

## **RULES OF ADMINISTRATION**

Freestone County Justice of the Peace

Effective January 1, 2012

**Subchapter C, Chapter 27, Government Code, Section 27.061. RULES OF ADMINISTRATION.** The Justices of the Peace in each county shall, by majority vote, adopt local rules of administration. These rules shall be adopted and become effective beginning January 1, 2012, after approval as required by a majority of the justices of the peace in Freestone County, Texas. The rules are promulgated to provide a uniform system for the fair, impartial, and prompt dispositions of matters before the justice courts in Freestone County, Texas.

### **RULES OF ADMINISTRATION FOR JUSTICE OF THE PEACE COURTS WITHIN FREESTONE COUNTY, TEXAS**

**WHEREAS**, there are four justice of the peace courts within Freestone County, Texas; and

**WHEREAS**, rules of administration and uniform rules of practice and procedure are necessary for Efficient and effective administration of justice;

**NOW, THEREFORE**, the following rules of administration and procedure are adopted by the justice Of the peace courts of Freestone County, Texas and may be changed by majority vote at any Appropriately called meeting.

### **RULES OF ADMINISTRATION**

#### **1.0 HOURS AND PLACES FOR HOLDING COURT:**

**1.0** Court shall be held at such times as may be determined expedient by the justice of the peace of each court.

**1.2** Court shall be held at the courtroom in Freestone County, Texas in each justice of the peace designated court or in a location deemed necessary by the justice of the peace to carry out the responsibilities of the court.

**2.0 DISPOSITION OF CIVIL CASES:** Each justice of the peace should set the docket to ensure civil jury cases are concluded within eighteen(18) months from appearance date, and civil non-jury cases are concluded within twelve (12) months from appearance date, subject to a continuance or pass.

**3.0 DISMISSAL DOCKET:** At least once a year, each Court should set appropriate cases on a dismissal docket that have not had any action in the previous 365 days.

#### **4.0 TRANSFER OF CASES AMONG COURTS:**

**4.1 TRANSFER OF CIVIL CASES:**

- 4.1.1 In accordance with Section 15.0821 of the Texas Civil Practice and Remedies Code, regarding “Administrative Rules for Transfer,” the justice of the peace in each county shall, by majority vote, adopt local rules of administration regarding the transfer of a pending case from one precinct to a different precinct.
- 4.1.2 Any judge of a justice of the peace court in Freestone County, Texas may act as the judge of any other justice of the peace court in Freestone County, Texas.
- 4.1.3 The transfer of cases between justice of the peace courts of Freestone County, Texas may be done by written order upon consent of the judges of those courts participating in the transfer.

**4.2 TRANSFER OF CRIMINAL CASES:**

- 4.2.1 Pursuant to Article 4.12(e) of the Texas Code of Criminal Procedure, the justices of the peace in each county shall, by majority vote, adopt local rules of administration regarding the transfer of a pending misdemeanor case from one precinct to a different precinct.
- 4.2.2 Any judge of a justice of the peace court in Freestone County, Texas may act as the judge of any other justice of the peace court in Freestone County, Texas.
- 4.2.3 The transfer of cases between justice of the peace courts of Freestone County, Texas may be done by written order upon consent of the judges of those courts participating in the transfer.

**5.0 EXCHANGE OF BENCHES:**

- 5.1 In accordance with the Texas Government Code 27.054, upon agreement, justice of the peace may exchange benches to hold court and administer justice.
- 5.2 The docket of each case heard by the visiting judge will reflect the visiting judge’s name.
- 5.3 The judge requesting the exchange shall initiate the transfer order and ensure it is signed by both judges prior to the adjudication of any cases.

**6.0 RECUSAL**

**6.1** Pursuant to Texas Government Code 27.055(b), if a justice is temporarily unable to perform official duties because of absence, recusal, illness, injury, or other disability, the Freestone County Judge may appoint a qualified person to serve as temporary justice for the duration of the disability.

**6.2** The recusal order and assignment from the Freestone County Judge unless pursuant to Article 27.055 of the Government Code shall be made by the administrative judge shall be annotated in the docket.

## **7.0 JUDICIAL MEETINGS AND COMMITTEE ASSIGNMENTS**

**7.1** The justice of the peace will meet quarterly at 11:30a.m. on the second Friday of the following months: February, May, August, November, rotating among each of the justice of the peace courtroom locations, or at such other time and location designated by majority vote of the four(4) justice of the peace.

**7.2** Committee assignments shall be made by majority vote of the four(4) justices of the peace.

**8.0 EACH COURT MAY ADOPT SUCH OTHER RULES NOT IN CONFLICT WITH THESE RULES OF ADMINISTRATION, FREESTONE COUNTY POLICY, STATE LAWS, OR FEDERAL LAWS AS MY BE DEEMED NECESSARY BY THE JUDGE OF THAT COURT FOR THE EFFICIENT ADMINISTRATION OF JUSTICE.**

**8.1** These rules shall be reviewed and approved by majority vote of the Justice of the peace in Freestone County, Texas in January of the year beginning a new four(4) year term of office.

**8.2** These rules do not supersede statutory requirements, and all justices of the peace shall follow stator laws as well as the Code of Judicial Conduct.