

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

OCT 25 2007

Michael N. Milby, Clerk
By Deputy Clerk 

IN THE MATTER OF
THE DIVISION OF WORK
CALENDAR YEAR 2007

§
§
§

GENERAL ORDER NO. 2007- 10

Second Amended Work Order

Pursuant to 28 U.S.C. §137, these assignments are made and these procedures are adopted, effective October ~~25~~, 2007.

1. Chief Judge Hayden Head

- A. Retains the cases presently on his docket.
- B. Receives 25% of all criminal cases filed in the Corpus Christi Division.
- C. Receives 50% of all civil cases filed in the Corpus Christi Division.
- D. Is the liaison judge for the Galveston Division.
- E. Is the liaison judge to all court units, including the U.S. District Clerk's Office, the U.S. Probation Office, the U.S. Pretrial Services Office, the U.S. Bankruptcy Court, as well as to the U.S. Public Defender's Office, the U.S. Marshal's Service and the U.S. Attorney's Office.

2. Judge George P. Kazen

- A. Retains the cases presently on his docket.
- B. Receives 50% of all cases filed in the Laredo Division.
- C. Is the liaison judge for the Laredo Division.

3. Judge Ricardo H. Hinojosa

- A. Retains the cases presently on his docket.
- B. Receives 50% of all cases filed in the McAllen Division.
- C. Is the liaison judge for the McAllen Division.
- D. Is the liaison judge for the interpreters in the district.

4. Judge Lynn N. Hughes

- A. Retains the cases presently on his docket and those Galveston Division cases assigned to him pursuant to Appendix C.
- B. Receives 7.4% of all civil cases filed in the Houston Division until parity achieved as calculated in Appendix D, and thereafter 8.5%.
- C. Receives 8.5% of all civil cases filed in the Galveston Division.
- D. Receives 9.3% of all criminal cases filed in the Houston and Galveston Divisions through December 31, 2007; 8.5% of all criminal cases filed in the Galveston Division and 5.6% of all criminal cases filed in the Houston Division until parity achieved as calculated in Appendix D; and thereafter 8.5% of all criminal cases filed in the Houston and Galveston Divisions.
- E. Receives government collection cases filed in the Houston and Galveston Divisions.
- F. Is the liaison judge for court history.
- G. Is the liaison judge to the Bankruptcy Court judges in the Houston Division.

5. Judge Kenneth M. Hoyt

- A. Retains the cases presently on his docket and those Galveston Division cases assigned to him pursuant to Appendix C.
- B. Receives 7.4% of all civil cases filed in the Houston Division until parity achieved as calculated in Appendix D, and thereafter 8.5%.
- C. Receives 8.5% of all civil cases filed in the Galveston Division.
- D. Receives 9.3% of all criminal cases filed in the Houston and Galveston Divisions through December 31, 2007; 8.5% of all criminal cases filed in the Galveston Division and 5.6% of all criminal cases filed in the Houston Division until parity achieved as calculated in Appendix D; and thereafter 8.5% of all criminal cases filed in the Houston and Galveston Divisions.
- E. Is the liaison judge to the Public Defender's Office in the Houston Division.
- F. Is liaison judge for the Houston Division plan for the panel of private attorneys under the Criminal Justice Act, and is Chair of the CJA Panel Selection Committee.

- G. Receives all of the Breast Implant cases filed in the Houston Division under Special Order H-99-1.

6. Judge Sim Lake

- A. Retains the cases presently on his docket and those Galveston Division cases assigned to him pursuant to Appendix C.
- B. Receives 7.4% of all civil cases filed in the Houston Division until parity achieved as calculated in Appendix D, and thereafter 8.5%.
- C. Receives 8.5% of all civil cases filed in the Galveston Division.
- D. Receives 9.3% of all criminal cases filed in the Houston and Galveston Divisions through December 31, 2007; 8.5% of all criminal cases filed in the Galveston Division and 5.6% of all criminal cases filed in the Houston Division until parity achieved as calculated in Appendix D; and thereafter 8.5% of all criminal cases filed in the Houston and Galveston Divisions.
- E. Is the liaison judge to the Houston Division Probation and Pretrial Services Offices.

