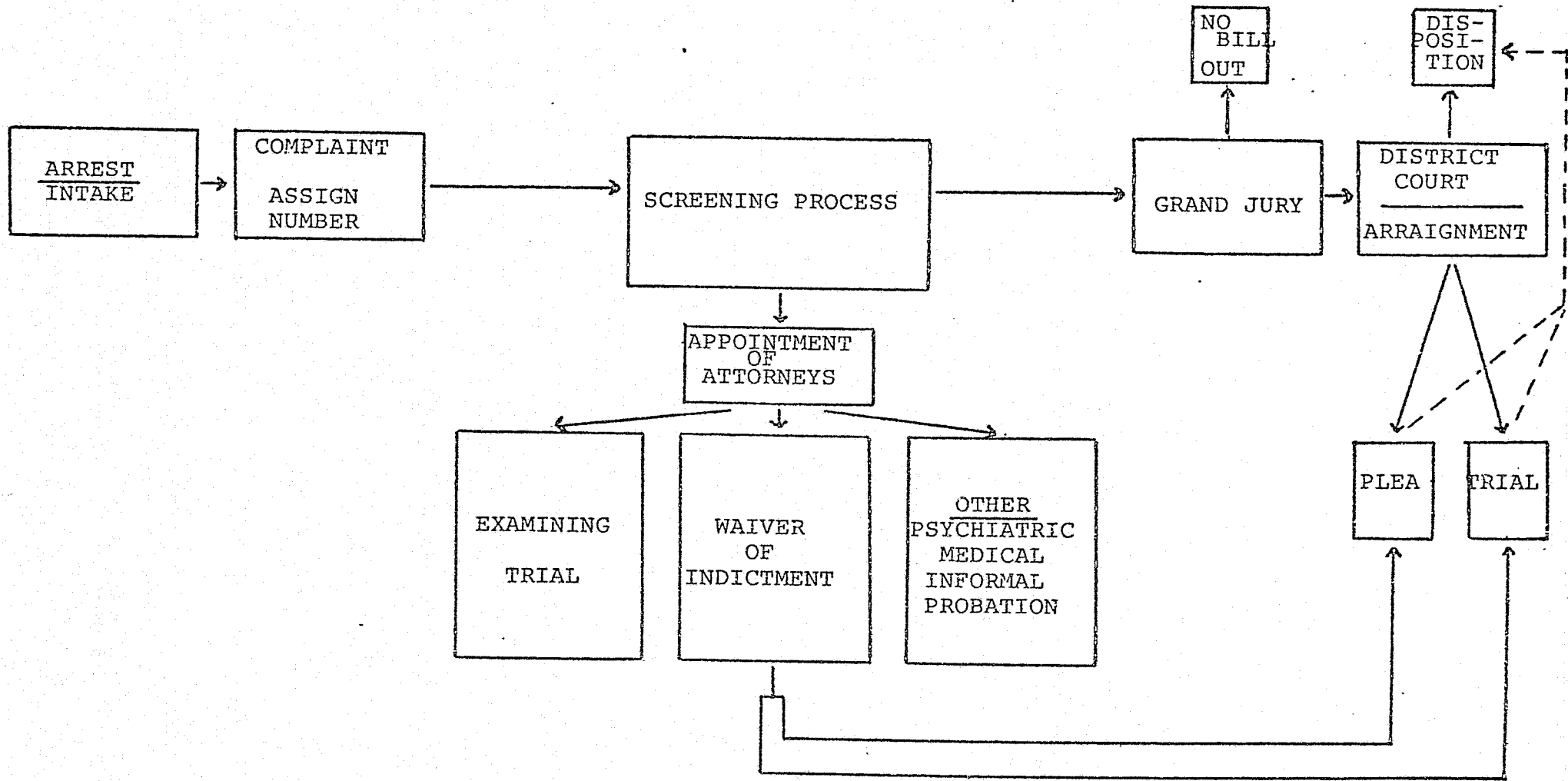
Presiding Over a Docket by The Hon. D. E. Walton  
The Hon. James C. Dunlap

EXHIBIT I

APPENDIX A

JUSTICE PROCESS FOR  
TRACKING FELONIES

BELL COUNTY, BELTON TEXAS



APPENDIX B  
SAMPLE COUNTY COURT CALENDAR

COUNTY COURT

PG	CAUSE NO..	DEFENDANT'S NAME....	OFFENSE	ATTNY.	BD	SETTIN	DISP.
							P
01	C73-22910	KRAPEK Karen H	CN D MR	BLYTHE	JA	AN5196	P
01	<del>C73-23075</del>	<del>KRAPEK Karen H</del>	<del>SOL</del>	<del>BLYTHE</del>	<del>JA</del>	<del>AN5196</del>	<del>P</del>
01	C73-23572	KRAPEK Karen H	SOL	BLYTHE	JA	AN5196	P
							I
01	C72-19776	JOHNSON Cora	LIE PO	*	AB	..	I
01	C73-23127	JONES Bobby A	ASLT	PIPERI	PR	..	I
01	C73-23128	JONES Bobby A	DWI	PIPERI	PR	..	I

DISTRICT COURT

PG	CASE.#	NAME.....	CHARGE...	IND.	ATTNY	BD	SETTING	DIS	.....
							5246 JT		
13	23899	BUSH Timothy	4 POSS/MJ	D105	PIP	AB	5246 JT	P	9:00
16	24025	MINOR Charles	3 P/HEROIN	1216	MOR	AB	5246 JT	P	
21	24150	PRIETO Miguel	4 RAPE	3106	LYKES	AB	5246 JT	P	9:00
24	24255	ROSA Daniel Jr	7 THEFT	4076	HOL	AB	5246 JT	P	9:00
24	24256	ROSA Richardo G	THEFT	4076	KREIM	AB	5246 JT	P	9:00
26	24342*	WILLIAMS Curtis	7 FORGERY	4076	POT	AB	5246 JT	P	9:00

