

**ADMINISTRATIVE ORDER REGARDING ASSIGNMENT DOCKETING  
AND TRANSFER OF CASES**

BE IT REMEMBERED THAT the 43<sup>rd</sup> & 415<sup>th</sup> District Courts adopted Administrative Rules on July 1, 2004. See Attachment "1."

BE IT FURTHER REMEMBERED THAT it is in the interest of efficient court administration for the County Courts at Law to adopt rules governing the assignment docketing and transfer of cases.

THEREFORE the County Courts at Law hereby adopt the rules governing "Assignment Docketing and Transfer of Cases" as adopted by the 43rd and 415th District Courts on July 1, 2004 with the following changes and additions:

1) if a nonsuit of a party is taken from any suit pending in the County Courts at Law, any refiling of the suit by the same party shall be assigned to the original court;

2) If a case is on the docket of a County Court at Law by any manner other than prescribed by this order, the Local Administrative Judge of the County Courts at Law may transfer the case to the appropriate court under his/her administrative supervision or to the Local Administrative Judge of the District Courts; and,

3) Except for cause (e.g. recusal), no case properly assigned to a County Court at Law may be transferred to another court without permission of both the transferee and transferor courts.

FURTHER, with respect to matters pertaining, pending in or otherwise related to the County Courts at Law, the term "Local Administrative Judge" contained in the Rules Governing the Assignment Docketing and Transfer of Cases adopted by the 43rd and 415th District Courts means "Local Administrative Judge of the County Courts at Law."

IT IS ORDER THAT the County Clerk and District Clerk shall enter this order into the

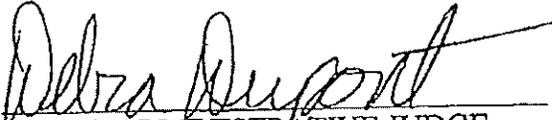
RECEIVED AND FILED  
FOR RECORD  
AT 4:25 O'CLOCK P.M.

NOV 5 2004

ELVERA M. JOHNSON, District Clerk  
PARKER COUNTY, TEXAS  
By (g. Hamilton) Deput  
1121

appropriate minutes of the County Courts at Law.

SIGNED this 5th day of November, 2004.

  
LOCAL ADMINISTRATIVE JUDGE  
PARKER COUNTY COURTS AT LAW

# Attachment "1"

## ASSIGNMENT DOCKETING AND TRANSFER OF CASES

### Criminal Cases:

All felony cases shall be filed with the District Clerk for random assignment to a District Court.

All misdemeanor cases shall be filed with the County Clerk for random assignment to a County Court at Law.

### Juvenile Cases:

All criminal cases involving juveniles shall be filed with the District Clerk for random assignment to a District Court.

### Civil Cases:

Civil cases shall be filed with the appropriate clerk of the court where such cases shall be tried. Exceptions to this rule are as follows:

- Eminent Domain cases shall be filed in the County Court at Law.
- Contested Probate matters shall be filed in County Court at Law No. 2.
- Tax cases shall be in the 43<sup>rd</sup> and 415<sup>th</sup> Judicial District Courts.
- Appeals from the Justice of the Peace Courts shall be filed in the County Court at Law or County Court at Law No. 2.
- Every garnishment suit, bill of review, suit to enjoin enforcement of judgment or other ancillary proceeding shall be assigned to the court in which the principal suit is or was pending, and if the principal suit is transferred to another court, such ancillary proceedings shall be transferred likewise.

### Transfer of Civil and Criminal Cases

If a case is on the docket of a court by any manner other than as prescribed by these rules, the Administrative Judge may transfer the case to the proper court.

The Courts may at any time, in any matter over which they have concurrent jurisdiction, exchange cases and benches to accommodate their dockets or to specialize the courts' trials.

Any case may be transferred from one court to another court by written order of the Administrative Judge or by written order of the judge of the court from which the case is

transferred; provided, however, that in the latter instance the transfer must be with the written consent of the court to which the case is transferred.

Whenever any pending case is so related to another case previously filed in or disposed of by another District Court or County Court at Law in Parker County having subject matter jurisdiction that a transfer of the latter case to such other Court would facilitate orderly and efficient disposition of the litigation, the Administrative Judge may, upon notice to all affected parties and Courts and after a hearing, transfer the later case to such Court.

### Severance and Consolidation

#### Consolidation of Cases:

Every motion for consolidation or joinder under Rule 174(a), Texas Rules of Civil procedure, shall be heard in the court in which the first case filed is pending, and if such motion is granted, other cases to be consolidated shall be transferred to the court in which the first case is pending.

#### Severance:

When a motion to sever is sustained, the severed claim shall be filed as a new case in the same court and shall be given a new cause number by the clerk in whose court the case is pending. The original case from which the claim is severed shall retain the original cause number given it by the clerk. Before the severed claim is filed as a new case, the clerk's requirement concerning deposit for costs shall be met.

