

A BILL TO BE ENTITLED

1 AN ACT

2 relating to court administration, including the knowledge,
3 efficiency, training, and transparency requirements for candidates
4 for or holders of judicial offices.

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

6 SECTION 1. Subchapter B, Chapter 141, Election Code, is
7 amended by adding Section 141.0311 to read as follows:

8 Sec. 141.0311. ADDITIONAL REQUIREMENTS FOR APPLICATION FOR
9 JUDICIAL OFFICE. (a) This section applies to candidates for the
10 following judicial offices:

11 (1) chief justice or justice of the supreme court;

12 (2) presiding judge or judge of the court of criminal
13 appeals;

14 (3) chief justice or justice of a court of appeals;

15 (4) district judge, including a criminal district
16 judge; and

17 (5) judge of a statutory county court.

18 (b) In addition to other requirements under this code, a
19 candidate's application for a place on the ballot must:

20 (1) include the candidate's state bar number for:

21 (A) this state; and

22 (B) any other state in which the candidate has
23 been licensed to practice law;

24 (2) disclose any public:

1 (A) sanction or censure, as those terms are
2 defined by Section 33.001, Government Code, the State Commission on
3 Judicial Conduct or a review tribunal has issued against the
4 candidate;

5 (B) disciplinary sanction imposed on the
6 candidate by the state bar; and

7 (C) disciplinary sanction imposed on the
8 candidate by an entity in another state responsible for attorney
9 discipline in that state;

10 (3) include statements describing for the preceding
11 five years:

12 (A) the nature of the candidate's legal practice,
13 including any area of legal specialization; and

14 (B) the candidate's professional courtroom
15 experience; and

16 (4) disclose any final conviction of a Class A or Class
17 B misdemeanor in the 10 years preceding the date the person would
18 assume the judicial office for which the person is filing the
19 application.

20 (c) A candidate for a judicial office described by
21 Subdivision (a)(1), (2), or (3) who does not hold or has not
22 previously held a judicial office described by those subdivisions
23 must, in addition to the other requirements of this section and this
24 code, include in the application a description of:

25 (1) appellate court briefs the candidate has prepared
26 and filed in the preceding five years; and

27 (2) oral arguments the candidate has presented before

1 any appellate court in the preceding five years.

2 (d) Each officially prescribed form for an application
3 under this section must include a statement informing candidates
4 that knowingly providing false information on the application, in
5 addition to other penalties prescribed by law, constitutes
6 professional misconduct subject to public sanctions or censure by
7 the State Commission on Judicial Conduct or the state bar, as
8 applicable.

9 (e) The secretary of state shall prescribe the form and
10 content of the application materials under this section. The
11 secretary of state may consult with the Office of Court
12 Administration of the Texas Judicial System, the supreme court, and
13 the court of criminal appeals when prescribing the form and content
14 of application materials under this section.

15 SECTION 2. Section 33.032, Government Code, is amended by
16 adding Subsection (i) to read as follows:

17 (i) Any sanction the commission issues against a judge for
18 knowingly making a false declaration on an application for a place
19 on the ballot as a candidate for a judicial office described by
20 Section 141.0311, Election Code, any withdrawal of such sanction,
21 and all records and proceedings related to the sanction are a matter
22 of public record.

23 SECTION 3. Subtitle B, Title 2, Government Code, is amended
24 by adding Chapter 39 to read as follows:

25 CHAPTER 39. JUDICIAL EDUCATION REQUIREMENTS

26 Sec. 39.001. APPLICABILITY. This chapter applies to a
27 person elected to or holding any of the following judicial offices:

- 1 (1) chief justice or justice of the supreme court;
- 2 (2) presiding judge or judge of the court of criminal
3 appeals;
- 4 (3) chief justice or justice of a court of appeals;
- 5 (4) district judge, including a criminal district
6 judge; and
- 7 (5) judge of a statutory county court.

8 Sec. 39.002. JUDICIAL INSTRUCTION REQUIREMENTS. (a) The
9 supreme court, in consultation with the court of criminal appeals,
10 shall adopt rules on the judicial training a person must complete
11 not later than the first anniversary of the date the person assumes
12 a judicial office, subject to Subsection (b). The rules must
13 require the person to complete at least 30 hours of instruction.

14 (b) Subsection (a) does not apply to a person who has been
15 absent from judicial office for less than one year before assuming a
16 judicial office and who has previously completed the requirements
17 of Subsection (a).

18 (c) A judge must annually complete at least 16 hours of
19 instruction described by Subsection (a) after the first year of the
20 judge's term.

21 (d) The rules adopted under this section may provide for a
22 deferral or exemption for a person who is unable to timely complete
23 the training or instruction due to a medical or physical
24 disability.

25 (e) This section does not affect any funds appropriated to
26 or grants administered by the court of criminal appeals under
27 Chapter 56.

