

IN THE DISTRICT COURTS AND COUNTY COURTS AT LAW
OF MONTGOMERY COUNTY, TEXAS

AMENDED ORDER OF CASE ASSIGNMENT – CIVIL AND FAMILY
(NEW AND PENDING CASES)

RECEIVED AND FILED
FOR RECORD
At 3:48 O'Clock P.M.
JUL 02 2020
By Malisa Miller, District Clerk
Montgomery County, Texas
Deputy

On the 5th day of June, 2020, a Board of Judges meeting was convened for the District and County Court at Law judges of Montgomery County, Texas. District Judges Grant, Bays, Robin, Gilbert and Maginnis attended in person. District Judges Michalk and Hamilton attended via video-conference during the COVID-19 State of Disaster. County Court at Law Judges Watson, Laird, Turner and Stewart attended in person. County Court at Law Judge McDonald attended via video-conference during the COVID-19 State of Disaster. The following item was on the agenda: “457th District Court budget/caseload discussion.” During this meeting, District Judge Grant made a motion, which was seconded by District Judge Maginnis, that the caseload of the 284th, 410th, 418th and 457th District Courts and County Courts at Law Numbers Two (2) and Three (3) be reallocated, transferred and/or assigned by new local rule(s) of administration pursuant to the provisions contained within a document disseminated during the meeting. After discussion, a vote was held on said motion. All District and County Court at Law judges in attendance voted in favor of the motion. As such, the motion carried unanimously.

As such, pursuant to the Texas Government Code, IT IS HEREBY ORDERED that, effective on the date the initial judge of the 457th District Court takes the Oath of Office, the Montgomery County District Clerk’s office shall assign newly filed cases to courts as follows:

1. All (a) civil cases with amounts in controversy above \$200,000.00,¹ and (b) all civil cases involving an injunction, Chapter 59 asset forfeiture, foreclosure of lien on real property, trespass to try title, or requesting a return of property, shall be assigned as follows:

50% to the 284th District Court; and
50% to the 457th District Court.

¹ \$250,000.00 effective September 1, 2020

2. All civil cases with amounts in controversy less than \$200,000.00² shall be assigned as follows:

1/3 to the 284th District Court;
1/3 to the 457th District Court; and
1/3 to County Court at Law Number Two (2).

3. Any previously inactive civil case in the 410th District Court that becomes active shall be immediately transferred to either the 284th or the 457th in equal rotation.

4. All non-DFPS³ family cases shall be assigned as follows:

40% to the 410th District Court;
40% to the 418th District Court; and
20% to County Court at Law Number Three (3).

Upon the filing of a post-judgment re-opening event (of any category/type, excluding DFPS cases) in a court of continuing exclusive jurisdiction (as that term is defined under the Texas Family Code) that no longer receives an allocation of family law cases, and upon the Title IV-D Court's referral of a case back to a referring court that no longer receives an allocation of family law cases, such cases shall be immediately transferred to either the 410th District Court or the 418th District Court in equal rotation. Any such post-judgment re-opening event or referral for a case in the 410th District Court, the 418th District Court or the County Court at Law Number Three (3) shall remain in that court.

5. All cases initiated by DFPS shall be assigned to the County Court at Law Number Three (3).

Upon the filing of a post-judgment re-opening event in a DFPS case in which DFPS is a party, or upon the filing of a post-judgment re-opening event by DFPS, such cases shall be immediately transferred to the County Court at Law Number Three (3).

FURTHER, pursuant to the Texas Government Code, IT IS ORDERED that, effective on the date the initial judge of the 457th District Court takes the Oath of Office, the Montgomery County District Clerk's office shall transfer applicable pending cases to courts as follows:

1. All pending active civil cases in the 410th District Court shall be transferred to the 457th District Court.

² \$250,000.00 effective September 1, 2020

³ Department of Family and Protective Services

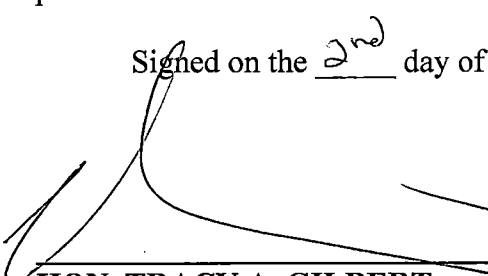
Minute

Date: 7/2/2020

2. The number of pending active civil cases necessary to be added to the 457th District Court that would make the 457th District Court's pending active civil cases equal the 284th District Court's most recent end of month OCA Report pending active civil cases shall be transferred from the 284th District Court to the 457th District Court.⁴
3. The number of pending active non-DFPS family cases necessary to be added to the 410th District Court that would make the 410th District Court's pending active non-DFPS family cases for the most recent end of month OCA Report equal the 418th District Court's most recent end of month OCA Report pending active non-DFPS family cases shall be transferred from the County Court at Law Number Three (3) to the 410th District Court.⁵
4. All pending active DFPS cases and all DFPS cases requiring permanency hearings after final order shall be transferred from the 410th District Court and the 418th District Court to the County Court at Law Number Three (3).

IT IS FURTHER ORDERED that any and all portions of prior orders regarding the assignment of civil and family cases only are hereby RESCINDED, and that this order shall become a Local Rule of Administration for both the District and County Courts at Law for Montgomery County, Texas, and shall amend any prior local rule of the District and County Courts at Law for Montgomery County, Texas to the extent that they may conflict with any such prior local rule.

Signed on the 2nd day of July, 2020.



HON. TRACY A. GILBERT
Local Administrative District
Court Judge



HON. CLAUDIA LAIRD
Local Administrative County
Court Judge

⁴ The judge of the 284th District Court shall timely provide the Montgomery County District Clerk's office with the methodology to effectuate the intent of this paragraph.

⁵ The judges of the 410th District Court and County Court at Law Number Three (3) shall timely provide the Montgomery County District Clerk's office with the methodology to effectuate the intent of this paragraph.

Minute

Date: 7/2/2020