7. Judge Melinda Harmon

- A. Retains the cases presently on her docket and those Galveston Division cases assigned to her pursuant to Appendix C.
- B. Receives 7.4% of all civil cases filed in the Houston Division until parity achieved as calculated in Appendix D, and thereafter 8.5%.
- C. Receives 8.5% of all civil cases filed in the Galveston Division.
- D. Receives 9.3% of all criminal cases filed in the Houston and Galveston Divisions through December 31, 2007; 8.5% of all criminal cases filed in the Galveston Division and 5.6% of all criminal cases filed in the Houston Division until parity achieved as calculated in Appendix D; and thereafter 8.5% of all criminal cases filed in the Houston and Galveston Divisions.
- E. Is the liaison judge for the jury utilization and for the district's local rules.

8. Judge John D. Rainey

- A. Retains the cases presently on his docket except those Galveston Division cases reassigned pursuant to Appendix C.

- B. Receives all civil and criminal cases filed in the Victoria Division.
- C. Receives 25% of all criminal cases filed in the Corpus Christi Division.
- D. Is the liaison judge for the Victoria Division.

9. Judge Samuel B. Kent

- A. Retains the cases assigned to him pursuant to Appendix C.
- B. Receives 20% of all civil cases filed in the Houston Division until parity achieved as calculated in Appendix D, and thereafter 8.5%.
- C. Receives 8.5% of all civil cases filed in the Galveston Division.
- D. Receives no criminal cases filed in the Houston and Galveston Divisions through December 31, 2007; 8.5% of all criminal cases filed in the Galveston Division and 40% of all criminal cases filed in the Houston Division until parity achieved as calculated in Appendix D; and thereafter 8.5% of all criminal cases filed in the Houston and Galveston Divisions.
- E. Judge Kent to conduct in the Houston Division, all Pretrial conferences, motion hearings, and trials for his Houston Division cases.

10. Judge Lee H. Rosenthal

- A. Retains the cases presently on her docket and those Galveston Division cases assigned to her pursuant to Appendix C.
- B. Receives 7.4% of all civil cases filed in the Houston Division until parity achieved as calculated in Appendix D, and thereafter 8.5%.
- C. Receives 8.5% of all civil cases filed in the Galveston Division.
- D. Receives 9.3% of all criminal cases filed in the Houston and Galveston Divisions through December 31, 2007; 8.5 % of all criminal cases filed in the Galveston Division and 5.6% of all criminal cases filed in the Houston Division until parity achieved as calculated in Appendix D; and thereafter 8.5% of all criminal cases filed in the Houston and Galveston Divisions.
- E. Is the liaison judge to the staff attorneys in the Houston Division.

11. Judge Janis Graham Jack

- A. Retains the cases presently on her docket.
- B. Receives 50% of all cases filed in the Corpus Christi Division.
- C. Is the liaison judge for the Corpus Christi Division.

12. Judge Vanessa D. Gilmore

- A. Retains the cases presently on her docket and those Galveston Division cases assigned to her pursuant to Appendix C.
- B. Receives 7.4% of all civil cases filed in the Houston Division until parity achieved as calculated in Appendix D, and thereafter 8.5%.
- C. Receives 8.5% of all civil cases filed in the Galveston Division.
- D. Receives 9.3% of all criminal cases filed in the Houston and Galveston Divisions through December 31, 2007; 8.5% of all criminal cases filed in the Galveston Division and 5.6% of all criminal cases filed in the Houston Division until parity achieved as calculated in Appendix D, and thereafter 8.5% of all criminal cases filed in the Houston and Galveston Divisions.
- E. Coordinates all asbestos cases in the district except in the Corpus Christi and McAllen Division.
- F. Is the liaison judge to the United States Attorney's Office for matters of the Houston Division.

