

**A DISTRICT JUDGE DOES
THAT?**

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FOR
COUNTY COMMISSIONERS COURTS
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LOCAL ADMINISTRATIVE JUDGE

- Each county has a local administrative judge –Government Code Section 74.0912
- Selected by other judges
- Can have a local administrative CCL judge – Government Code Section 74.0911

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DUTIES OF THE LOCAL ADMINISTRATIVE JUDGE

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| <ul style="list-style-type: none"> • Implement local rules, including assignment, docketing and transfer • Appoint committees • Recommend need for assignment of judge • Supervise caseload movement • Provide Supreme Court and OCA with stats | <ul style="list-style-type: none"> • Set hours and place for holding court • Supervise employment and performance of nonjudicial personnel • Supervise budget and fiscal matters of the local courts • Coordinate with any other local administrative judges in efficient operation of concurrent cases |
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COURT APPOINTED COUNSEL

- Local judges adopt a plan for indigent representation in criminal and juvenile cases
- Plan is approved by local judges, then forwarded to Regional Administrative Judge for approval, then on to Office of Court Administration

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ATTORNEY'S FEES

- Criminal District Judges adopt a fee schedule (CCrP 26.05)– if only one judge handles criminal cases, then the Local Admin judge adopts
- Fee schedule includes fixed rate, minimum and maximum hourly rates, and daily rates
- Approval by judge must be made on reporting form

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JURY MANAGEMENT

- Government Code Section 62.011 – Judges recommend adoption of an electronic “jury wheel”
- Court may suspend requirements re read/write and previous service in small counties
- Court may excuse jurors for a specified time or permanently

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COURT REPORTERS

- Judges of courts of record shall appoint an official court reporter – Government Code Section 52.041
- Judges set salary; in counties of less than one million, district judges can raise 10% per year without Commissioner’s Court approval – Government Code Section 52.051
- One of the commissioners’ most liked statutes! - ☺

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BAILIFFS

- No general statute regarding appointment by judges
- Article 36.24 of the Code of Criminal Procedure provides that the sheriff furnish a bailiff to act for the court (many large cities use this method, but most judges don’t like it)
- Provides for bailiffs in certain district courts around the state
- Remember that bailiffs protect the staff

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GRAND JURIES

- Until recently, Article 19.01 of the Code of Criminal Procedure provided for two methods to select grand juries
 - “commissioner” method
 - “regular jury” method
- Now courts must use “regular jury” method
- Court must also appoint presiding grand juror
- Done in conjunction with District Clerk

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INTERPRETERS

- TRCP Rule 183 – judges appoint interpreters for individual civil cases and set their fees
- For border counties, check Chapter 21 of the Civil Practice and Remedies Code
- Articles 38.30 and 38.31 of the Code of Criminal Procedure provide for interpreters in criminal cases, both speaking and hearing
- Some specific statutes provide for certain courts to hire interpreters and their compensation
- Local Govt. Code Section 152.903 – Commissioners court may set salaries of certain interpreters

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COUNTY PURCHASING AGENTS

- District Judges MAY appoint purchasing agents for the county with the County Judge (less than 150,000 population) or 3 judges/2 commissioners in larger counties – Local Govt. Code §262.011
- If only one DJ, then one Commissioner
- Purchasing agent holds office for two years, subject to reappointment

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COUNTY PURCHASING AGENTS

- If no purchasing agent has ever been appointed, or the prior position has been abolished pursuant to law, then the CC can appoint in counties with populations greater than 100,000 – Local Govt. Code §262.0115

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JUVENILE BOARD

- Section 152.0032, Human Resources Code, provides that the County Judge, District Judges and any CCL judges who serve as a juvenile court comprise the Juvenile Board
- The Board establishes a juvenile probation department and employs the Director of the department, who then hires staff
- The Board sets the budget, although commissioners court has authority to set total amount
- Other provisions vary greatly, depending on county

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VACANCIES IN OFFICE

- If a vacancy occurs in the office of District Clerk, the District Judge(s) are empowered to appoint a person to fill the office (Section 51.301, Government Code)
- If multiple judges cannot agree, the disagreement is certified to the Governor, who calls a special election

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BAIL BOND BOARD

- All parties having a population of more than 110,000 must a bail bond board – smaller counties *may* have one
- The board permits licensure of bondsmen in a county
- Board is made up of one Sheriff or designee; one District Judge; one CCL judge; one member from commissioners court, district attorney representative; one bail bondsman chosen by al licensed bail bondsmen in the county); one justice of the peace, district clerk or designee, county clerk or designee (if Clerk has responsibility over criminal matters) one municipal judge; county treasurer or designee; and one criminal defense attorney (Section 1704.053, Occupations Code)

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CONDEMNATIONS

- Section 21.014, Property Code, requires a judge to appoint three commissioners in condemnation cases
- Commissioners must be property owners in county
- Commissioners make award for taking of property
- Either party can ask for a trial following the Commissioners' award

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A JUDGE BY ANY OTHER NAME...

- Family Code Section 201.001 provides for appointment of associate judges in family law cases by courts with jurisdiction over family law matters
- Family Code Section 201.101 permits a regional Administrative Judge to appoint an associate judge to hear Title IV-D (AG child support) matters

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**A JUDGE BY ANY OTHER NAME...
(CONTINUED)**

- Criminal, civil and probate associate judges (Govt. Code §54A) and juvenile associate judges (Fam. Code §201.309) may be appointed
- These positions can delay the need for court creation, but they cannot hear jury trials.

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COMMUNITY SUPERVISION

- Section 76.002, Government Code, requires District and CCL judges who handle criminal cases to establish a probation department and approve its budget and community justice plan
- Judges are also authorized to employ the Chief Probation Officer
- One department serves all courts and counties in a district if there are two or judicial districts in the county; or if a district includes more than one county

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COMMUNITY SUPERVISION
(CONTINUED)

- Texas Board of Criminal Justice may allow more than one department to serve a judicial district that includes more than one county if it will provide administrative convenience or economy or improve services

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COUNTY AUDITORS

- Probably the most controversial (and unloved) figure in the courthouse
- Auditors are appointed in the following situations:
 - County population more than 10,000
 - County of less than 10,000 and district judges choose to do so
 - County of less than 10,000 and commissioners determine auditor necessary to carry out county business and district judges agree
- Auditor's term is two years

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COUNTY AUDITORS
(CONTINUED)

- District judges must set salary of auditor, which cannot be higher than the highest paid elected county officer (excluding CCL judges) – Sections 152.031 and 152.032, Local Govt. Code
- District judges also set salaries of assistants in the auditor's office – Section 152.034, Local Govt. Code
- Requires public meeting, notice in newspaper, record vote, transcribed and maintained as public record

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QUESTIONS?

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