

IN THE SUPREME COURT OF TEXAS

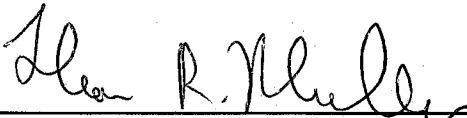
Misc. Docket No. 04- 9202

**APPROVAL OF RULES OF PROCEDURE
FOR THE
FIRST ADMINISTRATIVE JUDICIAL REGION OF TEXAS**


ORDERED that:

The following Rules of Procedure for the First Administrative Judicial Region of Texas were submitted to the Court for approval. The rules are approved with the exception of Rule 4(e).


In Chambers, this 17th day of August, 2004.



Thomas R. Phillips, Chief Justice



Nathan L. Hecht, Justice



Priscilla R. Owen, Justice

Harriet O'Neill

Harriet O'Neill, Justice

Wallace B. Jefferson

Wallace B. Jefferson, Justice

Michael H. Schneider

Michael H. Schneider, Justice

Steven Wayne Smith

Steven Wayne Smith, Justice

J. Dale Wainwright

J. Dale Wainwright, Justice

Scott Brister

Scott Brister, Justice

Misc. Docket No. 04- 9202

**RULES OF PROCEDURE
FOR THE
FIRST ADMINISTRATIVE JUDICIAL REGION OF TEXAS**

RULE 1. AUTHORITY

These rules are adopted and promulgated pursuant to Section 74.046, Texas Government Code.

RULE 2. COUNCIL OF JUDGES

- a. A council of judges for the First Administrative Judicial Region is composed of the Presiding Judge of the Region and all district and statutory county court judges within the region.
- b. The Presiding Judge of the Region is the Presiding Judge of the Council of Judges.
- c. The Presiding Judge shall call and preside at not less than one meeting each year of the Council of Judges and as many other special meetings as the Presiding Judge shall deem necessary.
- d. At any regularly called meeting the Presiding Judge shall present for approval the budget for the operation of the region and any other business of the region.
- e. At any regularly called meeting, the Council of Judges, under the direction of the Presiding Judge, shall consider the dockets of the region and any other matters required by Section 74.048, Texas Government Code.
- f. All matters requiring approval of the Council of Judges shall be decided by a majority of the judges at the meeting. Proxies shall not be allowed.

RULE 3. AUTHORITY OF THE PRESIDING JUDGE

- a. As provided in Section 74.047 of the Texas Government Code, the Presiding Judge may perform the acts necessary to carry out the provisions of Chapter 74 of the Texas Government Code and to improve the management of the court system and the administration of justice.
- b. The Presiding Judge shall ensure the promulgation of regional rules of administration within the policies and guidelines set by the supreme court.

c. The Presiding Judge shall act for a local administrative judge when the local administrative judge does not perform the duties required by law.

d. Except for approval of the budget and amendments of these Rules, no other action or approval of the Council of Judges shall be required for any matters involving the business of the Region.

e. From time to time when deemed necessary by the Presiding Judge and on the order of the Presiding Judge, an Acting Presiding Judge may be appointed by the Presiding Judge to serve in the absence of the Presiding Judge.

f. The Presiding Judge shall perform all other duties and have such other authority as provided in Section 74.046 of the Government Code.

RULE 4. AUTHORITY OF LOCAL ADMINISTRATIVE JUDGES

a. The Local Administrative Judge for either the District Courts or the Statutory County Courts shall have authority pursuant to the Texas Government Code, these rules, and the policies adopted by the Presiding Judge, to adopt policies for the management of the Courts of the district or county served by the Local Administrative Judge.

b. No policy or rule inconsistent with these rules shall be adopted and the policy of the Presiding Judge or rule of the Administrative Region shall control.

c. When a judge is disqualified to serve and no motion to recuse or disqualify has been filed, the Local Administrative Judge is authorized to adopt a fair manner of assigning the case or cases of the disqualified judge to another judge of the same level within the county or district.

d. The several Local Administrative Judges of the District and County Courts shall serve as an interim Board of Judges between regularly called meetings of the Council of Judges to advise the Presiding Judge, make recommendations, or carry out the directives of the Presiding Judge.

e. In the event the Presiding Judge of the Region becomes temporarily incapacitated to the extent he is unable to perform the duties of his office, the Local Administrative Judges of the Region shall elect a temporary Acting Presiding Judge of the Region. Incapacity of the Presiding Judge shall be determined by a 2/3 vote of the Local Administrative Judges present at a meeting called for that purpose by the Local Administrative Judge of the county of the Presiding Judge's residence. A quorum of 18 Local Administrative Judges must be present to hold a vote. The meeting shall be held in the county of the Presiding Judge's residence. The Local Administrative Judge of the county of

the Presiding Judge's residence shall preside at the meeting. If the Presiding Judge of the Region is determined by the Local Administrative Judges to be temporarily incapacitated, the Local Administrative Judges at the meeting shall select by majority vote a temporary Acting Presiding Judge of the Region.

