



GUADALUPE COUNTY COURT AT LAW NO.2

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COURT PROCEDURES

Welcome to Guadalupe County Court at Law #2. I am honored to serve as the Judge for this Court, having been appointed by the Guadalupe County Commissioners, and work with you to effectively and efficiently process cases through our judicial system. This past year has been complicated with the global pandemic, but now that there is flexibility for courts to conduct proceedings in-person, this document serves as the procedural plan for County Court at Law #2. This Court will continue to process cases by accepting pleas in absentia by submission in criminal misdemeanor cases, conduct proceedings remotely as requested by the parties, and by way of in-person proceedings. For safety considerations, in-person proceedings will involve limited numbers of participants, social distancing as recommended by the CDC with designated courtroom seating, optional mask wearing and use of hand sanitizer. Please note that these safety guidelines and following procedures are subject to change as we navigate in-person proceedings.

1) General Rules:

- a) Everyone is expected to be professional and respectful to the judge, court staff, opposing counsel, witnesses, and defendants/clients.
- b) Please arrive on time for all dockets unless excused by the judge or court staff prior to docket call. Notify the court in advance if delayed and provide an estimated time of arrival.
- c) All electronic devices must be turned off or silenced prior to entering the courtroom. It is understood that while cell phones are an integral part of work productivity, they are also distracting and often used for entertainment. While court is in session, cell phones are limited to non-distracting business use. All calls should be made outside of the courtroom.
- d) Notify the court coordinator if you need an interpreter for your case as soon as possible so arrangements can be made in a timely manner.
- e) Motions or pleadings must be efiled with the county clerk.
- f) Letters of Representation will only be accepted on filed cases.
- g) Filed vacation letters, with copies to opposing counsel, will be taken into consideration and cases will not be set during the designated period.

h) All requests for transcripts must be in writing to the court reporter, designating the case style, date of hearing, portion of hearing requested, and copies of exhibits, if any.

2) Civil Settings:

- a) With the exception of condemnations and forcible detainers, all civil matters must be mediated prior to a trial request being made. All trial requests must be in writing.
- b) To set a hearing on a motion, contact the Court Coordinator.
- c) Agreed judgments must be signed by all attorneys and parties.
- d) Uncontested matters require submission of a judgment or decree at the time of hearing.
- e) Parties will agree to a docket control order.

3) Criminal Settings:

a) Pretrial Non-Jury Settings:

- i) Docket will be called at 9 am. and will be in session until cases are resolved with breaks as needed.
- ii) Attorneys are encouraged to negotiate cases, complete paperwork and meet with clients prior to the court date.
- iii) There is a total of three pretrial non-jury settings permitted for discovery purposes. If additional pretrial settings are necessary, both parties must approach the court to request additional settings.
- iv) Unresolved cases will be moved to a contested Motions/Announcement setting after the third pretrial Non-Jury setting, unless additional settings have been approved.
- v) If a jury waiver is signed by all parties, additional resets may be approved.
- vi) Regarding pleas of guilty/nolo contendere, all forms must be signed by all parties. For a plea in absentia, a waiver of right to appearance form must be signed. It is imperative that attorneys review these forms thoroughly with their clients prior to the entry of the plea.
- vii) If the defendant is to receive probation, please notify the court probation officer prior to submitting paperwork to the clerk so that the order can be prepared.
- viii) Attorneys should carefully review all conditions with the defendant prior to sentencing and provide the signed form to the prosecutor.

b) Contested Motions Settings:

- i) Cases will be set after the third Non-Jury setting.
- ii) If no evidentiary motions are filed 7 days prior to setting, motions are waived and the case will be set to an Announcement Setting.

c) Announcement Settings:

- i) Cases set for Announcement will also be set for Jury that same month. Announcement cases are scheduled approximately 2 weeks prior to Jury Setting.
- ii) To encourage judicial efficiency, plea bargains will be accepted in writing through the end of business day on the Friday of the week of Announcement Setting. Plea bargains after that time frame will be open to the Court's discretion and will generally not be accepted on the day of trial.

- d) Bench Trials:
 - i) Cases shall not be set for a Bench Trial unless discovery is complete, the parties have negotiated, and a jury waiver has been signed by all parties.
 - ii) In criminal cases, a PSI may be conducted prior to sentencing.

- e) Jury Trial Settings:
 - i) In-custody cases will be given top priority. If there are no in-custody cases, older cases based on the offense date will have priority.
 - ii) On the day of trial, all parties must be present at 8:45 am. Jury proceedings will begin promptly at 10:00 am. It is possible that a second voir dire may begin in the afternoon. Each side will be given adequate time to question the panel. Trials will begin the day following voir dire at 9 am, with parties expected to be present at 8:45 am.
 - iii) As a courtesy, provide a list of anticipated exhibits and witnesses to the court reporter prior to trial. The court reporter will mark exhibits during trial.
 - iv) Thoroughly inform witnesses of rulings including the Rule, motions in limine and other pretrial motions.

These procedures are subject to change and any updates will be posted on the website. All parties are expected to conduct themselves in a professional and respectful manner. While this is an adversarial process, it is essential to acknowledge that people can disagree without being disagreeable.



Kirsten Legore
Judge, County Court at Law #2