

RULES OF ADMINISTRATION OF MONTGOMERY COUNTY, TEXAS

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JAN 03 2023
Melisa Miller, District Clerk
Montgomery County, Texas
By *[Signature]* Deputy

Purpose & Authority

The primary purposes of these *Rules of Administration of Montgomery County, Texas* are: (1) to aid in the just disposition of cases without unnecessary delay or expense, (2) for the sensible and efficient management of the courts' dockets, and (3) to aid litigants and counsel. These *Rules of Administration of Montgomery County, Texas* are made pursuant to Texas Government Code §74.093 and in compliance with the Second Administrative Judicial Region of Texas Regional Rules of Administration.

Application

These rules apply to all cases over which the District Courts and County Courts at Law of Montgomery County, Texas have jurisdiction. Nothing in these rules shall operate to expand the jurisdictional limitation of the courts as defined by statute.

Definitions

"Board of Judges" shall be comprised of the Judges of the District Courts and the Judges of the County Courts at Law of Montgomery County, Texas.

"Board of District Judges" shall be comprised of the Judges of the District Courts of Montgomery County, Texas.

"Board of County Court at Law Judges" shall be comprised of the Judges of the County Courts at Law of Montgomery County, Texas.

"Quorum" shall mean (a) for the Board of Judges, a simple majority of the judges of all the District Courts and County Courts at Law of Montgomery County, Texas, (b) for the Board of District Judges, a simple majority of the judges of all the District Courts of Montgomery County, Texas, and (c) for the Board of County Court at Law Judges, a simple majority of the judges of all the County Courts at Law of Montgomery County.

Minute

Date: 1/4/23

2023-486

RULE 1
COURT SPECIALIZATION AND DISPOSITION OF CASES

- 1.1 Pursuant to Texas Government Code §74.093(b)(2), the Board of Judges hereby designates the following court divisions responsible for the handling of all cases/case sub-types within each respective division:

Civil;
Probate;
Family law;
Juvenile;
Felony; and
Misdemeanor.

The Board of Judges further designates each of the District Courts and County Courts at Law as a specialized court within one or more of the above divisions. The Board of Judges hereby delegates and assigns its rule making authority under Texas Government Code §74.093 to the judges of each court division to promulgate rules of administration applicable to that particular court division. The Board of Judges hereby further acknowledges that each court division has approved or will approve rules of administration and/or rules of practice before each respective court division, listed below, which may be modified from time to time as provided pursuant to those rules:

Rules of Administration for Civil Cases

Rules of Administration for Probate Cases

Local Rules of Practice before the Family Courts of Montgomery County, Texas and Local Rules for the Administration of Family Cases in Montgomery County, Texas

Rules of Administration for Juvenile Cases

Rules of Administration for Felony Cases

Rules of Administration for Misdemeanor Cases

RULE 2
SELECTION AND CONTROL OF JURIES

- 2.1 With regard to the selection, management, assignment and time of jury service, the Board of Judges has adopted the *Jury Plan* which has been approved by the Commissioner's Court of Montgomery County, Texas, and has been filed with the District Clerk. This *Jury Plan* applies.

Minute

Date: _____

RULE 3
JUDGE'S VACATION AND ABSENCES

- 3.1 A judge may request another judge to be assigned for service in Montgomery County in the event of a need by the judge due to vacation, sick leave, attendance at conferences, attending to dual dockets or trials, or other matters.

RULE 4
LOCAL COURT ADMINISTRATION

4.1 Filing and Assignment of Cases

- (a) All cases within the concurrent jurisdiction of the District Courts and the County Courts at Law shall be filed with the District Clerk and assigned between the District Courts and County Courts at Law according to a written order of assignment signed by both the Local Administrative District Judge and the Local Administrative Statutory County Court Judge, and filed with the District Clerk. The order of assignment may thereafter be amended from time to time by written order signed by both the Local Administrative District Judge and the Local Administrative Statutory County Court Judge, and filed with the District Clerk.
- (b) All cases of which the District Courts have exclusive jurisdiction shall be filed in the District Clerk's office and assigned between the District Courts according to a written order of assignment signed by the Local Administrative District Judge, and filed with the District Clerk. The order of assignment may thereafter be amended from time to time by written order signed by the Local Administrative District Judge, and filed with the District Clerk.
- (c) All cases of which the County Courts at Law have exclusive jurisdiction shall be filed in the County Clerk's office and assigned between the County Courts at Law according to a written order of assignment signed by the Local Administrative Statutory County Court Judge, and filed with the County Clerk. This order of assignment may be amended from time to time by written order signed by the Local Administrative Statutory County Court Judge, and filed with the County Clerk.
- (d) The assignment of cases prescribed above may be altered by a written order of assignment when signed by the judges of all courts affected by the written order and filed with the District Clerk and/or County Clerk, as applicable. Assignment orders pursuant to this subsection terminate upon the language in the assignment order, upon an order terminating the assignment order when signed by any judge who originally signed the assignment order, or upon a new judge assuming the bench of a signing judge unless the assignment order is ratified by that judge.