JAIL REPORT

NAME.....	CHARGE...	D/A....	C/I	ATTORNEY...	SETTING...	.....
	P/HEROIN					
HUGGINS John C	P/HEROIN	12176	I	PIPERI	APPEAL	ST FACTS DUE 7153
NEWSOME KEVIN	P/HEROIN	3266	I	CASS*	5286-PT	8:30 A.M.
			C			
DAVIS Gene	IND/CHILD	3176	C	KREIMEYER	.....	PENDING GRAND JURY
CARR Richard	BURG/VEH	4036	C	MESSER*	.....	PENDING GRAND JURY
SAWYER Brian	ROBBERY	4016	C	KREIM	.....	PENDING GRAND JURY
WRIGHT Edward O	ROBBERY	4016	C	KREIM	5216 PT	8:30 A.M.

COMPLAINTS FOR DISTRICT COURT

NAME.....	COM #..	CHARGE....	D/O.	D/A.	D/F.	BND	ATTORNEY..	.....
						ABC		
ENDERSON John C	1955	BURGLARY	1016		1026	ABC	J. PETRCNI	HOLD FOR OTHER INDICTMENT
MYERS Christine S	10128-C	BURG/V	N125		N175	ABC		HOLD FOR CO-DEFENDANT
POWELL Martha A	10409-C	AGG ROB	1176	1206	1236	ABC		HOLD FOR OTHER INDICTMENT

APPENDIX C

PRESIDING OVER A DOCKET

by:

Honorable Dan E. Walton  
Judge, 178th District Court\*  
Harris County, Texas

Honorable James C. Dunlap  
Criminal Court Manager  
Harris County, Texas

May 2-4, 1973

Presented by:

James C. Dunlap

To: 4th Annual Criminal  
Justice Conference  
Huntsville, Texas  
1973

\* Judge Dan E. Walton is Project Director and Chairman of the Executive Board for Subject-In-Process, Harris County, Texas.

\* PREFACE \*

The basic purpose of this paper is to show a docketing procedure that can work for both large and small courts. This procedure has been tried in the District Courts of Harris County trying criminal cases. It is not my intention to state that all ten courts are using the exact procedure that I will outline, but all courts are using some part of it.

The scope of this paper is to show the process from indictment to disposition and, in the end, to show how some of the same principles can work in the input area from arrest to indictment.

The objectives of this paper are:

1. To describe the Court Coordination Program and show how it is an integral part of a docketing system.
2. Present a basic docketing system controlled by the Presiding Judge of a particular court.
3. To explain how the docketing system can work for both large and small courts.
4. Apply the same docketing principles from indictment to disposition to the input area (arrest to indictment) through the use of a Waiver of Indictment hearing.

It is also necessary for me to state that this paper does not, necessarily, represent the views of the ten District Judges for whom I work. All the responsibility for any views taken in this paper are mine.

I would like to thank Judges Miron A. Love, Fred M. Hooey, Dan E. Walton, Joseph Guarino, F. Lee Duggan, George Walker, Wallace C. Moore, William Hatten, I. D. McMaster, and Garth Bates for all ideas and help they have given me during my first year as Criminal Court Coordinator. It is their thoughts that I have attempted to put into some type of management system.

  
JAMES C. DUNLAP

## WHAT IS THE COURT COORDINATION PROGRAM IN HARRIS COUNTY?

The Court Coordination Program began as a result of a heavy case load for the ten District Courts of Harris County trying criminal cases. Case filings (indictments) reached an all-time high in 1972 with 18,385 felony indictments. This program started in 1971 when 16,799 felony indictments were filed.

One of the basic objectives of this program was to assist the Judges by providing manpower to inventory all cases for a particular court and to see that these cases were set for a date certain. This program, through the use of ten Assistant Court Coordinators, brought control of the dockets back to the courts. In fact, the Judges had begun to preside over a docket and not over individual cases. The Judges now have a complete picture of their dockets. This did not decrease the workload but rather caused some of the Judges to work harder because they now had a complete docket of indictments and not just the indictments for a particular day or week. It is not an easy task to develop an inventory of all the cases for a particular court; in fact, it has been estimated that it would take between 50 to 100 man hours to make a complete inventory.

An inventory consists of making a study of all the cases pending in one court to determine the status of a particular case. The Assistant Court Coordinator should determine whether the defendant is on bond or in jail and how old the case is. During this inventory procedure, the District Attorney should be making an inventory of all his cases. The inventory of the Assistant Court Coordinator and that of the District Attorney should be checked against each other so that both lists will have a common beginning point.

This beginning point now shows that the District Attorney, the District Clerk, and the District Court all have files alike. Remember, we are not talking about total number of cases, but rather a total number of cases that check out on an individual basis. This is very important.

The Assistant Court Coordinators then check the inventory against the cases set, and set all other cases for a date certain. These cases will be set for either arraignment or non-trial in

order to bring them back into the docketing system. From this point on it is necessary to use the principle of "date certain" which provides that, from the first setting, all cases are set for a specific date rather than some cases being "passed" with no setting date given. This management principle adds to the old legal principle "pass by operation of law" which should now be "pass by operation of law to a date certain." We will see a better use of this principle in the presentation of a basic docketing system.

#### WHAT IS A BASIC DOCKETING SYSTEM? HOW CAN THE DOCKETING SYSTEM PROVIDE A TRACKING MECHANISM ON A DEFENDANT DURING THE COURT PROCESS?

It is necessary to state that the words "docketing" and "calendarizing" are used interchangeably. Docketing is a management system that picks up the defendant at the time of indictment and provides the Judge with a document telling him what cases are scheduled for a particular day. (This paper is not using the word "docket" to mean only the case docket sheet that is on file in the District Clerk's Office.)