RULE 5. ASSIGNMENT OF JUDGES

a. Judges may be assigned by the Presiding Judge or Acting Presiding Judge pursuant to Chapter 74 and Chapter 75 of the Texas Government Code and any other rules or statutes including, but not limited to recusal, election contests, contempt, removal suits, Supreme Court Rule or any other case where the regular judge is disqualified or disabled from serving.

b. The judge assigned to a court shall serve until the assignment is completed, the assigned judge is replaced by another judge, the assigned judge requests in writing for good cause shown that the Presiding Judge assign another judge to the case, or the Presiding Judge terminates the assignment.

c. At the completion of any assignment made hereunder the assigned judge shall submit to the Presiding Judge a claim for salary compensation and any expenses, which shall be certified as true and correct and thereafter approved or denied by the Presiding Judge.

d. Unless disqualified, recused, or disabled, the regular judge of the Court may assume control of the court or a case at any time with the approval of the Presiding Judge.

RULE 6. JUDICIAL SERVICE BY SENIOR, RETIRED OR FORMER JUDGES

a. Judges who desire to be assigned to Courts in the Region shall comply with the provisions of Chapter 74 and Chapter 75, Texas Government Code.

b. A list of judges who have qualified for assignment shall be kept by the Presiding Judge.

c. A judge who has qualified for assignment may at any time withdraw the certification and request the Presiding Judge in writing to be removed from the list. Upon removal from the list by the Presiding Judge, the judge will no longer be subject to assignment. Judges who have certified a willingness to serve must remain available for assignment.

d. All judges who are subject to assignment within the region shall be reviewed from time to time according either to law or to policy adopted by the Presiding Judge.

e. The Presiding Judge shall adopt policies for the assignment of judges within the Region, and make known these policies to the Council of Judges. Assignments shall be made consistent with those policies.

RULE 7. ORDER OF TRIALS, LOCAL RULES, AND DOCKET CONTROL

a. The Courts of each district and county shall adopt local rules, submit them for approval to the Presiding Judge and, when necessary, have them approved by the Supreme Court.

b. The policies in a county or district court regarding dismissals, docket, courtroom decorum, and attorney absences shall be consistent with the local rules.

c. In the event a conflict exists between two or more courts within the region as to the priority of a case or cases involving the same attorney, the Judges of those courts shall endeavor to resolve the conflict and that failing, the Judges shall submit the question to the Presiding Judge who shall determine the priority of the case or cases.

RULE 8. ABSENCES OF ACTIVE JUDGES

a. Each active district or county court judge shall notify, or cause to be notified, the Presiding Judge of the Region of any absences that would require the assignment of an assigned judge as soon as it is known so as to properly handle the business of the court.

RULE 9. CODE OF JUDICIAL CONDUCT

a. The Judges of the Region shall follow and enforce the Code of Judicial Conduct.

RULE 10. COMMITTEES

a. The Presiding Judge shall appoint and preside over one or more committees as may be deemed necessary by the Presiding Judge or as required by law.

b. The Committees shall meet and report their recommendations to the Presiding Judge concerning the charge of their committee.

RULE 11. VOTING


a. On any matter requiring a vote, a majority of the regular district and county court judges actually present at the meeting shall be necessary to carry the vote. The vote shall be in person or by written vote. Proxy votes shall not be allowed.

RULE 12. ADOPTION

a. These rules shall become effective upon approval of these rules by a majority vote of the regular district and county court judges at a regularly called meeting of the Council of Judges.

CERTIFICATION

I, John Ovard, Presiding Judge of the First Administrative Region, on this 22nd day of September, 2003 do hereby certify that the above Rules were adopted by the Council of Judges in regular meeting on the 15th day of September, 2003.


**JOHN OVARD, PRESIDING JUDGE
FIRST ADMINISTRATIVE JUDICIAL REGION
OF TEXAS**

RULES COMMITTEE 2003

John Nelms
195th Judicial District Court
Dallas, TX

Charles Stokes
68th Judicial District Court
Dallas, TX

Betty Caton
296th Judicial District Court
McKinney, TX

Jim Fry
15th Judicial District Court
McKinney, TX

note: a copy will act as an original.