Minute

Date: _____

- (e) Once assigned to a court, a case will remain on the docket of that court for all purposes unless transferred.
- (f) The Board of Judges recognizes that, at times, a case may be misfiled by the District Clerk or County Clerk and assigned to the wrong court, contrary to statute, local rule or case assignment order. If citation in the misfiled case has not issued, the District Clerk or County Clerk shall automatically transfer any such misfiled case to the proper court in accordance with the proper statute, rule or order.

4.2 Local Administrative Judge

(a) Local Administrative District Judge

- (i) Pursuant to Section 74.091 of the Texas Government Code, a majority of the District Court Judges will elect a Local Administrative District Judge for a one-year term no later than December of each year, to commence on January 1st of the following year.
- (ii) The Local Administrative District Judge shall call meetings of the Board of District Judges as needed, and preside over said meetings. For the Board of District Judges to act, a quorum must be present and a majority of the judges present must agree upon the action.
- (iii) The Local Administrative District Judge may transfer cases between District Courts if he/she finds that a court has an inequitable burden due to illness, complex litigation, trial schedule, or other sufficient reasons.

(b) Local Administrative Statutory County Court Judge

- (i) Pursuant to Section 74.0911 of the Texas Government Code, a majority of the County Courts at Law Judges will elect a Local Administrative Statutory County Court Judge for a one-year term no later than December of each year, to commence on January 1st of the following year.
- (ii) The Local Administrative Statutory County Court Judge shall call meetings of the Board of County Court at Law Judges as needed, and preside over said meetings. For the Board of County Court at Law Judges to act, a quorum must be present and a majority of the judges present must agree upon the action.
- (iii) The Local Administrative Statutory County Court Judge may transfer cases between County Courts at Law if he/she finds that a court has an inequitable burden due to illness, complex litigation, trial schedule, or other sufficient reasons.

- (c) If both the Local Administrative District Judge and the Local Administrative Statutory County Court Judge find that a court or courts has/have an inequitable burden due to illness, complex litigation, trial schedule, or other sufficient reasons, upon written order signed by both the Local Administrative District Judge and the Local Administrative Statutory County Court Judge, cases may be transferred between District Courts and County Courts at Law.
- (d) The Local Administrative District Judge and the Local Administrative Statutory County Court Judge will have the duties and responsibilities provided in Government Code Section 74.092, along with those duties and responsibilities provided for in the Texas Rules of Judicial Administration.
- (e) The Board of Judges shall meet to discuss and pass resolutions on those matters which are of common concern to all judges. The meeting shall be called and run by the Local Administrative District Judge during even-numbered years, and by the Local Administrative Statutory County Court Judge during odd-numbered years. In the event the appropriate Local Administrative Judge is unavailable to run the meeting, the other Local Administrative Judge shall run the meeting. If neither of the Local Administrative Judges is available to run the meeting, then the most senior judge in attendance shall run the meeting. For the Board of Judges to act, a quorum must be present and a majority of the judges present must agree upon the action.

4.3 Court Administrators/Coordinators

Each court shall appoint a court administrator and/or coordinator. It shall be the duty of each court administrator and/or coordinator to:

- (a) Work with the judge to establish procedures for setting cases for trial and hearings;
- (b) Notify all attorneys and/or parties of settings and rulings of the court as is provided by these rules, and other rules referenced herein or at the direction of the court;
- (c) Prepare scheduling orders at the direction of the court;
- (d) Coordinate all setting requests; and
- (e) Coordinate with the Juror Coordinator of the District Clerk's office concerning jury trials and juror requirements.

