Presiding State Statutory Probate Judge
Administrative Order 2025-2

RELATING TO THE PROMULGATION OF STATEWIDE RULES OF ADMINISTRATION FOR THE STATUTORY PROBATE COURTS

WHEREAS, Section 25.0022 of the Texas Government Code authorizes the Presiding Judge of the Statutory Probate Courts of Texas to perform the acts necessary to carry out Section 25.0022 and to improve the management of the statutory probate courts and the administration of justice; and

WHEREAS, the promulgation of statewide rules of administration for the statutory probate courts are necessary to improve the management of the statutory probate courts and the administration of justice.

WHEREAS, the undersigned Presiding Judge of the Statutory Probate Courts of Texas signed Administrative Order 2001-11 on September 4, 2001, that established rules of administration for the operation of statutory probate courts of Texas, effective October 1, 2001, and that there is a need to update and reaffirm that Order.

It is therefore **ORDERED** that the following rules of administration shall be reaffirmed to govern the operation of the statutory probate courts of Texas, effective immediately:

Rule 1. LOCAL ADMINISTRATIVE STATUTORY PROBATE COURT JUDGE.

Each county that has a statutory probate court shall have a local administrative statutory probate court judge.

In a county that has one statutory probate court, the statutory probate court judge serves as the local administrative statutory probate court judge.

In a county that has two or more statutory probate courts, the judges of those courts shall elect, by majority vote, the local administrative statutory probate court judge to serve for a term of not more than two years. If the statutory probate court judges of the county fail to elect a local administrative statutory probate court judge, the Presiding Judge shall appoint from among them the local administrative statutory probate court judge. A local administrative statutory probate court judge may not be elected or appointed on the basis of rotation or seniority.

A vacancy in the office of local administrative statutory probate court judge is filled by the Presiding Judge. An appointee holds office until the next election for a local administrative statutory probate court judge and until the successor is elected and has qualified.

Rule 2. DUTIES OF LOCAL ADMINISTRATIVE STATUTORY PROBATE COURT JUDGE.

A local administrative statutory probate court judge, for the statutory probate courts for which the judge serves as local administrative judge, shall:

(1) implement and execute the local rules of administration, including the assignment, docketing, transfer, and hearing of cases;
(2) promulgate local rules of administration if the other statutory probate court judges do not act by a majority vote;
(3) recommend to the Presiding Judge any needs for assignment from outside the county to dispose of court caseloads;
(4) supervise the expeditious movement of court caseloads, subject to local, regional, and state rules of administration;
(5) provide to the office of court administration or the Presiding Judge any requested statistical and management information;
(6) set the hours and places for holding court in the county;
(7) supervise the employment and performance of nonjudicial personnel, if any, that are employed to assist in local administration;
(8) supervise the budget and fiscal matters of the local statutory probate courts if there is a unified statutory probate court budget process;
(9) coordinate and cooperate with any other local administrative court judge in the county in the assignment of cases in the courts' concurrent jurisdiction for the efficient operation of the court system and the effective administration of justice; and
(10) perform other duties as may be directed by the Presiding Judge.

Rule 3. LOCAL RULES OF ADMINISTRATION.

The statutory probate court judges in each county shall, by majority vote, adopt local rules of administration.

The rules must provide for: (1) assignment, docketing, transfer, and hearing of all cases, subject to jurisdictional limitations of the statutory probate courts and local statutes governing the filing of cases and proceedings; and (2) fair and equitable division of caseloads taking into consideration local statutes governing same.

The rules may: (1) designate courts responsible for certain matters; (2) provide for judicial vacation, sick leave, attendance at educational programs, and similar matters; and (3) provide for any other matter necessary to carry out these rules or to improve the administration and management of the court system and its auxiliary services.

When a case is transferred from one court to another as provided by this section, all processes, writs, bonds, recognizances, or other obligations issued from the transferring court are returnable to the court to which the case is transferred as if originally issued by that court.

Rule 4. HEARING CASES.

A statutory probate court judge, including an active, former, or retired judge assigned to a court having jurisdiction, may hear and determine a matter pending in any statutory probate court in the county regardless of whether the matter is preliminary or final or whether there

is a judgment in the matter. The judge may sign a judgment or order in any of the courts regardless of whether the case is transferred. The judgment, order, or action is valid and binding as if the case were pending in the court of the judge who acts in the matter.

The judges shall try any case and hear any proceeding as assigned by the local administrative statutory probate court judge or the Presiding Judge.

The clerk shall file, docket, transfer, and assign the cases as directed by the local administrative statutory probate court judge in accordance with the local rules of administration promulgated pursuant to Rule 3 of these rules or by the Presiding Judge.

Statutory probate court judges may serve as masters and magistrates of courts, other than their own, subject to other provisions of law and court rules.

A judge who has jurisdiction over a suit pending in one county may, unless objected to by any party, conduct any of the judicial proceedings except the trial on the merits in a different county.

A pretrial judge assigned to hear pretrial matters in related cases may hold pretrial proceedings and hearings on pretrial matters for a case to which the judge has been assigned in: (1) the county in which the case is pending; or (2) a county in which a related case to which the pretrial judge has been assigned is pending.

Cost, if any, for this filing is hereby waived.

Signed on the 31st day of July, 2025.

Guy Herman, Presiding Judge
Statutory Probate Courts of Texas