

RECEIVED AND FILED FOR RECORD At \_\_\_\_\_ O'Clock \_\_\_\_\_ M. NOV 16 2012 BARBARA GLADDEN ADAMICK District Clerk MONTGOMERY COUNTY, TEXAS Deputy

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

RESOLUTION TO CLARIFY DUTIES OF THE "ON-CALL" JUDGE

On the 2<sup>nd</sup> day of November, 2012, a Board of Judges meeting was convened for the District and County Court at Law judges of Montgomery County, Texas. Judges Hamilton, Gilbert, Watson, Laird, McDonald, Turner and Stewart were in attendance. The issue of "on-call" clarification was on the agenda and discussed during said meeting.

For a few years now, an annual "on-call" calendar has been prepared and disseminated by the Administrative Judges to all judges and other governmental departments for the purpose of always having a judge available when needs arise, with a judge being assigned to serve for a week at a time.

A motion was made by Judge McDonald, and seconded by Judge Laird, that a resolution be made to specify the duties of the applicable "on-call" judge as follows:

- 1. that the duties of the applicable "on-call" judge begin on Monday at 12:01 a.m. and end the following Sunday at 12:00 midnight, for each assigned week.
2. that such duties include being physically present at the Montgomery County Courthouse until 5:00 p.m. on each weekday that county government is open during an assigned week.
3. that such duties include being available during the non-working hours of an assigned week to review warrants, orders, etc.
4. that such duties include being available to review applications for warrants, applications for temporary restraining orders, applications for emergency custody, ex parte applications for family a protective orders, and other pressing matters when the presiding judge is unavailable.

After discussion, a vote was held on said motion. The motion passed with a unanimous vote of all judges in attendance. As such, the motion carried.

This Resolution is the result of this motion.

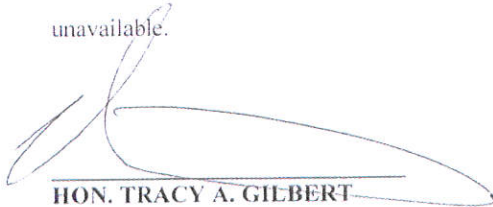
THEREFORE, pursuant to the Texas Government Code, be it RESOLVED that the duties of the "on-call" judge are clarified and shall include the following:

1. the duties of the applicable "on-call" judge begin on Monday at 12:01 a.m. and end the following Sunday at 12:00 midnight, for each assigned week.

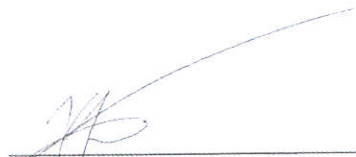
2. such duties include being physically present at the Montgomery County Courthouse until 5:00 p.m. on each weekday that county government is open during an assigned week.

3. such duties include being available during non-working hours of an assigned week to review warrants, orders, etc.;

4. such duties include being available to review applications for warrants, applications for temporary restraining orders, applications for emergency custody, ex parte applications for a family protective order, and other pressing matters when the presiding judge is unavailable.



**HON. TRACY A. GILBERT**  
Local Administrative District  
Court Judge



**HON. KEITH M. STEWART**  
Local Administrative County  
Court Judge



*Office of Court Administration*  
Montgomery County

Hon. Lisa Michalk, District Courts  
Hon. Patrice McDonald, County Courts at Law

Nathan Jensen, Director  
Berenice Juan, Manager  
Paul Damico, Associate Judge

**ON CALL JUDGE POLICY**

At the March 7, 2014 Board of Judges Meeting in Montgomery County, Texas, the quorum present voted to create an On Call Judge Policy that would clarify some issues being experienced by those seeking a judicial officer, both during the day as well as after hours. It is the intention of this policy to clearly delineate the rights, roles and responsibilities of all justice system actors who are affected by, and participate in, the on call judge program.

**Definitions**

“On call judge” is the judicial officer who has agreed to remain available for reviewing and signing orders of a time-sensitive nature from 12:01 a.m. Monday morning until 12:00 midnight on Sunday.

“Volunteer” is the judicial officer who has agreed to be available to the Montgomery County District Attorney to sign blood warrants during No Refusal periods.

“Rotation list” is the list of judicial officers, including their contact numbers and e-mail addresses, and their preference for contact.

“Daytime hours” constitutes normal business hours of Monday through Friday, 8:00 a.m. to 5:00 p.m.

“After hours” constitutes any time period outside of daytime hours described above, including County Holidays.

**Summary**

- Upon the adoption of this policy, all unindicted felony warrants prepared and awaiting signature in daytime hours will be brought to the offices of the 221st District Court, Judge Lisa Michalk and Associate Judge Paul Damico.
- All emergency unindicted felony warrants prepared and awaiting signature after hours will first go

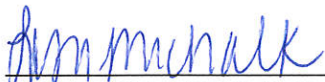
301 North Main, Suite 304 Conroe, Texas 77301  
Phone: (936) 538-8170 Facsimile: (936) 538-8165

to the on call judge.

- In the event that the warrant is for drawing blood in connection with a No Refusal period, the Volunteer or volunteers will be contacted before trying to contact the on call judge.
- The Montgomery County Office of Court Administration will provide a list of judicial officers' phone numbers and e-mail addresses to be used by Montgomery County District Attorney Intake when seeking out a judge to sign a warrant.
- It is acknowledged that a variety of circumstances may prevent a judge from answering their phone or responding to e-mail or text message after hours. In such instances, the Montgomery County District Attorney shall use a rotation list, starting at the 9th District Court, 221st District Court, etc. until reaching County Court at Law No. 5, at which point the rotation starts over again in any instance when the on call judge is, for whatever reason, unreachable.
- Unless prohibited by other specific statute, the judges of the County Courts at Law may perform judicial functions sitting as District Courts and vice versa, by virtue of Assignment Nos. 25068-25079 or any subsequent judicial assignments from the Second Administrative Judicial Region. Notwithstanding this ability to sit for other courts, it is understood that any order in a case currently assigned to a court should be brought to the judge of that court first, before being brought to the on call judge.

### **Conclusion**

This policy is adopted as an ancillary to the Resolution to Clarify Duties of the "On Call" Judge, signed and filed by the Local Administrative Judges on November 16, 2012.



---

HON. LISA MICHALK  
Local Administrative  
District Judge



---

HON. PATRICE McDONALD  
Local Administrative  
County Court at Law Judge