

IN THE SUPREME COURT OF TEXAS

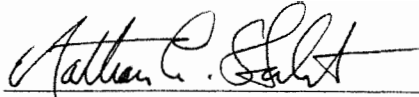
Misc. Docket No. 14-9248

APPROVAL OF A LOCAL RULE FOR THE OFFICE OF CRIMINAL LAW ASSOCIATE JUDGE OF NUECES COUNTY

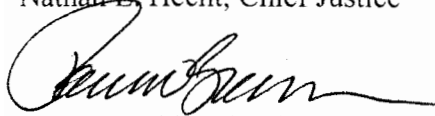
ORDERED that:

Pursuant to Article V, Section 31(a) of the Texas Constitution, the Supreme Court approves the following Local Rule for the Office of Criminal Law Associate Judge of Nueces County.

Dated: December 10, 2014.



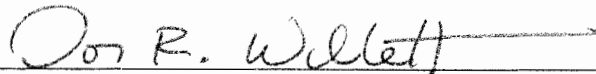
Nathan L. Hecht, Chief Justice



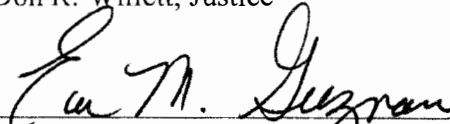
Paul W. Green, Justice



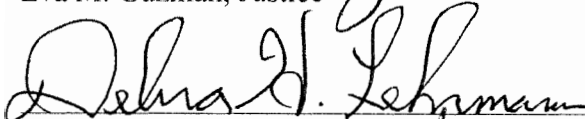
Phil Johnson, Justice



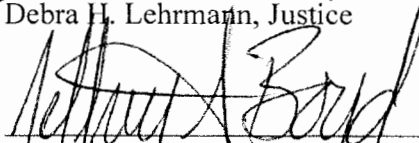
Don R. Willett, Justice



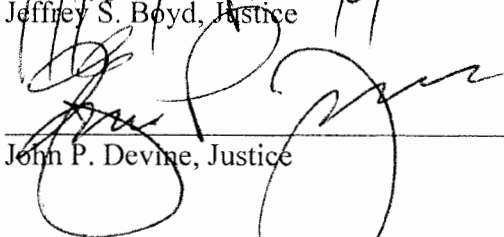
Eva M. Guzman, Justice



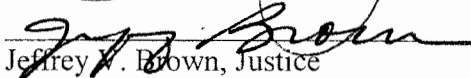
Debra H. Lehrmann, Justice



Jeffrey S. Boyd, Justice



John P. Devine, Justice



Jeffrey W. Brown, Justice



RULE REGARDING OFFICE OF
CRIMINAL LAW ASSOCIATE JUDGE
OF NUECES COUNTY, TEXAS

RULE 2.1. CRIMINAL LAW ASSOCIATE JUDGE

- a. The office of criminal law Associate Judge is established pursuant to Chapter 54A, subchapter A, Criminal Associate Judge, Texas Government Code.
- b. The council of Judges shall appoint by 2/3 vote, one or more Associate Judge authorized and funded by Commissioners Court. The Judge of County Court at Law No. 5 does not participate on matters concerning the office of Associate Judge.
- c. To be eligible for appointment, an applicant must meet the qualifications set out by §54A.003, Texas Government Code.
 1. Upon appointment, the Associate Judge shall take the oath of office of appointed officials of this State. The Associate Judge serves a term of one year. The term begins on October 1 of each year and ends on September 30 of the following year, subject to termination.
 2. On or after July 1 of each year but before July 31 of said year, the council of Judges shall determine whether to reappoint an Associate Judge for another term.
 - (a) If an Associate Judge is reappointed, the Associate Judge continues to serve without the necessity of retaking the oath of office for the next term.
 - (b) If an Associate Judge is not reappointed or if an Associate Judge does not seek reappointment, no later than August 15 of said year, the council of Judges shall post notice that the office of Associate Judge is open for appointment. The application process shall close on August 31 of said year. With the assistance of the Human Resources office of Nueces County, the council of Judges shall promulgate the application form for appointment. The council of Judges shall appoint an Associate Judge during the month of September of said year.
 3. Upon a vacancy during the term of an Associate Judge, the council of Judges shall promptly appoint an Associate Judge for the unexpired term. In doing so, the council of Judges may expedite the process set out above.

