

ORIGINAL



FILED
NOV 16 2022
COUNTY CLERK
ELLIS COUNTY, TEXAS

40TH DISTRICT COURT
378TH DISTRICT COURT
443RD DISTRICT COURT
ELLIS COUNTY COURT AT LAW NO. 1
ELLIS COUNTY COURT AT LAW NO. 2
ELLIS COUNTY COURT AT LAW NO. 3

ELLIS COUNTY COURTS BUILDING
109 S. JACKSON
WAXAHACHIE, TX 75165

FILED
FOR RECORD
NOV 16 2022
MELANIE REED, DISTRICT CLERK
ELLIS COUNTY, TEXAS

COURT RULES OF ADMINISTRATION FOR ELLIS COUNTY, TEXAS
Effective November 15, 2022

The District Court Judges and the Statutory County Court Judges of Ellis County, Texas have adopted by unanimous vote the following local court rules of administration to become effective November 15, 2022 ("Local Rules"), which shall supersede any previous local rules including the Court Rules of Administration dated January 1, 2021.

The District Court Judges and the Statutory County Courts of Ellis County shall always retain and possess the full jurisdiction bestowed upon them by Texas law, notwithstanding the Local Rules.

In accordance with the statutes of the State of Texas, where two or more courts have concurrent jurisdiction, by mutual consent the judges of the courts may: (i) exchange cases and benches without the necessity of a transfer order for purposes of providing prompt disposition of cases and accommodation to the parties, bench, and bar; (ii) transfer cases by formal transfer order; and (iii) substitute assignments as allowed by law.

These Local Rules have been approved in order to: (i) provide for the assignment, processing, and transfer of all court cases and legal matters subject to the jurisdictional limitations of the District Courts and the Statutory County Courts; (ii) designate primary duties and responsibilities among the Judges for various trial court related matters and certain administrative matters; and (iii) establish the fair and equitable division of caseloads. Accordingly – all cases, legal matters, and certain administrative duties and responsibilities are hereby assigned and docketed, and shall be processed and/or handled as follows:

I.
40th DISTRICT COURT

- a. Civil Lawsuits. All civil cases filed with the Ellis County District Clerk's Office and not otherwise specifically assigned herein, with such civil matters including civil jury trials, dockets, motions, hearings, and all other related civil matters;
- b. Tax Delinquencies. All tax cases involving ad valorem and/or personal property tax delinquencies;
- c. Bail Bond Board. All civil lawsuits and injunctions involving the Ellis County Bail Bond Board and/or the Board Member(s) of the Ellis County Bail Bond Board acting in such capacity;
- d. Felony Criminal Cases. Only those cases involving a conflict of interest on the part of the 443rd District Court Judge, or where recusal/disqualification would be appropriate. Additionally, at the discretion of the 40th District Court Judge, to request an assignment and occasionally sit for the 443rd District Court on felony criminal trials;
- e. Adult CSCD. Statutorily required responsibilities and duties concerning the adult Community Supervision and Corrections Department of Ellis County, Texas;
- f. Local Administrative District Court Judge. If serving as the Local Administrative District Court Judge, all administrative duties and statutory responsibilities associated with such position;
- g. ARB. All administrative responsibilities and duties associated with the organization and administration of the Appraisal Review Board as required by statute; and all civil lawsuits resulting from any trial de novo appeals from the administrative decisions of the Appraisal Review Board;
- h. Sundry Adm. Duties. Sundry/miscellaneous administrative responsibilities and duties including without limitation service on the Board of the Ellis County Women's Building, appointment of board members to the S.M. Dunlap Library in Italy, Texas, and appointment of board members to the Nicholas P. Sims Library in Waxahachie, Texas¹;

¹ All such duties result from pertinent last wills and testaments, historical precedent, and/or organizational bylaws.

