

FILED
AT 9:43 O'CLOCK A M

MAY 20 2019

DISTRICT CLERK
Denton County, Texas
BY [Signature] DEPUTY

Standing Order No. 2019-1

A STANDING ORDER)	IN THE DISTRICT COURTS
)	
)	
AUTHORIZING AND APPOINTING)	COUNTY CRIMINAL COURTS AT LAW
)	
ALTERNATE MAGISTRATES)	
TO PERFORM ALL DUTIES AS)	
ASSIGNED OR NECESSARY)	FOR DENTON COUNTY, TEXAS

STANDING ORDER
AUTHORIZING AND APPOINTING ASSISTANT COUNTY CRIMINAL
MAGISTRATES TO PERFORM ALL DUTIES AS REQUIRED UNDER THE
TEXAS CODE OF CRIMINAL PROCEDURE

The undersigned District and County Judges, as Presiding Administrative Law Judges for Denton County, Texas, and on behalf of the District and County Courts at Law with Criminal Jurisdiction, do hereby FIND that the interests of justice and the dynamic needs of Denton County and its criminal justice processes require that qualified and duly appointed magistrates are necessary to perform all duties of a magistrate as set forth in the Texas Code of Criminal Procedure and the Texas Constitution,. Further, the District and County Courts at Law with Criminal Jurisdiction FIND that a need exists for qualified magistrates seven days a week, holidays and other days in the absence of elected or appointed judges to perform magisterial functions in the Denton County Detention Facility, particularly those duties found under Art. 14, 15, 16, 17 and 18, to appropriately support law enforcement and the Denton County Detention Facility as provided therein, and protect the rights of defendants, and the safety of the community as a whole.

Accordingly, the undersigned Administrative Law Judges on behalf of the elected District and County Criminal Courts at Law for Denton County, Texas, HEREIN ISSUE THE FOLLOWING STANDING ORDER:

1. Qualifications, Assignment, Duties, and Powers of Appointed Assistant County Criminal Magistrates Appointed Herein.

- A. Qualifications: All persons appointed or serving an Assistant Criminal Magistrates for Denton County as provided by this Order shall, at the time of appointment be: (1) licensed to practice law in this state and a member in good standing with the State Bar of Texas for a minimum of four years; (2) a duly appointed or elected municipal court judge for a municipality within the boundaries of Denton County, Texas; (3) have prior service as a municipal judge or magistrate for a municipality within Denton County for at least two years; (4) have not been removed from office by impeachment, by the supreme court, by the governor on address to the legislature, by a tribunal reviewing a recommendation of the State Commission on Judicial Conduct, or by the legislature's abolition of the judge's court; and, (5) has not have resigned from office after having received notice that formal proceedings by the State Commission on Judicial Conduct had been instituted as provided by Section 33.02 and before final disposition of the proceedings.

- B. Assignment of Dockets, Hours or Periods of Service: All Assistant Criminal Magistrates will receive dates and times of service, docket assignments and work schedules within the sole discretion of the Administrative Law Judges of the District and County Criminal Courts at Law, or the Title 54A Associate District and County Criminal Court at Law Judge. All Assistant County Criminal Magistrates shall have no set work hours, assigned dockets or duties other than as directed or assigned by the Administrative Law Judges of the District and County Criminal Courts at Law, or the Title 54A Associate District and County Criminal Court at Law Judge. All Assistant County Criminal Magistrates are given no assurances as to minimum hours, work assignments or specific dockets and all such work assignments are subject to change to accommodate the needs of the Courts. All Assistant County Criminal Magistrates shall be available to perform and shall perform if directed, the duties of the position, subject only to reasonable notice.
- C. Ethical Requirements and Avoidance of Conflict: All Assistant County Criminal Magistrates shall comply with applicable provisions of the Texas Code of Judicial Conduct and Judicial Canons. Nothing in this appointment shall interfere with or restrict any magistrate serving herein from the private practice of law, or other legal endeavors, so long as such legal activities would not violate the Texas Code of Judicial Conduct as applicable to their appointment or election as municipal court judges. Violations of the Texas Rules of Judicial Conduct shall be grounds to terminate the Assistant Criminal Magistrate's appointment.
- D. Authorities, Powers and Duties: All Assistant County Criminal Magistrates shall have the following authority, powers and duties:
- (1) Review, consider, process, receive, and perform all magistration duties as required under Art. 15.17 Tex. Code of Crim. Procedure, interview, determining appropriate amounts of bail or conditions of release, enforce or modify prior orders or condition or amounts of bail as to offenses that have not yet been filed with a court of competent jurisdiction, receive requests for court appointed attorneys, and appointing counsel, as necessary and assigned to or for any person detained and in the custody of law enforcement agencies of Denton County, Texas;
 - (2) Exercising jurisdiction and authority as to any and all offenses alleged against any defendant detained subsequent to arrest, but as to which, no complaint, information or indictment has yet been filed or presented in a District, County Criminal Court at Law by the District Attorney for Denton County, Texas; and,
 - (3) Issuing all process, orders and writs necessary for timely identification, evaluation, and treatment of those criminal defendants that may be suffering from mental health issues or illness, and which are detained by any law enforcement agency of Denton County, Texas, as provided or required by law, specifically Art. 16.22 and 17.032 of the Texas Code of Criminal Procedure or other applicable laws of the State of Texas.
- E. Compensation: When specifically assigned or designated by the Administrative Law