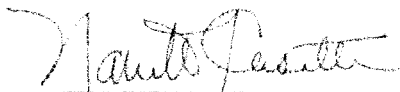
4. During a vacation, extended illness or a temporary inability to perform the duties of Associate Judge, the Local Administrative Judges may appoint an Associate Judge *pro tem*.
 - (a) A *pro tem* Associate Judge must meet all the qualifications of an Associate Judge.
 - (b) A *pro tem* Associate Judge shall have the powers, duties and privileges of an Associate Judge during such service.
 - (c) A *pro tem* Associate Judge may not engage in the practice of criminal law during such appointment.
 - (d) After the appointment of *pro tem* Associate Judge expires, a former *pro tem* Associate Judge may not accept an appointment of or agree to be retained by a person who appeared before said Associate Judge on any case concerning that person.
 5. The Local Administrative District Judge and the Local Administrative County Court at Law Judge shall determine the services and the work schedule that the Associate Judge may perform.
 - (a) The Administrative Judges shall meet as often as necessary and at their discretion to oversee and monitor the Associate Judges.
 - (b) Notwithstanding the oversight authority of the Administrative Judges over the Associate Judges, an Associate Judge has independence and discretion to make findings, rulings or recommendations as any judge has in any case.
 - (c) Upon the direction from the council of Judges, the Administrative Judges shall set the docket and the schedule of the Associate Judges. The Administrative Judges may approve a docket and work schedule proposed by the Associate Judges.
 - (d) In the event the Administrative Judges cannot agree on any matter affecting one or more Associate Judges, either Administrative Judge may refer the matter to the council of Judges for resolution. If the council of Judges cannot resolve the matter, any Judge may refer the matter in writing to the Presiding Judge of the Fifth Administrative Judicial Region for resolution.
- d. Termination.
1. An Associate Judge serves at the will of the Judges of the Nueces County District Courts and County Courts at Law.

2. The employment of an Associate Judge may only be terminated by a majority vote of all the judges of the courts that the Associate Judge serves.
 3. The appointment of an Associate Judge automatically terminates if:
 - (a) The Associate Judge vacates the office;
 - (b) The Associate Judge becomes a candidate for election to any public office or;
 - (c) The Commissioners Court does not appropriate funds in the county's budget to pay the salary of the Associate Judge.
 4. Termination by majority vote must also comply with the requirements of §54A.005(d), Texas Government Code.
- e. An Associate Judge shall perform the duties and have the powers as provided by §54A.006 and §54A.008, Texas Government Code. An Associate Judge is a judicial officer, is subject to the Code of Judicial Conduct, enjoys the privileges and immunities of a judge of this State, and may be addressed as "Judge."
 - f. Nueces County shall provide a Court Coordinator, at least one prosecutor, a clerk, a bailiff or a deputy Sheriff to act as a bailiff, and, in felony cases, a certified court reporter to serve the Associate Judge.
 - g. Nueces County shall provide adequate facilities for each Associate Judge.
 - h. Nueces County shall provide furnishings, materials and supplies, including a judicial robe, necessary for each Associate Judge.
 - i. An Associate Judge shall not practice criminal law in the courts in which he or she serves. An Associate Judge may practice civil law in those courts he or she is given individual court permission by the judge of the court he or she wishes to practice in. At no time may he or she allow his or her private practice to conflict with his or her Associate Judge duties and work schedule. Permission to practice civil law may be withdrawn by an individual court at any time.
 - j. The form of the judgment of conviction, deferred adjudication or adjudication of guilt; or of an order, revoking community supervision; or of an order of pre-trial diversion shall plainly state whether an Associate Judge heard the proceeding.
 1. If an Associate Judge heard the proceeding, the judgment or order shall include a statement by the Associate Judge recommending that the judgment or order be approved and be signed by the Judge of the referring court and a statement by the Judge of said court approving or not approving the recommendation of the

Associate Judge.