- i. Audit Department. In conjunction with the other District Court Judges, all statutorily required administrative responsibilities and duties associated with the Ellis County Auditor, the Assistant Ellis County Auditors, and the annual budget of the Ellis County Auditor's Department;
- j. Court Reporters. In conjunction with the other District Court Judges, all required statutory duties involving the compensation orders of the official court reporters; and
- k. Juvenile Board. Statutorily required administrative responsibilities and duties associated with serving as a Board Member on the Ellis County Juvenile Board, along with the other District Court Judges, the Statutory County Court at Law Judges, and the County Judge.

II. 378th DISTRICT COURT

- a. Divorce Cases. All divorce cases including all legal matters relating to child support, conservatorship, possession and access to children, division of assets, community and separate property issues, indebtedness, and protective orders;
- b. Suits Affecting Parent-Child Relationship. Family law suits affecting the parent-child relationship;
- c. Adoptions. All adoptions, except those resulting from Child Protective Services cases;
- d. Name Changes. Name changes for children and adults;
- e. Associate Judge. Responsible for the appointment and supervision of the Associate Judge, as well as the assignment of all duties, responsibilities, and tasks to this position at the discretion of the 378th District Court Judge;
- f. Juvenile Cases. Except as otherwise provided for in these Local Rules, all juvenile cases and hearings under the Texas Family Code and other statutes including: (i) detention hearings and cases involving juvenile delinquent conduct; (ii) cases involving determinate sentences; (iii) hearings to certify juveniles as adults; (iv) directive to apprehend matters; and (v) criminal trials involving juveniles who have been certified as adults;

- g. 72-Hour Waiting Period Exceptions. Family Code Section 2.204 exceptions to the requirement that a marriage ceremony may not take place during the 72-hour period immediately following the issuance of the marriage license (such as good cause waivers of the 72-hour waiting period) shall be handled by the 378th District Court, and all such legal paperwork shall continue to be handled by the Ellis County Clerk²;
- h. Family Violence PO. All Protective Order cases involving family violence;
- i. Abortion. Abortion notification cases and emergency proceedings;
- j. Local Administrative District Court Judge. If serving as the Local Administrative District Court Judge, all administrative duties and statutory responsibilities associated with such position;
- k. Audit Department. In conjunction with the other District Court Judges, all statutorily required administrative responsibilities and duties associated with the Ellis County Auditor, the Assistant Ellis County Auditors, and the annual budget of the Ellis County Auditor's Department;
- l. Court Reporters. In conjunction with the other District Court Judges, all required statutory duties involving the compensation orders of the official court reporters;
- m. Judicial Warrant Officer. Along with the other Judicial Warrant Officers, the review and execution of probable cause affidavits, search warrants, and/or court orders under Chapter 18 of the Texas Code of Criminal Procedure, as well as Chapter 18A (interception of electronic communications)³ and Chapter 18B (installation of tracking devices and access to stored electronic customer data) of the Texas Code of Criminal Procedure, including without limitation so-called cell phone ping-warrants, geo-fencing warrants, and warrants for customer data held by electronic communication service providers – efforts will be undertaken to handle warrants remotely via the internet, cell phone, and/or other electronic devices; and
- n. Juvenile Board. Statutorily required administrative responsibilities and duties associated with serving as a Board Member on the Ellis County Juvenile Board, along with the other District Court Judges, the Statutory County Court at Law Judges, and the County Judge.

² The Ellis County Clerk is advised that pursuant to the statute, the 72-hour waivers can be handled by a District Court Judge, a County Court at Law Judge, or by the County Judge if need be.

³ Except for those interception orders required to be signed by a Judge from the panel selected by the Presiding Judge of the Texas Court of Criminal Appeals.