#### PROCEDURE FOR DOCKETING/CALENDARIZING OF CRIMINAL CASES

To facilitate the courts having complete control of their dockets or presiding over a docket, the following procedures for docketing and calendarizing of cases can be adopted:

1. The court docket is kept on the Court Coordinator form #1 (See Attach. I). This form provides for entry of the cause number, the name of the defendant, the name, address, and phone number of the attorney or bondsman, the type of charge, a reference to indicate prior docketing, and a column to indicate for what purpose the case has been set. This last column, entitled "setting for", is also used by the court for notation of resetting of the cases or the final disposition of same.
2. It is the responsibility of the Assistant Court Coordinators to keep up with the inventory of cases and new indictments or informations filed in their



courts. Each case in which the defendant is in jail or on bond is immediately set on the court's docket for arraignment (first setting). All arraignments are set for a date certain. Through this procedure, all indictments or informations filed in a court are set for arraignment within seven to fourteen days from the date same was filed. For those cases not under arrest, it is the responsibility of the Assistant Court Coordinator and the District Clerk to keep up with the status of the case and, as soon as the defendant is arrested, to schedule the defendant for arraignment in accordance with the preceding procedure.

3. The Assistant Court Coordinator sends notice of arraignment to all bondsmen by the use of a postcard (See Attach. II). He notifies the Sheriff by sending copies of the court's docket to the jail, giving the date and time the defendants are to be in court.
4. The day of the first setting - Arraignment
  - a) The Judge first ascertains if the defendant has counsel. If so, and if the attorney is not present, the Judge inquires as to his identity and notice is directed, by the Judge, to said counsel. The case is then rescheduled for a date certain. Court Coordinator form #3 (Attach. III), Notice of Setting, is completed by the Assistant Court Coordinator and copies are sent to the District Clerk, the District Attorney, the Defense Attorney, and one copy is retained by the Assistant Court Coordinator to complete his docket for the date certain.
  - b) If the defendant is indigent and does not have counsel, the Judge permits him to execute an affidavit to that effect. The court then enters an order appointing counsel and reschedules the defendant for arraignment. Court Coordinator form #4 (Attach. IV) is completed by the Assistant Court Coordinator indicating name, address, etc. of the appointed counsel from the "appointment roster card" designated by the

Judge. This form is filed in the court's papers and is distributed to the District Attorney and to the Defense Attorney. Again, the Assistant Court Coordinator records the date certain from his copy onto the docket.

c) The arraignment or the first non-trial setting takes place when all the parties appear before the Judge. In order to conserve the court's time, and the time of the attorneys for both parties, a court can adopt and utilize a written pleading to facilitate the appearance of counsel and agreed setting or re-scheduling. This pleading is prepared in an original and three copies and is completed by the defense counsel and the defendant, then approved by the attorney for the State and by the Judge. The pleading form is called "Appearance of Counsel and Agreed Setting." A copy of this form, Court Coordinator form #2 is shown as Attach. V. The original is filed in the papers of the District Clerk's Office, the second copy is used by the Assistant Court Coordinator to update his court docket, the third copy is given to the defense attorney, and the fourth copy is given to the District Attorney. These copies serve as notice to all parties as to the date of the next setting. This form pleading provides for an attorney to enter his appearance as attorney of record, for the defendant to waiver formal arraignment, for the entry of the defendant's plea, and, finally, for an agreed setting for any purpose for which the case might be reset; for example, motions, further announcement, disposition by plea of guilty, trial to a jury, or trial to the court. The use of this written pleading eliminates the necessity for the Judge being present and calling each case on the arraignment docket. Since this is still a judicial function, it is necessary for the Judge to advise the attorneys present of the availability of the written pleadings and that the case may be rescheduled on the court's docket within the regular routine setting dates which

are furnished by the Assistant Court Coordinator. If, for any reason, a case is to be reset other than on a routine setting date, then the Judge will fix the setting date. The experience of the 178th District Court of Harris County has established that a large number of cases can be handled on arraignment dockets within a short period of time. This court has handled as many as ninety cases within a two-hour period by the use of written pleadings. Ordinarily, the arraignment docket for a court will consist of approximately twenty-five to forty cases. This type of an arraignment docket can be handled within a one-hour period.

5. The next hearing to the court which is set from the pleading form "Appearance of Counsel and Agreed Setting" is followed by another form, "Agreed Setting", which is Court Coordinator form #2A (See Attach. VI). This form is completed by the defense counsel, the defendant, if present, approved by the attorney for the State and by the Judge. This form is prepared in four copies, the distribution being the same as for the original appearance of counsel. The Assistant Court Coordinator again will update the court's docket at this. This form will be used for any additional setting in the court until the case reaches final disposition.

It is the responsibility of the Court Coordinator to post the docket for the court. By utilizing the Court Coordinator form #1, the Court Docket, the preparation and posting of the docket in the District Clerk's Office can be done simply by xeroxing copies of the docket. Because the docket entries are made daily by the Assistant Court Coordinator, the docket is constantly in a current status.

This manual system for setting the court docket provides the Judge with:

1. Complete control of setting cases within his court.
2. The ability to plan his docket for seminars, vacation, and Judges' Meetings since he controls the dates cases

will be set.

3. The assurance that a case will not be lost because this docketing procedure follows the principle of setting for a date certain.
4. A smooth workload because every case is set and not grouped when District Attorneys and defense counsel decide to set cases.
5. Complete control of his docket through the use of an Assistant Court Coordinator who does the administrative tasks with consultation from his Judge.
6. The assurance of notice to all parties through the use of pleading forms. Each party gets his own copy for his files.