2. If the referring Judge does not approve the judgment or order on a case, said Judge may modify, correct, reject, reverse, or recommit for further information any action taken by the Associate Judge, or the Judge may hear the case *ab initio*. In a plea bargained proceeding on a plea of guilty or *nolo contendere*, if the referring Judge does not approve any part of the agreement, on motion of the defendant, the Judge shall permit the defendant to withdraw his or her plea of guilty or *nolo contendere*.
3. If the referring Judge is not available to act on the recommended judgment or order, the matter may be referred to the Local Administrative District Judge in a District Court case or the Local Administrative County Court at law Judge in a County Court at Law case or to any other Judge authorized by the respective Local Administrative Judge.

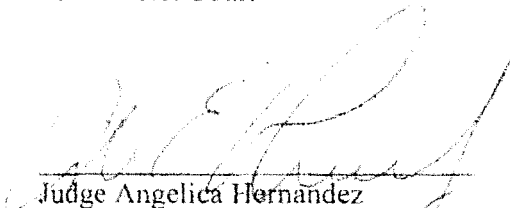
The foregoing Rule is adopted by the council of Judges at its meeting on this the _____ day of _____, 2014.



Judge Nannette Hasette
28th District Court



Judge Bobby Galvan
94th District Court
Local Administrative County Court Judge



Judge Angelica Hernandez
105th District Court



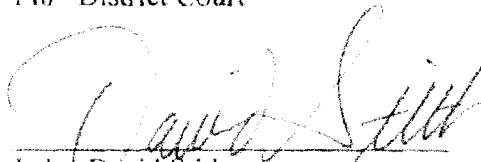
Judge Sandra Watts
117th District Court




Judge Guy Williams
148th District Court



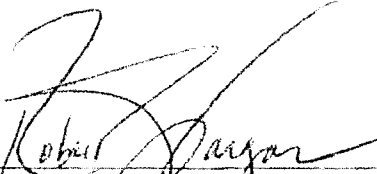
Judge Jose Longoria
214th District Court



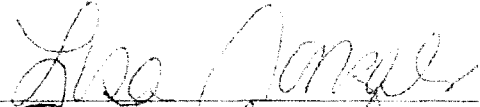
Judge David Stith
319th District Court




Judge Mary "Missy" Medary
347th District Court




Judge Robert J. Vargas
County Court at Law No. 1



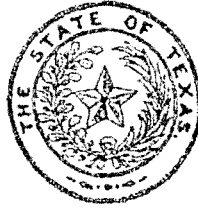
Judge Lisa Gonzales
County Court at Law No. 2



Judge Deeanne Galyan
County Court at Law No. 3
Local Administrative District Judge



Judge James E. Klager
County Court at Law No. 4



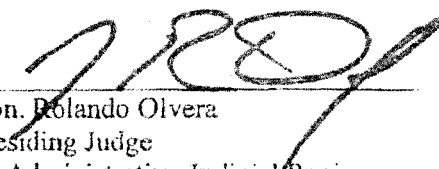
BEFORE THE PRESIDING JUDGE
OF THE FIFTH ADMINISTRATIVE JUDICIAL REGION OF TEXAS
NO. 141

**ORDER APPROVING LOCAL RULE
FROM NUECES COUNTY
REGARDING OFFICE OF CRIMINAL LAW ASSOCIATE JUDGE**

I received a letter from Judge Bobby Galvan, Local Administrative District Judge of Nueces County, informing me that the council of Judges of Nueces County had adopted a local Rule on March 18, 2014, regarding the office of Criminal Law Associate Judge of Nueces County. Attached to the letter was the local Rule signed by him and Judge Deeanne Galvan, Local Administrative County Court at Law Judge and the other District and County Court at Law Judges of Nueces County.

I have reviewed the submitted adopted Rule. Pursuant to §74.046 and §74.047, Tx.Govt.C., I hereby approve the Rule as adopted. I direct the Administrative Assistant to send said letter and Rule and this Order to the Supreme Court for its review and approval pursuant to Rule 3a, Tx.R.Civ.P.

Signed on this the 2nd day of April, 2014.



Hon. Rolando Olvera
Presiding Judge
5th Administrative Judicial Region
And 445th District Court