III.
443rd DISTRICT COURT

- a. Felony Criminal Cases. All felony criminal cases including criminal jury trials, dockets, motions, pleas, and other case dispositions;
- b. Felony Writs. All felony writs and pre-indictment motions;
- c. Judicial Warrant Officer. Primary Judge for the review and execution of probable cause affidavits, search warrants, and/or court orders under Chapter 18 of the Texas Code of Criminal Procedure, as well as Chapter 18A (interception of electronic communications)⁴ and Chapter 18B (installation of tracking devices and access to stored electronic customer data) of the Texas Code of Criminal Procedure, including without limitation so-called cell phone ping-warrants, geo-fencing warrants, and warrants for customer data held by electronic communication service providers – efforts will be undertaken to handle warrants remotely via the internet, cell phone, and/or other electronic devices;
- d. Grand Jury. Grand jury organization and supervision for the term beginning in January of each year, and the term beginning in July of each year, including any special grand juries and/or hold-over grand juries;
- e. Adult CSCD. Statutorily required responsibilities and duties concerning the adult Community Supervision and Corrections Department of Ellis County, Texas;
- f. Indigent Defense Plan. Administrative responsibilities and duties associated with the local District Court Indigent Defense Plan required by the Texas Code of Criminal Procedure and the Texas Indigent Defense Commission;
- g. IDC. Administrative responsibilities and duties associated with service on the Indigent Defense Committee of Ellis County, Texas;
- h. Expunctions & Judgment Nisi's. Notwithstanding anything contained within these Local Rules to the contrary: (i) handling all expunctions and non-disclosures where jurisdiction is mandatory in the 443rd District Court; (ii) sitting on behalf of the 40th District Court on all expunctions and non-disclosures where jurisdiction is mandatory in the 40th District Court; (iii) all Judgment Nisi's resulting from felony criminal cases pending in the 443rd District Court; and (iv) sitting on behalf of the 40th District Court on all Judgment Nisi's resulting from felony criminal cases pending in the 40th District Court;

⁴ Except for those interception orders required to be signed by a Judge from the panel selected by the Presiding Judge of the Texas Court of Criminal Appeals.

- i. Local Administrative District Court Judge. If serving as the Local Administrative District Court Judge, all administrative duties and statutory responsibilities associated with such position;
- j. Audit Department. In conjunction with the other District Court Judges, all statutorily required administrative responsibilities and duties associated with the Ellis County Auditor, the Assistant Ellis County Auditors, and the annual budget of the Ellis County Auditor's Department;
- k. Court Reporters. In conjunction with the other District Court Judges, all required statutory duties involving the compensation orders of the official court reporters;
- l. Bail Bond Board. Administrative responsibilities and duties associated with serving as a Board Member of the Ellis County Bail Bond Board; and
- m. Juvenile Board. Statutorily required administrative responsibilities and duties associated with serving as a Board Member on the Ellis County Juvenile Board, along with the other District Court Judges, the Statutory County Court at Law Judges, and the County Judge.

IV.

ELLIS COUNTY COURT AT LAW NO. 1

- a. Probate Cases. All probate cases, hearings, will contests, and proceedings, except for those limited prove-up matters specifically referred to County Court at Law No. 2;
- b. Guardianships. Guardianships over persons and/or estates including the annual review of all guardianship reports;
- c. Mental Health. Mental health cases and related hearings/proceedings;
- d. Civil Lawsuits. All civil cases filed with the Ellis County Clerk's Office and not otherwise specifically assigned herein, with such civil matters including civil jury trials, dockets, motions, hearings, and all other related civil matters; and further noting that the Ellis County Court at Law No. 1 has concurrent jurisdiction with the district courts in civil cases regardless of the amount in controversy;
- e. Condemnation Cases. Condemnation cases and pre-suit appointment of special commissioner panels;
- f. CPS. Child Protective Services cases, including all resulting adoptions;