4.4 Voluntary Recusal Without Motion

At any time prior to a motion to recuse being filed, a judge may voluntarily recuse himself/herself, and in such circumstance must refer the case to the Judge of the Second Administrative Judicial Region for assignment of another judge. Alternatively, if a judge identifies any legal or ethical reason not to preside over a case prior to a motion regarding same being filed, a judge may request a transfer to the next court in rotation that hears the same type of cases.

4.5 Motion for Recusal or Disqualification

Rule 18a of the Texas Rules of Civil Procedure and the Regional Rules of Administration for the Second Administrative Judicial Region of Texas shall govern procedures upon the filing of a motion for recusal or disqualification. The appropriate form(s) for the referral of the motion to the Presiding Judge for the Second Administrative Judicial Region is available through the Administrative Office for the Second Administrative Judicial Region of Texas.

4.6 Recording and Broadcasting Proceedings

Each court may promulgate rules covering recording and broadcasting of court proceedings.

4.7 Conflicting Engagements

(a) Attorney Already in Trial in Another Court

- (i) When informed that an attorney is presently in trial, the Court will determine where and when assigned. This information will be verified upon request of opposing counsel. The case will be placed on "hold" or reset, depending upon when the attorney will be released.
- (ii) If the attorney is not actually in trial as represented by the attorney or agent, the case will be tried without further notice.

(b) Attorney Assigned to Two Courts for the Same Date

- (i) It is the duty of the attorney to call the affected Judge's attention to all dual settings as soon as they are known.
- (ii) Insofar as practicable, Judges should attempt to agree on which case has priority, otherwise the following priorities shall be observed by the Judges of the respective Courts:

Criminal Cases;
Cases given preference of statute;
Preferentially set cases;
Case set at earliest date;
Case with earliest filing date;
Courts in metropolitan County areas should yield to Courts in rural County areas in all other instances of conflicting settings; and
In event of unresolved conflict between two judges, the issue will be decided by the Local Administrative Judge or the Regional Presiding Judge.

Minute

Date: _____

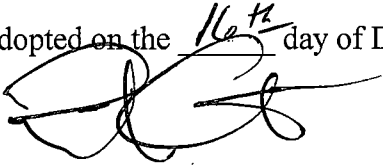
4.8 Regular Court Dockets

It shall be the duty of the presiding judge for each District Court and each County Court at Law to conduct regular, periodic dockets necessary to effectuate the prompt disposition of cases in accordance with the guidelines established by the Supreme Court of Texas. Court shall be held at least once a week unless in the opinion of the presiding judge, or the Local Administrative District Judge or Local Administrative Statutory County Court Judge, as applicable, sessions at other intervals will result in more efficient court administration.

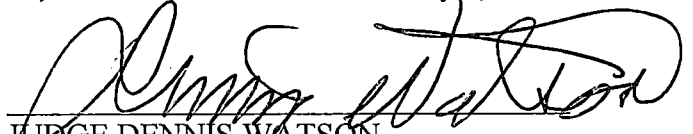
RULE 5
ADOPTION, APPROVAL, NOTICE & AMENDMENTS

- 5.1 These rules are adopted by the Board of Judges.
- 5.2 These rules shall become effective on January 1, 2023, and shall remain effective until amended, repealed or modified.
- 5.3 Each numbered or lettered paragraph of these rules shall be considered to be separate and distinct from all other portions hereof, and if any portion should be declared by a higher court to be improper, such declaration shall not affect any other portion not declared to be improper.
- 5.4 All previous versions of the Local Rules of the District Courts of Montgomery County, Texas are repealed. All previous versions of the Local Rules of the County Courts at Law of Montgomery County, Texas are repealed. All previous versions of the Local Rules of Practice Before the County Courts at Law are repealed.
- 5.5 Either the District Courts, or the County Courts at Law, may opt out of adherence to these rules upon passage in accordance with Texas Rule of Civil Procedure 3a of new rules to be applicable only to the District Courts or County Courts as desired.
- 5.6 Other than Rule 5.5, which may not be amended, supplemented, modified or repealed, these rules may be amended, supplemented or modified by the Board of Judges.
- 5.7 The District Clerk and County Clerk are directed to upload these Rules to the Office of Court Administration's website in accordance with Texas Rule of Civil Procedure 3a, and to record these rules in the minutes of the 9th, 221st, 284th, 359th, 410th, 418th, 435th and 457th District Courts and the County Courts at Law Numbers One, Two, Three, Four, Five, and Six along with all additional District Courts and County Courts at Law hereinafter created.

