

By: Murr

H.B. No. 4213

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the appeal of a party or attorney representing a party
3 of a sanction issued by a court following a ruling on a motion to
4 recuse.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Chapter 30 of the Texas Civil Practices and
7 Remedies Code is amended by adding Section 30.165 to read as
8 follows:

9 Sec. 30.165. APPEAL FOLLOWING RULING ON A MOTION TO RECUSE
10 FILED BY A PARTY OR ATTORNEY REPRESENTING A PARTY TO A PROCEEDING.

11 (a) In a proceeding in which a party or an attorney
12 representing a party files a motion to recuse the court, and
13 following a ruling, is ordered to pay fees or expenses in accordance
14 with the Texas Rules of Civil Procedure, the party or attorney
15 representing a party may file a notice of appeal with the court no
16 later than thirty days following the date of the applicable order.
17 The appealing party or attorney representing a party, as
18 applicable, is entitled to and shall have the sanctions order
19 reviewed de novo by a jury or a judge. Selection of a jury for this
20 section shall occur in accordance with jury selection set forth for
21 a civil jury trial for the respective court of jurisdiction.

22 (b) A jury determination made pursuant to this section is
23 subject to appeal to the court of appeals having jurisdiction over
24 the case and shall occur in accordance with rules established for

1 the appeal of a ruling issued by a trial court.

2 (c) The Supreme Court of the State of Texas shall promulgate
3 changes to the Texas Rules of Civil Procedure to comply with this
4 section.

5 SECTION 2. This Act takes effect September 1, 2021.