

**In the District Courts  
And  
County Courts at Law of  
Montgomery County, Texas**

**Resolution Regarding Judicial On-Call Duties**

**On March 2, 2018, the following resolution was approved by majority vote of the District and County Court at Law Judges:**

**RESOLVED:** That the *Resolution to Clarify Duties of the On-Call Judge*, approved by the Board of Judges on November 2, 2012 and signed by the Administrative Judges, be vacated.

**RESOLVED:** That the *On-Call Judge Policy*, approved by the Board of Judges on March 7, 2014 and signed by the Administrative Judges, be vacated.

**RESOLVED:** That the following, *On-Call Policy for the District Courts and County Courts at Law*, becomes effective on March 2, 2018 at 5:00 p.m. and replaces, in entirety, any previous resolutions of the Courts relating to the on-call duties and responsibilities of the judges of the courts.

**I. Daytime Emergency Matters**

A. Warrants associated with un-filed cases, necessitating review by a judicial officer during normal business hours, will be directed to a specialized criminal court judicial officer (misdemeanor warrants to CCL / felony warrants to Criminal District Courts).

B. Emergency ex parte matters associated with a family case in which a judicial officer assigned to that court is not available, will be directed to a specialized family court.

C. Emergency ex parte matters associated with a civil, probate or mental health matter in which a judicial officer assigned to that court is not available, will be directed to a court of equal level (i.e. district civil case to district civil court; CCL civil/probate/mental health matter to a CCL).

D. In the event an emergency cannot be reviewed in accordance with the above protocol, the matter may be referred to the "Nighttime On-Call Judge".

**II. Nighttime On-Call Judge**

A. All elected judges are required to sign up for nighttime (5:00 p.m. to 8:00 a.m.) emergency warrant duty so that the burden of nighttime and holiday warrant and other emergency work is spread fairly among the judges.

B. At each monthly BOJ meeting, a calendar will be circulated among the judges (and any associate judges who want to volunteer) for sign-up for the next three calendar months.

EXAMPLE: at the March BOJ meeting, the April, May and June calendars will be circulated. At the April BOJ meeting, the May, June and July calendars will be circulated.

C. Each week will be divided into three blocks (See Attachment A):

Block 1: Monday, Tuesday & Wednesday nights ("Weekday Block")

Block 2: Thursday & Friday nights ("Weekend Block1")

Block 3: Saturday and Sunday nights ("Weekend Block2")

D. During the BOJ meeting every judge shall sign up for one block during each rotation of the calendar during the BOJ meeting until all blocks of the calendar are filled for at least the following month. The calendar shall be circulated based upon judicial seniority:

[Currently: Judge Watson  
Judge Turner  
Judge Hamilton  
Judge Wood  
Judge McDonald  
Judge Stewart  
Judge Gilbert  
Judge Michalk  
Judge Laird  
Judge Maginnis  
Judge Grant  
Judge Robin]

In the event a judge is not able to attend the BOJ meeting, that judge may designate another judge to sign up in their name or send a designee to the meeting to do so.

Each rotation will begin with the next judge in seniority.

Judges are required to sign up only for blocks when they will be at the courthouse during normal business hours, or in close proximity, in the event they are needed for Daytime Emergency work in accordance with I(D) above.

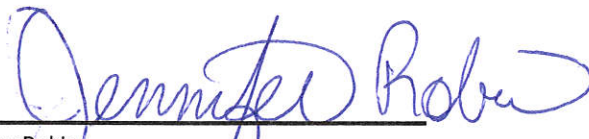
E. At each BOJ meeting, the OCA Director shall note on the margin of, or attachment to the calendar, the cumulative number of weekday, weekend and holiday on-call blocks for which each judge has signed up thus far in the year.

F. The Director of OCA shall forward the monthly calendar to the District Attorney's office on a timely basis, along with the current "Call List Rotation". The BOJ shall request that the DA follow the on-call calendar when contacting judges for warrant review. In the event the on-call judge does not respond to the call, the DA's office shall be requested to use the *current* "call list rotation" (See Attachment B).

G. It is anticipated that there may be dates on which the District Attorney's Office expects a high volume of nighttime warrant work. The Director of OCA, or Administrative Judges, shall request that the District Attorney give the Director of OCA reasonable advance notice of these dates so that those dates can be noted ("expected high volume") on the calendar to be circulated among the judges. In the event a second judge volunteers for a "heavy volume date", the District Attorney's office shall balance the incoming warrant work between the those on-call judges. In the event more than one judge signs up for a "high volume" date, each judge will get credit for a fractional portion of that block.

EXAMPLE: DA's office designates February 23 (Friday) and February 24 (Saturday) "high volume". Judges A&B sign up for Weekend Block1. Only Judge C signs up for Weekend Block2. Judges A&B each get .5 credit. Judge C receives 1 credit.

Signed this the 2<sup>nd</sup> day of March, 2018.

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Jennifer Robin  
District Courts Administrative Judge

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Mary Ann Turner  
County Courts at Law Administrative Judge