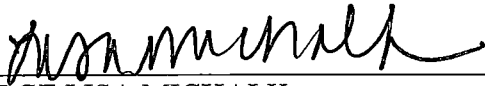
Adopted on the 16th day of December, 2022, to become effective on January 1, 2023.



JUDGE PHIL GRANT
9th JUDICIAL DISTRICT COURT



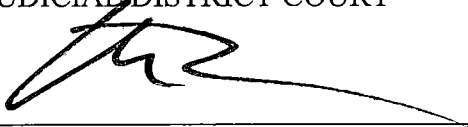
JUDGE DENNIS WATSON
COUNTY COURT AT LAW NUMBER ONE



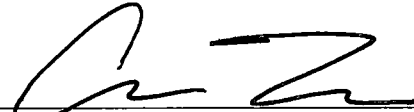
JUDGE LISA MICHALK
221st JUDICIAL DISTRICT COURT



JUDGE CLAUDIA LAIRD
COUNTY COURT AT LAW NUMBER TWO



JUDGE KRISTIN BAYS
284th JUDICIAL DISTRICT COURT



JUDGE AMY TUCKER
COUNTY COURT AT LAW NUMBER THREE



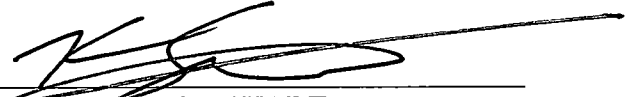
JUDGE KATHLEEN HAMILTON
359th JUDICIAL DISTRICT COURT



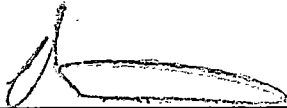
JUDGE MARY ANN TURNER
COUNTY COURT AT LAW NUMBER FOUR



JUDGE JENNIFER ROBIN
410th JUDICIAL DISTRICT COURT



JUDGE KEITH STEWART
COUNTY COURT AT LAW NUMBER FIVE



JUDGE TRACY A. GILBERT
418th JUDICIAL DISTRICT COURT



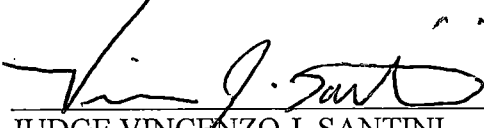
JUDGE SCHARLENE VALDEZ
COUNTY COURT AT LAW NUMBER SIX



JUDGE PATTY MAGINNIS
435th JUDICIAL DISTRICT COURT



JUDGE-ELECT JOHN HAFLEY
COUNTY COURT AT LAW NUMBER ONE



JUDGE VINCENZO J. SANTINI
457th JUDICIAL DISTRICT COURT

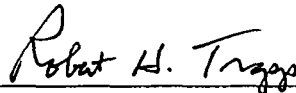


JUDGE-ELECT ECHO HUTSON
COUNTY COURT AT LAW NUMBER FOUR

The foregoing **RULES OF ADMINISTRATION OF MONTGOMERY COUNTY, TEXAS** and following:

1. MONTGOMERY COUNTY RULES OF ADMINISTRATION FOR CIVIL CASES
2. MONTGOMERY COUNTY RULES OF ADMINISTRATION FOR FELONY CASES
3. MONTGOMERY COUNTY RULES OF ADMINISTRATION FOR JUVENILE CASES
4. MONTGOMERY COUNTY RULES OF ADMINISTRATION FOR MISDEMEANOR CASES
5. LOCAL RULES OF PRACTICE BEFORE THE FAMILY COURTS OF MONTGOMERY COUNTY, TEXAS AND LOCAL RULES FOR THE ADMINISTRATION OF FAMILY CASES IN MONTGOMERY COUNTY, TEXAS
6. MONTGOMERY COUNTY RULES OF ADMINISTRATION FOR PROBATE CASES

Are approved on the 19th day of December, of the year 2022
by Judge Robert Trapp,
Regional Judge for the Second Administrative Judicial Region of the State of Texas



JUDGE ROBERT TRAPP
PRESIDING JUDGE
OF THE SECOND ADMINISTRATIVE JUDICIAL REGION
OF THE STATE OF TEXAS

Minute

Date: _____