#### CAN THIS DOCKETING PROCEDURE BE USED IN LARGE AND SMALL COURTS?

The answer is emphatically "Yes!" This procedure can be applied to the small courts by simply printing the same forms applicable to those courts. The storage problem of the court docket can be eliminated by pre-punching the Court Coordinator form #1 and keeping them by dates in a McMillan 539F binder. If the volume of cases is small, a Judge could have his clerk, secretary, court reporter, or bailiff perform this procedure of docketing. It is very important for the Judge to give information to these parties as to how to do the job accurately.

At the present time, this docketing procedure is used in the Criminal District Courts of Harris County but with a little adjustment could be adaptable to the needs of the Civil, Juvenile, Domestic Relations, and Probate courts. This same procedure can be adapted for courts which hear criminal, civil, etc. by division by cases and dates.

For the larger courts, this manual procedure can be programmed for a computer. It is very important that a computer specialist have some system to follow because of their restricted knowledge of the legal system. This system provides a tracking process that they can follow showing them how you, the Judge, perform the court business. It can also eliminate the possibility of a computer company selling you a package deal which will not fit your particular court. If computer people are worth their salt, they should be able

to program a system, such as the docketing procedure just stated, with very little difficulty. In Harris County, we now have our docketing procedures computerized for all ten District Courts as part of Harris County Subject-in-Process System. Please see Attach. VII for the reports that are generated for Harris County District Courts trying criminal cases by the use of a computer. It is also interesting to note that the tracking procedures used in the computer docketing are the same as used in the manual system.

In conclusion, it is my belief that any court that wants to control its docket must know what cases are in the inventory and when these cases are set for a court hearing. This can be accomplished by using a manual system.

#### HOW CAN SOME OF THE BASIC PRINCIPLES USED IN OUR DOCKETING PROCEDURES BE APPLIED TO THE STAGES FROM ARREST TO INDICTMENT?

This area of the criminal justice process is not well-defined as to jurisdiction of a felony case and how the rules are to be applied. On the other hand, if the rules are well-defined, they are not very well understood. The reason this author makes this type of statement is not due to any particular legal wizardry, but management analysis produces some of the worse problems in these stages that just do not occur after indictment.

Would you believe:

1. Defendants are placed in a jail and sit there sometimes as long as 79 days before indictments are returned?
2. Defendants who do not have enough knowledge to ask for an examining trial can sit in jail without legal representation.
3. Some defendants can stay in jail a long period of time and be No Billed by the Grand Jury.
4. Papers from this stage of the criminal justice process may show up in the District Clerk's file 30 days after complaint is filed and sometimes never.
5. Sometimes a defendant who is indicted can remain on a "no arrest" status because warrants and bonds are retained by the Justices of the Peace and are not forwarded to the District Clerk.

6. Some defendants can ask for an examining trial but are often indicted before the date of the examining trial.

#### WHY DO THESE PROBLEMS OCCUR?

It is not the intent of this author to point a finger or blame someone in the criminal justice process, but only to show what can happen without some type of management system. This need is magnified in a county such as Harris because of the volume of complaints filed and the mass of indictments that are returned from the Grand Jury. It is alarming to this author because, as he travel throughout Texas, it seems that most counties are having similar problems. It is my intention in discussing this matter before the learned District Judges of Texas that each may look into this particular problem in their county and cut off any possible scandal that could arise out of a non-management system.

#### WHAT TYPE OF A MANAGEMENT SYSTEM CAN A DISTRICT COURT INVOKE IN THIS AREA? WHAT TYPE OF A MANAGEMENT SYSTEM CAN A DISTRICT JUDGE COORDINATE IN THIS AREA?

Remember, we were talking about the stage from arrest to indictment. In the past, most District Courts have felt that they did not have jurisdiction over a felony case until an indictment was returned from the Grand Jury. It is my belief that this was true until Article 1.141 was created by the 62nd Legislature and became effective May 19, 1971. It reads as follows:

#### Waiver of Indictment for Non-Capital Felony

A person represented by legal counsel may, in open court or by written instrument, voluntarily waive the right to be accused by any indictment of any indictment of any offense other than a capital felony. On waiver as provided in this article, the accused shall be charged by information.

Added by Acts 1971, 62nd Legislature,  
p. 1148, Ch. 26081, Eff. May 19, 1971

Justice Onion of the Criminal Court of Appeal in his opinion on November 23, 1971, in the case of James Richard King vs the State of Texas, upheld the constitutionality of Art. 1.14.

One might say that since the enactment of this article, the District Judges no longer have a jurisdictional problem. It is a very large volume area and I submit that with the load on court dockets today, this area should not be entered without a management system. A management system that could be applied with the use of the same principles used in docketing procedures is the following:

1. Set the waiver hearing as soon after arrest as possible yet long enough to allow certain information and papers to flow into the files. (3-5 days after arrest.)
  - a) Use of this hearing allows the District Judge to appoint counsel in the very early stages of the process and allow the defendant a choice of the following personal rights:
    1. Waiver of Indictment - proceed on information
    2. Examining trial - before Justice of the Peace to see if there is probable cause
    3. Charge by Indictment
  - b) Research the defendants prior to waiver hearing to see if he is on probation or presently has pending cases in a District Court.
2. Once the defendant has counsel and has made a choice of which personal right he would like to use:
  - a) Schedule the defendant for a date certain on his choice. (It might be wise to have this choice stated in a pleading form and made part of the file.) Calendar choice would be as follows:
    - 1) Examining trial - have date available for Justice of the Peace to schedule an Examining Trial.
    - 2) Waiver of Indictment - have date available when the District Attorney will return a criminal information and automatically set a date for arraignment in the District Court.
    - 3) Indictment - set date for Grand Jury to consider the indictment.

