

JAN 31 2014

PROBATE STANDING ORDER 2014-001

CYNTHIA MITCHELL  
IN THE PROBATE COURT

OF

DENTON COUNTY, TX

STANDING ORDER APPOINTMENT AND  
REFERRAL TO ASSOCIATE JUDGE

ADMINISTRATIVE STANDING OMNIBUS ORDER OF REFERRAL-ASSOCIATE PROBATE JUDGE

On this the 31st day of January, 2014, came on for administrative consideration the appointment and reallocation of the assignment of certain cases to the Associate Judge of the Probate Court of Denton County and related orders.

A. David W. Jahn has been appointed to serve as the full time Associate Judge for the Probate Court of Denton County ("Associate Probate Judge") pursuant to §54A.203 of the Texas Government Code and is qualified to serve having been a licensed attorney and member of The State Bar of Texas in good standing for a period in excess required by law and meeting all statutory requirements applicable to serve as a Judicial Officer of the Probate Court. Judge Jahn's effective date of appointment was January 30<sup>th</sup>, 2011 at 8:30a.m

B. Order of Referral. Pursuant to Texas Government Code Section 54A.208 and by this January 31<sup>st</sup>, 2014 Omnibus Order of Referral any Probate Judge may refer to the Associate Probate Judge any aspect of a case of any type or any class over which the Probate Court has jurisdiction. In order to efficiently and effectively manage the Probate Court docket and staff resources, cases are reassigned between the Probate Judge and the Associate Probate Judge at the discretion of the Probate Judge. Also, cases may be referred to the Associate Probate Judge by oral or written instruction to the Court Administrator by the Presiding Judge of the Denton County Probate Court. The cases referred to the Associate Probate Judge are evidenced by the printed docket prepared and published weekly by the Court Administrator under the direction of the court, and are subject to changes made daily at the discretion of the Probate Judge.

**C. Powers of the Associate Probate Judge** are as set out in Texas Government Code § 54A.209 (a),

except as limited by a written order of referral. Accordingly, Associate Judge Jahn may:

1. conduct a hearing;
2. hear evidence;
3. compel production of relevant evidence;
4. rule on the admissibility of evidence;
5. issue a summons for the appearance of witnesses;
6. examine a witness;
7. swear a witness for a hearing;
8. make findings of fact on evidence;
9. formulate conclusions of law;
10. rule on pretrial motions;
11. recommend the rulings, orders, or judgment to be made in a case;
12. regulate all proceedings in a hearing before the Associate Judge;
13. take action as necessary and proper for the efficient performance of the duties required by order of referral;
14. order the attachment of a witness or party who fails to obey a subpoena;
15. order the detention of a witness or party found guilty of contempt, pending approval by the referring court as provided by Section 54A.214;
16. without prejudice to the right to a de novo hearing under section 54A.216, render and sign:
  - A. a final order agreed to in writing as to both form and substance by all parties;
  - B. a final default order;
  - C. a temporary order;

D. a final order in a case in which a party files an unrevoked waiver made in accordance with Rule 119, Texas Rules of Civil Procedure, that waives notice to the party of the final hearing or waives the party's appearance at the final hearing;

E. an order specifying that the court clerk shall issue:

(i) letters testamentary or of administration; or

(ii) letters of guardianship; or

F. an order for inpatient or outpatient mental health, mental retardation, or chemical dependency services or an order authorizing psychoactive medications; and

17. Sign a final order that includes a waiver of the right to a de novo hearing in accordance with Section 54A.216.

D. In accordance with Texas Government Code § 54A.209 (b) an Associate Judge may, in the interest of justice, refer a case back to the referring court regardless of whether a timely objection to the associate judge hearing the trial on the merits or presiding at a jury trial has been made by any party.

E. In accordance with Texas Government Code § 54A.209 (c) an order described by Texas government Code § 54A.209 (a) (16) that is rendered and signed by an Associate Probate Judge constitutes an order of the referring court. The judge of the referring court shall sign the order not later than the 30<sup>th</sup> day after the date the Associate Probate Judge signs the order.

F. In accordance with Texas Government Code § 54A.209 (d) an answer filed by or on behalf of a party who previously filed a waiver described in Texas government code § 54A.209(a) (16) (D) revokes that waiver.

**G.** Cases may also be referred by the presiding Judge of the Denton County Probate court orally or by written order on an individual basis from time to time as necessary or convenient in the administration of the docket of the Probate Court.

**H.** Referral of a matter does not require a specific order of referral and may be deemed as referred by virtue of the execution of this Order.

**I. Matter Not Set to be Heard by the Associate Probate Judge.** With respect to any matter that has not already been set for trial on the merits or a jury trial any Counsel or party may object to the referral of a trial on the merits to the Associate Probate Judge by filing a written objection with the Court and requesting the matter be heard by the Presiding Probate Judge (TX. Govt. Code §54A.207(b)).

**J. Objections to Matters Set to be Heard by the Associate Probate Judge.** With respect to any matter that has been set for trial on the merits or jury trial by the Probate Court on the Associate Probate Judge's docket and specifically referred to the Associate Probate Judge's docket in advance with notice to Counsel and/or parties; any objections to referral or to proceeding before the Associate Probate Judge or requests for hearing of a matter to be set on the Presiding Probate Judge's docket must be in writing, and filed not later than the tenth day after the Counsel or party receives notice that the Associated Probate Judge will hear the trial. (Tx. Govt. Code §54A.207(c)).

**K. De Novo Hearing before Referring Judge.** Pursuant to Government Code 54A.216 (a) a party may request a de novo hearing before the referring court by filing with the clerk of the referring court a written request not later than the seventh working day after the date the party receives notice of the substance of the Associate Probate Judge's Order and/or Report as provided by Texas Government Code § 54A.212.

L. This January 31<sup>st</sup>, 2014 Standing Omnibus Order of Referral - Associate Probate Judge supersedes all former Standing and/or Omnibus Orders of the Denton County Probate Court, Denton County, Texas .

Signed this 31<sup>st</sup> day of January, 2014

*Bonnie Robison*

Hon. Bonnie Robison, Judge  
Probate Court of Denton County  
Administrative Judge for Probate Court

**HON. BONNIE J. ROBISON  
JUDGE, PROBATE COURT**