Judges of the District and County Criminal Courts at Law, or the Title 54A Associate Criminal Judge to perform magisterial duties in the Denton County Jail or other designated County detention or holding facilities, any assigned Assistant Criminal Magistrate shall be entitled to compensation as follows:

- (1) WEEKEND AND HOLIDAY JAIL MAGISTRATIONS – When specifically assigned or designated by the Administrative Law Judges of the District and County Criminal Courts at Law, or the Title 54A Associate Criminal Judge, to perform magisterial duties in the Denton County Jail or other designated County detention or holding facility on either (a) officially designated Denton County Holidays, or (b) on Weekends (being defined as Saturday and Sundays), the Assistant Criminal Magistrate shall be compensated at a *per diem* rate of \$250.00 per day. The Assistant Magistrate shall, on any such designated weekends and holidays, perform all judicial and magisterial functions necessary for the timely magistrations and processing of prisoners in the Denton County Jail. Such magistrations shall be expected and performed once a day on Saturdays, Sundays or holidays.
- (2) DAILY MAGISTRATE PROCESS DURING SCHEDULED COUNTY WORK DAYS – When specifically assigned or designated by the Administrative Law Judges of the District and County Criminal Courts at Law, or the Title 54A Associate Criminal Judge to perform magisterial duties in the Denton County Jail or other designated County detention or holding facility on a normally scheduled County work day during the week, any assigned Assistant Criminal Magistrate shall be compensated at a rate of \$175.00 for each “magistrate hearing docket” or session in which the assigned magistrate performs such duties. Unless the Title 54A Associate District and County Criminal Court at Law Judge finds good cause to the contrary, on all days other than Saturdays, Sundays and designated County holidays, magistrate processes and Art. 15.17 magistrate hearing dockets shall be performed twice each day, with the first magistrations occurring before 12:00 p.m. and the second magistrations occurring not later than 8:00 p.m. One magistrate may be assigned to perform one or both dockets within the same day.

2. Appointment of Alternate County Magistrates. ACCORDINGLY, the duly elected Judges of the District and County Criminal Courts at Law of Denton County herein approve, appoint and authorize the following qualified persons to serve as ASSISTANT CRIMINAL MAGISTRATES FOR DENTON COUNTY, TEXAS:

**The Honorable Judge Greg Bertrand
Presiding Judge for the City of Corinth**

**The Honorable Judge Holly Fox
Presiding Judge for the City of Denton**

**The Honorable Judge Cathy Haden
Associate Judge for the City of Carrollton**

**The Honorable Judge Brian Holman
Presiding Judge for the City of Lewisville**

**The Honorable Judge Kimberly Lafferty
Associate Judge for the Cities of Lewisville and Coppell**

**The Honorable Judge Meredith Lyons
Presiding Judge for the City of Carrollton**

**The Honorable Judge Art Maldonado
Presiding Judge for the City of Frisco**

**The Honorable Judge Kristine Primrose
Presiding Judge for the City of Coppell**


**The Honorable Judge Stephanie Askew
Associate Judge for the Town of Flower Mound**

3. Date and Entry of Order.

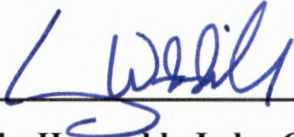
The above and foregoing may be amended or modified as deemed necessary and appropriate by the elected District and County Criminal Court at Law Judges for Denton County by way of subsequent written order, and as provided by statute.

The elected Judges of the District Courts, County Criminal Courts at Law, and having previously approved do hereby indicate their approval to the entry of this Standing Order, as acknowledged by and through their respective Administrative Law Judges for the District and County Criminal Courts at Law whose signatures appear below.

SIGNED and ENTERED on the 17th day of May, 2019.



**The Honorable Judge Sherry Shipman
Judge Presiding, 16th District Court
Administrative Law Judge for
The Denton County District Courts**



**The Honorable Judge Coby Waddill
Judge Presiding, County Criminal Court No. 5
Administrative Law Judge for
The Denton County Criminal Courts at Law**