13. Judge Nancy F. Atlas

- A. Retains the cases presently on her docket and those Galveston Division cases assigned to her pursuant to Appendix C.
- B. Receives 7.4% of all civil cases filed in the Houston Division until parity achieved as calculated in Appendix D, and thereafter 8.5%.
- C. Receives 8.5% of all civil cases filed in the Galveston Division.
- D. Receives 9.3% of all criminal cases filed in the Houston and Galveston Divisions through December 31, 2007; 8.5% of all criminal cases filed in the Galveston Division and 5.6% of all criminal cases filed in the Houston Division until parity achieved as calculated in Appendix D; and thereafter 8.5% of all criminal cases filed in the Houston and Galveston Divisions.

E. Is the liaison judge to the Alternative Dispute Resolution Programs.

14. Judge Hilda G. Tagle

- A. Retains the cases presently on her docket.
- B. Receives 50% of all cases filed in the Brownsville Division.
- C. Is the liaison judge for the Brownsville Division

15. Judge Keith P. Ellison

- A. Retains the cases presently on his docket and those Galveston Division cases assigned to him pursuant to Appendix C.
- B. Receives 7.4% of all civil cases filed in the Houston Division until parity achieved as calculated in Appendix D, and thereafter 8.5%.
- C. Receives 8.5% of all civil cases filed in the Galveston Division.
- D. Receives 9.3% of all criminal cases filed in the Houston and Galveston Divisions through December 31, 2007; 8.5% of all criminal cases filed in the Galveston Division and 5.6% of all criminal cases filed in the Houston Division until parity achieved as calculated in Appendix D; and thereafter 8.5% of all criminal cases filed in the Houston and Galveston Divisions.

16. Judge Randy Crane

- A. Retains the cases presently on his docket.
- B. Receives 50% of all cases filed in the McAllen Division.

17. Judge Andrew S. Hanen

- A. Retains the cases presently on his docket.
- B. Receives 50% of all cases filed in the Brownsville Division.

18. Judge Micaela Alvarez

- A. Retains the cases presently on her docket.

B. Receives 50% of all cases filed in the Laredo Division.

19. Judge Gray H. Miller

A. Retains the cases presently on his docket and those Galveston Division cases assigned to him pursuant to Appendix C.

B. Receives 7.4% of all civil cases filed in the Houston Division until parity achieved as calculated in Appendix D, and thereafter 8.5%.

C. Receives 8.5% of all civil cases filed in the Galveston Division.

D. Receives 9.3% of all criminal cases filed in the Houston and Galveston Divisions through December 31, 2007; 8.5% of all criminal cases filed in the Galveston Division and 5.6% of all criminal cases filed in the Houston Division until parity achieved as calculated in Appendix D; and thereafter 8.5% of all criminal cases filed in the Houston and Galveston Divisions.

20. Senior Judge David Hittner

A. Retains the cases presently on his docket and those Galveston Division cases assigned to him pursuant to Appendix C.

B. Receives 7.4% of all civil cases filed in the Houston Division until parity achieved as calculated in Appendix D, and thereafter 8.5%, except:

- (1) Bankruptcy Appeals (Nature of Suit 422);
- (2) Bankruptcy Withdrawal of Reference (Nature of Suit 423);
- (3) Patent Cases (Nature of Suit 830);
- (4) ERISA Cases (Nature of Suite 791); and
- (5) Class Actions (Requested in Complaint).

C. Receives 8.5% of all civil cases filed in the Galveston Division, except those categories of cases identified above.

D. Receives 9.3% of all criminal cases filed in the Houston and Galveston Divisions through December 31, 2007; 8.5% of all criminal cases filed in the Galveston Division and 5.6% of all criminal cases filed in the Houston Division until parity achieved as calculated in Appendix D; and thereafter 8.5% of all criminal cases filed in the Houston and Galveston Divisions.

E. Is the liaison judge in the Houston Division for its central library and for matters of the U.S. Marshal's Service in the Houston Division.