- g. APS. Adult Protective Services Cases;
- h. Civil Appeals. Civil Appeals from the Justice of the Peace Courts and the Municipal Courts;
- i. ODL's. Occupational Driver's License cases, to be handled jointly with County Court at Law No. 2 and County Court at Law No. 3 as agreed to among the County Court at Law Judges and consistent with the law;
- j. Local Administrative County Court at Law Judge. If serving as the Local Administrative County Court at Law Judge, all administrative duties and statutory responsibilities associated with such position;
- k. Juvenile Cases (Limited). During instances of scheduling conflicts – serving as the primary back-up Judge to the Presiding Judge of the 378th District Court and the Associate Judge of the 378th District Court for juvenile detention hearings and agreed dispositions, along with County Court at Law No. 2 and County Court at Law No. 3; and
- l. Juvenile Board. Statutorily required administrative responsibilities and duties associated with serving as a Board Member on the Ellis County Juvenile Board, along with the other District Court Judges, the Statutory County Court at Law Judges, and the County Judge.

V.

ELLIS COUNTY COURT AT LAW NO. 2

- a. Misdemeanor Criminal Cases. Approximately one-half or fifty-percent of all misdemeanor criminal cases including criminal jury trials, dockets, motions, pleas, and other case dispositions;
- b. Misdemeanor Writs. Approximately one-half or fifty-percent of all misdemeanor writs and related motions;
- c. Criminal Appeals. Approximately one-half or fifty-percent of all criminal appeals from the Justice of the Peace Courts and the Municipal Courts;
- d. Adult CSCD. Statutorily required responsibilities and duties concerning the adult Community Supervision and Corrections Department of Ellis County, Texas;
- e. Indigent Defense Plan. Administrative responsibilities and duties associated with the local County Courts at Law Indigent Defense Plan required by the Texas Code of Criminal Procedure and the Texas Indigent Defense Commission;

- f. IDC. Administrative responsibilities and duties associated with service on the Indigent Defense Committee of Ellis County, Texas;
- g. Petitions and Other. Petitions for Non-Disclosure of Criminal History Information, Interlock Petitions, Judgment Nisi's, Motions to Go-Off Bond, and Motions to Reinstate Bond;
- h. ODL's. Occupational Driver's License cases, to be handled jointly with County Court at Law No. 1 and County Court at Law No. 3 as agreed to among the County Court at Law Judges and consistent with the law;
- i. Judicial Warrant Officer. Along with the other Judicial Warrant Officers, review and execution of all probable cause affidavits and search warrants presented by law enforcement pursuant to Chapter 18 of the Texas Code of Criminal Procedure (except those reserved by law for the District Courts), including without limitation traditional drug or contraband warrants, evidentiary search warrants, warrants for business and medical records, so-called cell phone dumps, etc., with back-up responsibilities on juvenile directives to apprehend;
- j. Local Administrative County Court at Law Judge. If serving as the Local Administrative County Court at Law Judge, all administrative duties and statutory responsibilities associated with such position;
- k. Probate Prove-ups (Limited). In cases of conflict of interest or where recusal/disqualification would be appropriate – serving as the back-up Judge to County Court at Law No. 1 for probate proceeding prove-up matters only;
- l. Mental Health (Limited). Serving as back-up Judge only for emergency removals when County Court at Law No. 1 is unavailable;
- m. Bail Bond Board. Administrative responsibilities and duties associated with serving as a Board Member of the Ellis County Bail Bond Board;
- n. Juvenile Cases (Limited). During instances of scheduling conflicts – serving as a back-up Judge to the Presiding Judge of the 378th District Court and the Associate Judge of the 378th District Court, and County Court at Law No. 1 for juvenile detention hearings and agreed dispositions, along with County Court at Law No. 3; and
- o. Juvenile Board. Statutorily required administrative responsibilities and duties associated with serving as a Board Member on the Ellis County Juvenile Board, along with the other District Court Judges, the Statutory County Court at Law Judges, and the County Judge.