The following waiver status chart (See next page) might be a better way of explaining the same. The management system would need to develop sets of forms for this stage much the same as used in the docketing procedure. This is a must because we must be able to manually track a prisoner easily through the system. I must admit that the step of preparing forms has not been accomplished at the time of this writing. It is my hope that we will have this problem worked out sometime this summer through the coordinated efforts of the District Judges of Harris County hearing criminal cases, the District Attorney, the District Clerk, the Sheriff, the Justices of the Peace, the Defense Bar, and the Assistant Court Coordinators.

Will it work? Yes. During the period of June, 1972, through February, 1973, 736 defendants in Harris County were brought to waiver hearings and given the choice to waive; 442 of these defendants did waive. Sixty per cent of the defendants waived indictment and from a management point of view this is an early sign that it will work.

In conclusion, it is my contention that the District Courts have the responsibility of all defendants charged with a felony complaint. The courts, through their Assistant Court Coordinators, or at least through the central coordinator, can calendar all defendants from arrest to disposition. The courts should distinguish between administrative and judicial functions so that the Court Coordinator can interview and bring only those defendants who want to waive and need counsel appointed to the waiver hearings and, by the rules of the court, set up procedures to calendar all defendants either for Examining Trial or for Grand Jury indictment. The court should be aware of the amount of work that is involved in this stage. It is my estimate that it would take three to five Judges or Commissioners to handle this workload in Harris County alone.

From a management point of view, the management system will be able to work more efficiently and with less effort through the help of the Court Coordinators by controlling the input of cases and creating a smoother flow of cases through the process from arrest to disposition.

This area has not been developed to the fullest in Harris County, but I do want to thank all the ten District Judges who caused me to look at this area as one of the main priorities for our program.



∴ : Their insight and patience in serving as Co-Presiding Judges to hear  
waiver hearings have produced our waiver results. Our next step is  
∴ : to set up a coordination committee of the District Clerk, the  
District Attorney, the Sheriff, the Justices of Peace, the Houston  
Police Department, and the District Judges to discuss some of the  
ideas presented in this paper. We need their help to see that  
defendants, papers, files, District Attorneys with knowledge of  
files, District Clerk, and all others in step fully understand  
the impact of the waiver hearings.

Perhaps I can close with this note. Next year I might be invited  
back to discuss with you the waiver hearing and bring back procedures  
that have been tried along with the necessary forms to make it work.

Thank you.

## INDEX

### Manual Docketing Forms

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ATTACHMENT I - COURT DOCKET

**Description:** This specially designed form facilitates the listing of all cases set on a court's docket for a given day by cause number, name of the defendant, name of the attorney or bondsman, the charge, reference to previous date, if any, from which it was reset, status of defendant as being in jail or on bond, and the purpose for which the case is set. This last column may also be conveniently used by the Judge, Clerk, or Coordinator to note any reset of the case or the final disposition made of the case.

**Purpose:** Provides a readily available form for scheduling cases on the court's docket for court action on any given day, and, if desired, at any given time, by simply inserting the time following the date. By pre-punching, pre-dating (designating the time, if desired) and placing these forms in a suitable binder (a 3-ring McMillan binder #539F), a place for scheduling future settings for cases is readily available and accessible to the court. This also provides the court easy and quick access to the number of cases which have already been set for any future date and time and the type of court action for which same have been scheduled.

**Type of Data:** Provides for the insertion of all data essential to the scheduling of cases on the court's docket.

**Use:** To keep a perpetual record of all cases which have been scheduled for future court action and the type of action for which same are scheduled. The re-setting of cases to future date and time on the docket, with the pertinent information as to attorney, etc. is typed onto the appropriate docket sheet daily as such re-

settings are made. To publish the court's docket for any given date or dates, all that is necessary is to make Xerox or other photo copies of the docket sheet or sheets for such date or dates and post same in the Clerk's Office and send copies to agencies and persons who must be or need to be notified (the District Attorney, the Sheriff, etc.). NOTE: Since the docket specifies the purpose for which the case is scheduled, the Sheriff can easily determine which inmates of the jail he must permit to dress and appear in court in civilian or street clothes. Only those scheduled for jury trial need to be so dressed. Such an instruction to the Sheriff will help to ensure the security of the jail inmates and the safety of the courtroom.

After counsel for the defendant enters appearance as attorney of record, the bondsman's name is dropped from the docket and the attorney's name, address, and telephone number is entered.

The Judge uses the original or a copy of the docket sheet or sheets to call his docket each day.

For your information, the size of this form is 8½"X 12" and on stock of pre-punched paper.

COURT DOCKET  
 \_\_\_\_\_ DISTRICT COURT - HARRIS COUNTY  
 \_\_\_\_\_, JUDGE DATE: \_\_\_\_\_

	CAUSE NO.	DEFENDANT	ATTORNEY/BONDSMAN	CHARGE	REF	J/B	SETTING FOR:
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							

ATTACHMENT I

ATTACHMENT II - NOTICE OF SETTING (Postal Card)

**Description:** This specially designed post card notice provides for the insertion of the defendant's name, the cause number, designation of the court, and the date and time when such case is scheduled on the court's docket for arraignment, and for signature of the Court Coordinator or the Clerk, if necessary. The telephone number and extension is provided, should the addressee have any inquiry concerning the notice.

The reverse side, where the name and address of the addressee is inserted, has a return address with notation "Return Postage Guaranteed". This insures return if the notice is not delivered. Obviously this is more economical than certified or registered mail.

**Purpose:** Provides economical and convenient means for notifying bondsmen or surety of arraignment setting for their principals or defendants.