21. Senior Judge Ewing Werlein, Jr.

- A. Retains the cases presently on his docket and those Galveston Division cases assigned to him pursuant to Appendix C.
- B. Receives 5.6% of all civil cases filed in the Houston Division until parity achieved as calculated in Appendix D, and thereafter 6.4%, except:
 - (1) Bankruptcy Appeals (Nature of Suit 422);
 - (2) Bankruptcy Withdrawal of Reference (Nature of Suit 423);
 - (3) Fair Labor Standards Act (Nature of Suit 710);
 - (4) Death Penalty Habeas Corpus (Nature of Suit 535); and
 - (5) Federal Death Penalty Criminal Cases.
- C. Receives 6.4% of all civil cases filed in the Galveston Division, except those categories of cases identified above.
- D. Receives 7.0% of all criminal cases filed in the Houston and Galveston Divisions through December 31, 2007; 6.4 % of all criminal cases filed in the Galveston Division and 4.2% of all criminal cases filed in the Houston Division until parity achieved as calculated in Appendix D; and thereafter 6.4% of all criminal cases filed in the Houston and Galveston Divisions.
- E. Is the liaison judge to the magistrate judges in the Houston Division.

22. Houston and Galveston Miscellaneous Docket

- A. The miscellaneous docket in the Galveston and Houston Divisions consists of those matters that arise before a civil or criminal proceeding is filed and assigned to a judge, like naturalization ceremonies, grants of immunity to witnesses, and in forma pauperis applications.
- B. The miscellaneous docket judge summons and empanels grand and petit juries.
- C. Applications for restraining orders, preliminary injunctions, and similar emergency matters are to be handled by the judge to whom the matter is assigned. If that judge is not available and if the application requires immediate action, the assigned judge's staff will take it to the judge in charge of the miscellaneous docket.
- D. The Clerk shall present any questioned attorney admissions applications to the judge assigned the miscellaneous docket. That judge may either decide the admission question or submit the application to the Attorney Admissions Committee.

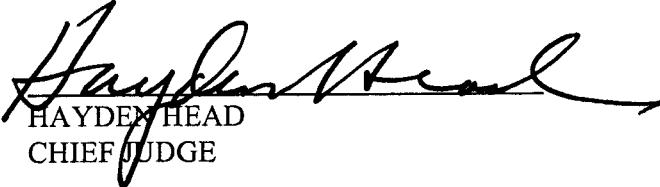
- E. The miscellaneous docket duties may be exchanged by consent with notice to the clerk and the chief judge.
- F. The 2007 schedule for the miscellaneous docket is Appendix A.

23. General

- A. Whenever a judge is disqualified or recused in a case, the case initially shall be reassigned to another judge stationed in that division, according to the customary assignment procedure in that division. If all judges in a division are recused or disqualified, the case shall be reassigned as follows: a case in the Galveston Division shall be assigned to the Houston Division; a case in the Victoria Division shall be assigned to the Corpus Christi Division; a case in the Corpus Christi Division shall be assigned to the Victoria Division; a case in either the Laredo, McAllen, or Brownsville Divisions shall be randomly assigned within one of those three divisions. Any reassignment otherwise required will be done by the Chief Judge.
- B. Nothing in this order deprives a judge of jurisdiction in a matter. A judge may handle matters for another judge by consent.
- C. Matters affecting a liaison assignment should be brought first to the attention of the liaison judge who may handle routine administrative matters. Emergency questions involving court policies will be discussed with the chief judge and may be resolved by the liaison judge and chief judge. The chief judge shall report the emergency to the full court for discussion as promptly as possible.
- D. Judge Harmon is appointed Chair of the Attorney Admission Fund Committee and Judge Rainey is assigned as a member of that committee.
- E. Judge Hughes is appointed Chair of the Committee on Court Portraits, and Judges Hittner and Harmon are assigned as members of that committee.
- F. Judge Kazen is appointed Chair of the Court Automation Committee, and Judge Harmon, Judge Jack, Judge Crane, Judge Atlas, Bankruptcy Judge Schmidt and Magistrate Judge Ormsby shall serve as the judicial officer members of that committee.
- G. Judge Hittner is appointed Chair of the Court Reporter Liaison Panel, and Judge Rainey and Judge Gilmore are assigned as members of that Panel.
- H. The assignment of magistrate judges to district judges is Appendix B.