### Emergency Matters/Unavailability of Presiding Judge

Every application for action or relief of any kind shall be presented first to the judge of the court in which the case was filed. If that judge is not available to hear the application, then it may be presented to the Administrative Judge for presentment to another court with subject matter jurisdiction who shall make all orders, writs and process returnable to the court to which the case was filed. Hearings on applications for temporary injunctions, temporary receiverships, and the like shall be set in the court to which the case has been originally filed by consulting with that court. After a judge has announced a ruling on the application or deferred ruling, the application shall not be presented to any other judge without leave of the judge to which it was first presented.

Whenever immediate action of a judge is required in an emergency when the clerk's office is not open for business, the case shall, nevertheless, at the earliest practicable time be filed in a court as provided by these rules, and all writs and process shall be returnable to the assigned court.

Conflicting Settings and Assignments of Counsel:

(a) Attorney already in trial in another court:

1. When informed that an attorney is presently in trial, the court will determine where and when assigned.
2. This information will be verified upon request of opposing counsel or at the court's own discretion.
3. The case will be placed on "hold" or reset, depending on when the attorney will be released.
4. If the attorney is not actually in trial as represented by the attorney or the attorney's agent, the case will be tried without further notice.

(b) Attorney assigned to two courts for the same date:

1. Any attorney who receives a setting that is in conflict with another setting shall promptly provide advance notice to the courts and opposing counsel of such conflict and shall indicate in such notice any priority by indicating the order of settings by date or any other priority as provided for in this rule. Where such notice of a conflicting setting is not timely provided, the court may choose to refuse a motion for continuance.
2. Insofar as practicable, judges should attempt to agree on which case has priority, otherwise, the following priority shall be observed by the judges of the respective courts:
  - A. Criminal cases and juvenile cases;
  - B. Cases given preference by statute;
  - C. Preferentially set cases;
  - D. Case set at earliest date; and,
  - E. Case with earliest filing date.

Any disagreement between judges as to preference shall be decided by the Local Administrative Judge.

(c) The unavailability of a particular lawyer in a firm will generally not be considered grounds for a continuance of any case where other lawyers in the firm have had significant involvement in the case, such as signing pleadings, making court appearances, or attending depositions.

(d) Counsel shall be excused from appearing for any purpose at any time when counsel is scheduled to appear before an appellate court of the United States, the State of Texas, or any other state.

### Judicial Vacations

Judicial vacations and educational events will be scheduled in advance by each judge, subject to change in conditions, and notice thereof is to be filed with the Local Administrative Judge.

The judges of County Courts at Law and each District Court may take personal vacations at any time during the year.

Such vacations shall be coordinated with the Local Administrative Judge so that there are a sufficient number of District and County Court at Law judges in the county at all times to handle its judicial business.

Judges may take such sick leave as is essential for their health and well-being.

Attendance at judicial conferences and educational programs is considered an official duty and as court time.

Extended absences for other reasons should likewise be coordinated with the Local Administrative Judge.

### Juries

Jury panels shall be managed by the District Clerk with the summons or dispersal to be according to the instructions to be according to the instructions of the presiding judge of the applicable court.

### Private Service of Process

Persons engaged in the private service of process shall submit application therefore to the Local Administrative Judge who shall promptly approve or deny said application. Such ruling shall apply to all courts covered herein.

### Case Numbering

Effective June 1, 2004, all newly filed cases criminal and civil shall be assigned a cause number upon the filing of the initial paper, which shall indicate the year in which it was filed, the class to which it belongs, and a sequenced number:

- (1) the year of filing will be indicated by the use of the last two digits of the calendar year in which the initial paper is filed;
- (2) the class to which the case belongs will be indicated by use of the letters CR (Criminal Cases) and CV (Civil Cases)

(3) the sequence number will be the next available number taken from the appropriate case number series. Each of the two classes of cases (Criminal and Civil) shall have its own number series. In calendar year 2004 and each succeeding year, the sequence number will begin with 0001 in each class of case, i.e. CV04-0001 or CR04-0001, etc. Commas shall not be used in the sequence numbers.

Cause numbers on currently existing cases shall not be changed.

Adopted this 1<sup>st</sup> day of July, 2004.

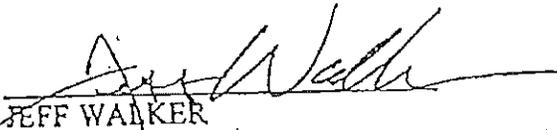


DON CHRESTMAN  
District Judge, 43<sup>rd</sup> Judicial District



GRAHAM QUISENBERRY  
District Judge, 415<sup>th</sup> Judicial District

Approved this 7<sup>th</sup> day of July, 2004.



JEFF WALKER  
Presiding Judge, 8<sup>th</sup> Administrative Judicial Region