**Type of Data:** Used for notice only.

**Use:** To notify bondsmen of arraignment settings.

4

NOTICE OF SETTING

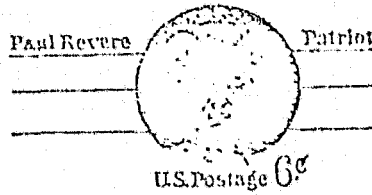
Re: State of Texas vs. \_\_\_\_\_

Cause No. \_\_\_\_\_

The above cause is set in the \_\_\_\_\_ District Court for  
arraignment on \_\_\_\_\_ Date \_\_\_\_\_ at 9:00 A.M.

\_\_\_\_\_  
Asst. Court Coordinator  
\_\_\_\_\_  
District Court  
228-8311, ext. \_\_\_\_\_

\_\_\_\_\_  
District Court  
Harris County Courthouse  
Houston, Texas 77002  
\_\_\_\_\_  
RETURN POSTAGE GUARANTEED



6/7/76

ATTACHMENT III - NOTICE OF SETTING - COURT ORDER

**Description:** This specially designed, multiple-copy, no-carbon-required form facilitates a convenient and simple means for the Judge to set any case, for any purpose, to a future date and time certain on the court's docket by completing the blanks and signing same. Distribution is made as indicated.

**Purpose:** To facilitate the court's resetting of cases when the defendant and his counsel and counsel for the State are not present.

**Type of Data:** Provides essential information of settings made by the court; the identity of the counsel for the State and for the defendant.

**Use:**

- 1) If, in response to notification to the bondsman, the defendant appears for arraignment without counsel and advises the court the name of his counsel, the defendant is advised as to the date and time the case is rescheduled for arraignment, and this form is used to reset the case and notify the defendant's counsel.
- 2) If the counsel for either party, in the absence of counsel for the other party, files any pleadings with the court which requires a setting on the court's docket for court action, or for good cause shown for action by the court, this form is used to make such settings and notify the attorneys of record for both parties.
- 3) If a case set on the court's docket is not reached for action by the court on any setting for any reason after the counsel for one or both of the parties has been released by the court and are not present, this form is used to reset the case for a future date and time on the court's docket and to notify counsel of record of such setting.



CAUSE NO. \_\_\_\_\_ CHARGE \_\_\_\_\_

THE STATE OF TEXAS

\_\_\_\_\_ DISTRICT COURT

VS.

OF HARRIS COUNTY, TEXAS.

\_\_\_\_\_  
Defendant

### NOTICE OF SETTING

The above entitled and numbered cause is set for

\_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 1972, at \_\_\_\_\_ M.

\_\_\_\_\_  
Judge Presiding

\_\_\_\_\_  
Date

CC:

\_\_\_\_\_  
Attorney for the State

\_\_\_\_\_  
Attorney for the Defendant

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip

\_\_\_\_\_  
Phone Number

- DISTRICT CLERK (White - Original)
- COURT COORDINATOR (Yellow - 2nd Copy)
- DEFENSE ATTORNEY (Green - 3rd copy)
- DISTRICT ATTORNEY (Pink - 4th Copy)

ATTACH. III

ATTACHMENT IV  
ORDER APPOINTING COUNSEL AND RESETTING CASE

**Description:** This specially designed, multiple-copy, no-carbon-required form provides a readily available means for a defendant to petition the court to appoint him counsel because of his indigence, and for the court to make such appointment and reset the case for arraignment or for any other purpose. Distribution is made as indicated.

**Purpose:** To provide the Judge with a convenient means of appointing counsel for an indigent defendant and rescheduling his case for arraignment, or for any other purpose, to a future date and time certain and to notify the State's counsel and the appointed counsel of such appointment and future setting.

**Type of Data:** This form provides a record of the appointment of counsel, the identity of such counsel, and the future setting date and time. By distribution of the copies, each person who needs to know of such action is notified of same.

**Use:** Primarily on the arraignment docket call where indigent defendants appear without counsel. After the court ascertains indigence, the Clerk completes and takes the defendant's affidavit of indigence. The Judge pulls a card from the appointment roster, hands it to the Clerk, and tells the Clerk the purpose for which the case is reset and the date and time of the reset. The Clerk completes the order and the Judge signs same. The Clerk or Coordinator then makes distribution of the copies. NOTE: It is strongly recommended that the Judge select the name of the attorney to be appointed and not delegate this function to the Clerk or Coordinator, as it is the Judges' responsibility to see that competent counsel

is appointed (this constitutes a judicial function). This will also preclude any criticism of the Clerk or Coordinator by the attorneys who are on the court's appointment roster.

This same form and procedure is used at any stage of the handling of a case where the attorney of record for the defendant is relieved by order of the court and indigence of the defendant is established.

THE STATE OF TEXAS

\_\_\_\_\_ DISTRICT COURT

VS.

OF HARRIS COUNTY, TEXAS.

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes \_\_\_\_\_, defendant in the above styled and numbered cause, and respectfully petitions the Court to appoint counsel to represent him in said felony cause and would show to the Court that he is too poor to employ counsel.

\_\_\_\_\_  
Defendant

Sworn to and subscribed before me on this, the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 19\_\_\_\_.

RAY HARDY, District Clerk,  
Harris County, Texas

By: \_\_\_\_\_  
Deputy

### ORDER APPOINTING COUNSEL

On this, the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 19\_\_\_\_, it appearing to the Court that the above named defendant has executed an affidavit stating that he is without counsel and is too poor to employ counsel, it is ordered that the attorney listed below is appointed to represent the above named defendant in said cause.

\_\_\_\_\_  
Attorney

\_\_\_\_\_  
Address

\_\_\_\_\_  
City State Zip

\_\_\_\_\_  
Phone

It is further ordered that the said cause is set for: \_\_\_\_\_

on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at 9:00 A.M.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 19\_\_\_\_.