- I. The chief judge will call meetings of full court as needed and will select the time and place of the meetings. The judges in Houston will meet Tuesdays at noon.

ORDERED this the 25 day of October, 2007.


HAYDEN HEAD
CHIEF JUDGE

Appendix A

2007 Miscellaneous Docket-Houston and Galveston Divisions

January	Judge Gilmore
February	Judge Atlas
March	Judge Ellison
April	Judge Miller
May	Senior Judge Hittner
June	Judge Hughes
July	Judge Hoyt
August	Judge Lake
September	Judge Harmon
October	Judge Rosenthal
November	Judge Gilmore
December	Judge Atlas

Appendix B

Assignment of Magistrate Judges to District Judges

<i>District Judges</i>	<i>Magistrate Judges</i>
George P. Kazen Micaela Alvarez	Diana Saldaña Adriana Arce-Flores
Hilda G. Tagle & Andrew S. Hanen (Jointly)	John W. Black Felix Recio
Hayden Head Janis Graham Jack	B. Janice Ellington Brian L. Owsley
Ricardo H. Hinojosa Randy Crane (Jointly)	Dorina Ramos Peter E. Ormsby
Lynn N. Hughes David Hittner	Stephen W. Smith
Kenneth M. Hoyt Nancy F. Atlas Keith P. Ellison	Calvin Botley
Sim Lake John D. Rainey Gray H. Miller	Nancy K. Johnson
Melinda Harmon Ewing Werlein, Jr.	Frances H. Stacy
Samuel B. Kent, and as directed in Galveston Division cases by the Judges assigned those cases.	John R. Froeschner
Lee H. Rosenthal Vanessa D. Gilmore	Mary Milloy

Appendix C

Redistribution of the Galveston Pending Docket Cases Pending on October 9, 2007

Civil

1. Redistribute the 403 non-prisoner, non-student loan civil cases pending in the Galveston Division.¹
 - A. Judge Werlein: $403 * 6.4\% = 26$
 - B. The other 11 Judges each receive: $403 * 8.5\% = 34$
2. Assign to Judge Hughes the 9 student loan cases pending in the Galveston Division.
3. Assign to Judge Harmon the 142 prisoner cases pending in the Galveston Division.

Criminal

Redistribute the 30 criminal cases pending in the Galveston Division.

- A. Judge Werlein: $30 * 6.4\% = 2$
- B. The other 11 Judges each receive: $30 * 8.5\% = 3$

¹Judge Rainey's pending Galveston Division civil cases will be redistributed, and by agreement, 3:07-CR-21 will be direct assigned to him. Judge Rainey will handle any emergencies in civil cases assigned to Judge Kent before January 1, 2008.

Appendix D

Achieving Parity

<u>Average Pending Cases</u>	<u>Civil Cases</u>	<u>Monthly Case Filings</u>	
		Houston	Galveston
Houston and Galveston Docket:	226	277	57
Judge Kent:	34		
Civil cases needed for parity:	192	55 (20%)/mo	5
Number of months to achieve parity:	3	165	15
Commencing October, 2007: (Houston)		(Galveston)	
Kent:	20.0%	8.5%	
Werlein:	5.6%	6.4%	
Others:	7.4%	8.5%	
After Parity Achieved:			
Werlein:	6.4%	6.4%	
Others:	8.5%	8.5%	

Criminal Cases

<u>Average Pending Cases</u>		<u>Monthly Case Filings</u>	
		Houston	Galveston
Houston and Galveston Criminal Docket:	49	37	3
Judge Kent:	3		
Cases needed for parity:	46	16 (40%)/mo	1
Number of months to achieve parity:	3	48	1
Commencing January 1, 2008: (Houston)		(Galveston)	
Kent:	40.0%	8.5%	
Werlein:	4.2%	6.4%	
Others:	5.6%	8.5%	
After Parity Achieved:			
Werlein:	6.4%	6.4%	
Others:	8.5%	8.5%	

The Clerk shall monitor the new cases assigned to Judge Kent so that when parity is achieved, the Judges can be notified and the assignment of cases adjusted consistent with this Order.