VI.
ELLIS COUNTY COURT AT LAW NO. 3

- a. Misdemeanor Criminal Cases. Approximately one-half or fifty-percent of all misdemeanor criminal cases including criminal jury trials, dockets, motions, pleas, and other case dispositions;
- b. Misdemeanor Writs. Approximately one-half or fifty-percent of all misdemeanor writs and related motions;
- c. Criminal Appeals. Approximately one-half or fifty-percent of all criminal appeals from the Justice of the Peace Courts and the Municipal Courts;
- d. Adult CSCD. Statutorily required responsibilities and duties concerning the adult Community Supervision and Corrections Department of Ellis County, Texas;
- e. Indigent Defense Plan. Administrative responsibilities and duties associated with the local County Courts at Law Indigent Defense Plan required by the Texas Code of Criminal Procedure and the Texas Indigent Defense Commission;
- f. IDC. Administrative responsibilities and duties associated with service on the Indigent Defense Committee of Ellis County, Texas;
- g. Petitions and Other. Petitions for Non-Disclosure of Criminal History Information, Interlock Petitions, Judgment Nisi's, Motions to Go-Off Bond, and Motions to Reinstate Bond;
- h. ODL's. Occupational Driver's License cases, to be handled jointly with County Court at Law No. 1 and County Court at Law No. 2 as agreed to among the County Court at Law Judges and consistent with the law⁵;
- i. Judicial Warrant Officer. Along with the other Judicial Warrant Officers, review and execution of all probable cause affidavits and search warrants presented by law enforcement pursuant to Chapter 18 of the Texas Code of Criminal Procedure (except those reserved by law for the District Courts), including without limitation traditional drug or contraband warrants, evidentiary search warrants, warrants for business and medical records, so-called cell phone dumps, etc., with back-up responsibilities on juvenile directives to apprehend;

⁵ Notwithstanding anything contained within these Local Rules to the contrary, by this standing Order, County Court at Law No. 3 shall handle any ODL case which would otherwise originate by law in either the 40th District Court or the 443rd District Court.

- j. Local Administrative County Court at Law Judge. If serving as the Local Administrative County Court at Law Judge, all administrative duties and statutory responsibilities associated with such position;
- k. Juvenile Cases (Limited). During instances of scheduling conflicts – serving as a back-up Judge to the Presiding Judge of the 378th District Court and the Associate Judge of the 378th District Court, and County Court at Law No. 1 for juvenile detention hearings and agreed dispositions, along with County Court at Law No. 2; and
- l. Juvenile Board. Statutorily required administrative responsibilities and duties associated with serving as a Board Member on the Ellis County Juvenile Board, along with the other District Court Judges, the Statutory County Court at Law Judges, and the County Judge.

All family law cases and juvenile cases shall continue to be filed with the Ellis County District Clerk's Office.

In accordance with the standing orders of the First Administrative Judicial Region, where two or more courts have concurrent jurisdiction, the court in which a case is filed may transfer the case to another court within the county and district with the consent of the receiving court when the judge of the transferring court voluntarily recuses and no Motion to Recuse has been filed.

In cases where a Motion to Recuse has been filed, the case shall be forwarded to the Presiding Judge of the First Administrative Judicial Region for action.

Effective on November 15, 2022.

40th District Court



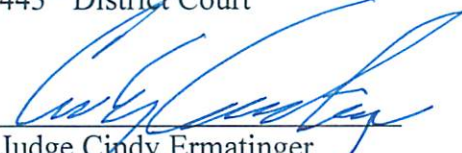
Judge Bob Carroll

378th District Court



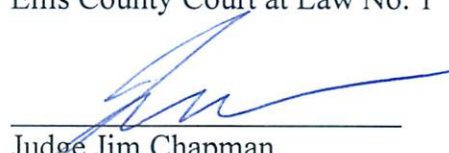
Judge William Wallace

443rd District Court



Judge Cindy Ermatinger

Ellis County Court at Law No. 1



Judge Jim Chapman

Ellis County Court at Law No. 2



Judge Gene Calvert

** without endorsing the decisions to utilize non-elected judges*

Ellis County Court at Law No. 3



Judge Joe Gallo