\_\_\_\_\_  
Judge Presiding

- DISTRICT CLERK (White - Original)
- COURT COORDINATOR (Yellow - 2nd Copy)
- DEFENSE ATTORNEY (Green - 3rd Copy)
- DISTRICT ATTORNEY (Pink - 4th Copy)

ATTACHMENT V  
APPEARANCE OF COUNSEL AND AGREED SETTING

**Description:** This specially designed, multiple-copy, no-carbon-required form provides a written pleading whereby, in writing, the attorney for any defendant may enter his appearance as attorney of record; the defendant, in person and by counsel, may waive formal arraignment and enter his plea of guilty, not guilty, or nolo contendere; and the counsel for the parties may agree to a reset of the case for any purpose (motions, further announcement, trial to the court or a jury, plea, etc.) to a future date and time certain. Distribution is made as indicated.

**Purpose:** This provides a means for the counsel for any defendant to enter his appearance of record as such, for the defendant to enter his plea, and for rescheduling of the case on the court's docket in routine order, without the necessity of the constant presence of the Judge in the courtroom. It also provides a copy of the transaction to the Assistant Court Coordinator for posting to the court's docket.

**Type of Data:** Provides the essential information as to identity of the defendant and his counsel, the defendant's plea and the purpose of the resetting and the date and time thereof.

**Use:** For arraignment setting of any case where defendant appears with his counsel, employed or appointed. If an arraignment docket is set for particular dates and times, as is the practice of some courts, (a practice worthy of consideration by all courts), this written pleading form, (a new innovation in criminal cases not precluded by the Texas Code of Criminal Procedures), is of inestimable value. Where a large number of defendants are scheduled for arraignment on the same

docket and no other matters are scheduled on such docket, all the Judge needs to do is announce at the time scheduled for the call of such docket, to all attorneys and parties, that there are written pleadings available in the courtroom whereby any attorney may enter his appearance as attorney of record for any defendant and any defendant, if he wishes to waive formal arraignment, may enter his plea in writing and that such pleading further provides for a resetting of the case by agreement of counsel for both parties for any agreed purpose, provided: resetting date is compatible with the routine settings on the court's docket. The Assistant Court Coordinator, or the Clerk if there is no Assistant Coordinator, is present in court and will advise counsel of the routine setting dates for various court actions on the court's docket; that the Judge will be in his chamber and, if counsel can not agree on a routine setting date, the Judge will fix the future setting date and time; and that any cases in which pleadings have not been filed will be called at \_\_\_ o'clock (the time is fixed by the Judge based on how long he estimates it will take counsel to dispose of that portion of the docket that will be disposed of by use of the written pleadings). The Judge then retires to his chambers to handle some of the ever-increasing office paper work and does not return to the courtroom until the aforementioned announced hour. Experience has proven the Judge will find that from 80 to 100% of the docket has been disposed of by written pleadings. This will require only the Judge's approval of the original, which is to be filed in the papers by affixing his signature or a facsimile thereof. The latter may be affixed by the Assistant Court Coordinator or the Clerk, under appropriate instructions from the Judge. (This approval may be eliminated altogether if the Judge does not deem it necessary). Usually, the only cases remaining for the Judge's attention are the bond

forfeitures and defendants, on bond and in jail, who have appeared without counsel. If such defendants have counsel, the identity of the counsel is ascertained and the case is rescheduled for arraignment by use of the Notice of Setting form. If such defendants do not have counsel and are not indigent, the court reschedules the case for arraignment and requires the State's counsel and the defendant, pro-se, to complete the short form of the Agreed Setting. The defendant is instructed to deliver his copy to the attorney he employs. If such defendants are indigent, they are permitted to make affidavit of such indigence. The court appoints counsel and reschedules the arraignment by use of the Appointment Order form.

Although the foregoing procedure may, on first blush, seem somewhat complicated, familiarity with same reveals its simplicity. After the Judge, court personnel, and counsel are familiar with this procedure, experience has proven that an arraignment docket of ninety cases can be disposed of within a two-hour period. The usual arraignment docket of 25 to 40 cases is regularly and easily disposed of within one to one and one half hours.

It is important to note that the subject form is prepared by the defendant's counsel and does not impose any extra burden on anyone. The accuracy of the completion and execution of the form by the defendant and his counsel is insured by the required approval by the attorney for the State before same can be filed with the Clerk.

Defense counsel have commended the procedure as it permits them to handle their business on an arraignment docket expeditiously and to leave the court when the pleading is filed.

forfeitures and defendants, on bond and in jail, who have appeared without counsel. If such defendants have counsel, the identity of the counsel is ascertained and the case is rescheduled for arraignment by use of the Notice of Setting form. If such defendants do not have counsel and are not indigent, the court reschedules the case for arraignment and requires the State's counsel and the defendant, pro-se, to complete the short form of the Agreed Setting. The defendant is instructed to deliver his copy to the attorney he employs. If such defendants are indigent, they are permitted to make affidavit of such indigence. The court appoints counsel and reschedules the arraignment by use of the Appointment Order form.

Although the foregoing procedure may, on first blush, seem somewhat complicated, familiarity with same reveals its simplicity. After the Judge, court personnel, and counsel are familiar with this procedure, experience has proven that an arraignment docket of ninety cases can be disposed of within a two-hour period. The usual arraignment docket of 25 to 40 cases is regularly and easily disposed of within one to one and one half hours.

It is important to note that the subject form is prepared by the defendant's counsel and does not impose any extra burden on anyone. The accuracy of the completion and execution of the form by the defendant and his counsel is insured by the required approval by the attorney for the State before same can be filed with the Clerk.

Defense counsel have commended the procedure as it permits them to handle their business on an arraignment docket expeditiously and to leave the court when the pleading is filed.



