

ADMINISTRATIVE DUTIES OF DISTRICT JUDGES

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FOR
COUNTY COMMISSIONERS COURTS
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LOCAL ADMINISTRATIVE JUDGE

- Each county has a local administrative judge –Government Code § 74.092
- Selected by other judges, not based on seniority
- Can have a local administrative CCL judge – Government Code § 74.0911

DUTIES OF THE LOCAL ADMINISTRATIVE JUDGE

- Implement local rules, including assignment, docketing and transfer
- Recommend need for assignment of judge
- Supervise caseload movement
- Provide Supreme Court and OCA with stats
- Establish court security committee
- Appoint other committees as needed
- 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

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

ATTORNEY'S FEES

- Criminal District Judges adopt a fee schedule (CCP 26.05)– if only one judge handles criminal cases, then the Local Admin judge adopts – send fee schedule to Comm. Court
- Fee schedule includes fixed rate, minimum and maximum hourly rates, and daily rates
- Take into consideration overhead costs and available qualified attorneys willing to accept stated rate
- Approval by judge must be made on reporting form
- If fee follows approved schedule, and approved by judge, must be paid by Comm. Court

JURY MANAGEMENT

- Government Code § 62.011 – Judges recommend adoption of an electronic “jury wheel”
- Goal is to create random and impartial juror selection process
- Court may suspend requirements regarding read/write and previous service in small counties
- Court may excuse jurors for a specified time or permanently

COURT REPORTERS

- Judges of courts of record shall appoint an official court reporter – Government Code § 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 § 52.051
- One of the commissioners' most liked statutes! - 😊

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
- Duties include protecting the staff

GRAND JURIES

- Article 19A.051 of the Code of Criminal Procedure – District judges shall select and summon jurors in same manner of panels for civil cases
- Court must also appoint presiding grand juror
- Grand juror information kept confidential – except showing of good cause to a party

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 § 152.903 – Commissioners Court may set salaries of certain interpreters

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
- If only one DJ, the one Commissioner
- Purchasing agent holds office for two years, subject to reappointment

COUNTY PURCHASING AGENTS

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

JUVENILE BOARD

- Human Resources Code § 152.0032 - 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, with the advice and consent of the Commissioners Court - §152.0038
- Other provisions vary greatly, depending on county

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 (Government Code § 51.301)
- If multiple judges cannot agree, the disagreement is certified to the Governor, who calls a special election

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 all 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)

CONDEMNATIONS

- Property Code § 21.014 requires a judge to appoint three “special” commissioners in condemnation or eminent domain cases
- Commissioners must be property owners in county
- Commissioners make award for taking of property

A JUDGE BY ANY OTHER NAME...

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

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.

COMMUNITY SUPERVISION

- Government Code § 76.002 - 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

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

COUNTY AUDITORS

- Probably the most controversial (and unloved) figure in the courthouse
- Local Govt. Code § 84.002 - Auditors are appointed in the following situations:
 - County population more than 10,200
 - County of less than 10,200 and district judges choose to do so
 - County of less than 10,200 and commissioners determine auditor necessary to carry out county business and district judges agree

COUNTY AUDITORS

(CONTINUED)

- County Auditors term is two years
- District judges must set salary of auditor, which cannot be higher than the highest paid elected county officer (excluding CCL judges) whose pay is set by the Commissioners Court – Local Govt. Code § 152.031 and 152.032
- District judges also set salaries of assistants in the auditor's office – Local Govt. Code §152.034
- Requires public meeting, notice in newspaper, record vote, transcribed and maintained as public record

QUESTIONS?

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