CAUSE NO \_\_\_\_\_

CHARGE \_\_\_\_\_

THE STATE OF TEXAS

\_\_\_\_\_ DISTRICT COURT

VS.

OF HARRIS COUNTY, TEXAS.

\_\_\_\_\_  
Defendant

APPEARANCE OF COUNSEL  
AND AGREED SETTING

The undersigned Attorney for Defendant hereby enters appearance as Attorney of Record for the above named defendant.

The undersigned Defendant, in person, and by Counsel, hereby waives formal arraignment and enters plea of \_\_\_\_\_.

The undersigned Counsel hereby agree this case is reset for

\_\_\_\_\_ to \_\_\_\_\_  
(Type of Setting) (Date)

\_\_\_\_\_  
Attorney for the State

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
(Print) Attorney for Defendant

\_\_\_\_\_  
(Signature) Attorney for Defendant

APPROVED BY THE COURT:

\_\_\_\_\_  
Judge Presiding

\_\_\_\_\_  
(Street Address)

\_\_\_\_\_  
(City)

\_\_\_\_\_  
(State)

\_\_\_\_\_  
(Zip)

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Phone Number)

COURT COORDINATOR  
DEFENSE ATTORNEY  
DISTRICT ATTORNEY

(Yellow - 2nd Copy)  
(Green - 3rd Copy)  
(Pink - 4th Copy)

ATTACH. V

ATTACHMENT VI - AGREED SETTING FORM

**Description:** This specially designed, multiple-copy, no-carbon-required form provides a written record for all persons concerned of each resetting of the case subsequent to the initial resetting made at the time of arraignment. Distribution is made as indicated.

**Purpose:** To provide a record for all persons concerned with all interim settings of the case from arraignment to final disposition: To facilitate the Court Coordinator, Clerk, or other designated person's posting of the transaction on the court's docket. Copies to counsel help eliminate misunderstandings concerning settings.

**Type of Data:** Provides essential information as to the purpose of the resetting and the date and time thereof. Also, reflects any change of counsel for the defendant which may have occurred.

**Use:** This form is also prepared by the defendant's counsel and the accuracy of the completion and execution of same by the defendant and his counsel is insured by the required approval of the counsel for the State before same can be filed with the Clerk. If the agreed resetting is for a routine purpose and to a routine date and time on the court's docket, which information is supplied by the Assistant Coordinator or other person designated by the Judge, the counsel for the parties is permitted to file the agreed setting form with the Clerk without prior approval of the Judge. If the resetting is for any reason other than routine, it must be approved by the Judge, in the exercise of judicial discretion, before it is filed with the Clerk. The attorney for the State is required to advise the

Judge if the resetting is other than routine. The Assistant Coordinator is also usually present when such resettings are being made and has the responsibility of advising the court if the resetting is other than routine.

CAUSE NO. \_\_\_\_\_

CHARGE \_\_\_\_\_

THE STATE OF TEXAS

\_\_\_\_\_ DISTRICT COURT

VS.

OF HARRIS COUNTY, TEXAS.

\_\_\_\_\_  
Defendant

AGREED SETTING

The undersigned Counsel hereby agree this case is reset for

\_\_\_\_\_ to \_\_\_\_\_  
(Type of Setting) (Date)

\_\_\_\_\_  
Attorney for the State

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
(Print) Attorney for Defendant

\_\_\_\_\_  
(Signature) Attorney for Defendant

\_\_\_\_\_  
(Street Address)

\_\_\_\_\_  
(City) (State) (Zip)

\_\_\_\_\_  
(Phone Number)

APPROVED BY THE COURT:

\_\_\_\_\_  
Judge Presiding

\_\_\_\_\_  
Date

- DISTRICT CLERK (White - Original)
- COURT COORDINATOR (Yellow - 2nd Copy)
- DEFENSE ATTORNEY (Green - 3rd Copy)
- DISTRICT ATTORNEY (Pink - 4th Copy)

ATTACHMENT VII - APPOINTMENT ROSTER CARD

- Description:** This is a specially designed card for completion by any attorney who wants his name included in the Attorney Appointment Roster of the court.
- Purpose:** To provide the Judge with readily accessible information as to the name, address, and telephone number of attorneys that are available for and desirous of appointments. Also, to provide the Judge with basic information concerning such attorneys experience.
- Type of Data:** Provides essential information as to the attorneys location and experience for handling various cases.
- Use:** The Appointment Roster Cards are kept in an open file box on the bench. The Roster is divided into two parts or sections; one for attorneys licensed more than three years and the other for attorneys licensed less than three years. The less experienced attorneys are appointed only in cases of limited seriousness. Both sections of the roster are rotated in regular and usual order unless, in the Judge's discretion, it is necessary to vary the rotation in order to assure the defendant competent counsel for the offense or offenses charged.
- Prior to establishment of this special card roster, the only roster the court had was a batch of attorneys' business cards. The message on the back of the card was used to invite the attorneys, whose cards had been left with the court, to complete the special roster and return it to the court. Thus, it was only necessary to address a letter to each of such attorneys. A notice was also posted on the courtroom door inviting attorneys to complete and leave appointment roster cards with the court. The roster of this court is comprised of some one hundred fifty attorneys' names.

Some of the Judges using this card form have left the reverse side blank and use it for notation of the cases on which, or the number of times, the subject attorney has been appointed.

Please Type

---

 Last Name, First, MI

---

 (Phone)

---

 (Address)

---

 (Date Licensed)

---

 (City                      State                      Zip)

---

 (Past experience - Trial and Appellate)
 

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Type appointments desired - please check

 Felony Trials Appeals

## APPOINTMENT ROSTER

Dear Attorney,

If you desire your name to be retained or placed in the attorney appointment roster of this court, please complete the reverse side of this card and return same to the undersigned.

Very truly yours,

**END**