1 Sec. 39.003. SUSPENSION. The State Commission on Judicial
2 Conduct shall issue an order suspending any judge who fails to meet
3 the education requirements under Section 39.002 until the judge
4 demonstrates compliance with the requirements.

5 Sec. 39.004. REMOVAL FROM OFFICE. (a) For purposes of
6 Section 1-a, Article V, Texas Constitution, a judge who is
7 noncompliant with the education requirements under Section 39.002
8 for more than one year has engaged in wilful or persistent conduct
9 that is clearly inconsistent with the proper performance of a
10 judge's duties sufficient to subject the judge to removal from
11 office.

12 (b) The attorney general shall file a petition under Section
13 66.002, Civil Practice and Remedies Code, against a judge who is
14 subject to removal as provided by Subsection (a) if presented with
15 evidence by the State Commission on Judicial Conduct establishing
16 probable grounds that the judge engaged in conduct described by
17 Subsection (a).

18 SECTION 4. Section 72.024, Government Code, is amended by
19 adding Subsection (b-1) to read as follows:

20 (b-1) The director shall develop standards for identifying
21 courts that need additional assistance to promote the efficient
22 administration of justice.

23 SECTION 5. Section 72.082, Government Code, is amended to
24 read as follows:

25 Sec. 72.082. PERFORMANCE REPORT. The office shall annually
26 collect and publish a performance report of information regarding
27 the efficiency of the courts of this state. The report must include

1 disaggregated performance measures for each appellate court,
2 district court, statutory county court, statutory probate court,
3 and county court.

4 SECTION 6. Section 72.083, Government Code, is amended to
5 read as follows:

6 Sec. 72.083. TRIAL COURTS. (a) ~~[The office shall report~~
7 ~~the aggregate clearance rate of cases for the district courts.]~~ In
8 this section, "clearance rate" means the number of cases disposed
9 of by a court ~~[the district courts]~~ divided by the number of cases
10 added to the docket ~~[dockets]~~ of the court ~~[district courts]~~.

11 (b) The office shall annually report the following
12 performance measures for each district court, statutory county
13 court, statutory probate court, and county court:

14 (1) the court's clearance rate;

15 (2) the average time a case is before the court from
16 filing to disposition; and

17 (3) the age of the court's active pending caseload.

18 SECTION 7. Section 74.046, Government Code, is amended to
19 read as follows:

20 Sec. 74.046. DUTIES OF PRESIDING JUDGE. (a) A presiding
21 judge shall:

22 (1) ensure the promulgation of regional rules of
23 administration within policies and guidelines set by the supreme
24 court;

25 (2) advise local judges on case flow management and
26 auxiliary court services;

27 (3) recommend to the chief justice of the supreme

1 court any needs for judicial assignments from outside the region;

2 (4) recommend to the supreme court any changes in the
3 organization, jurisdiction, operation, or procedures of the region
4 necessary or desirable for the improvement of the administration of
5 justice;

6 (5) act for a local administrative judge when the
7 local administrative judge does not perform the duties required by
8 Subchapter D;

9 (6) implement and execute any rules adopted by the
10 supreme court under this chapter;

11 (7) provide the supreme court or the office of court
12 administration statistical information requested; and

13 (8) perform the duties assigned by the chief justice
14 of the supreme court.

15 (b) A presiding judge may appoint a judicial mentor or
16 arrange for additional administrative personnel to be assigned to a
17 court identified by the Office of Court Administration of the Texas
18 Judicial System as needing additional assistance under Section
19 72.024(b-1).

20 SECTION 8. Section 81.075, Government Code, is amended by
21 adding Subsection (f) to read as follows:

22 (f) If the panel of a district grievance committee finds an
23 attorney knowingly made a false declaration on an application for a
24 place on the ballot as a candidate for judicial office under Section
25 141.0311, Election Code, the committee shall impose a public
26 sanction against the respondent attorney.

27 SECTION 9. Chapter 82, Government Code, is amended by

1 adding Subchapter D to read as follows:

2 SUBCHAPTER D. SPECIALTY CERTIFICATIONS FOR ATTORNEYS

3 Sec. 82.101. SPECIALTY CERTIFICATION IN JUDICIAL
4 ADMINISTRATION. (a) The supreme court shall adopt rules
5 establishing a specialty certification for attorneys in the
6 practice area of judicial administration.

7 (b) For purposes of establishing a specialty certification
8 for attorneys in the practice area of judicial administration, the
9 Texas Board of Legal Specialization shall make recommendations to
10 the supreme court for the specialty certification and a proposed
11 examination for obtaining the specialty certification.

12 (c) The Texas Board of Legal Specialization shall make the
13 specialty certification for attorneys in judicial administration
14 available to each judge of an appellate court, district court,
15 statutory county court, statutory probate court, or county court
16 performing judicial functions who is a licensed attorney and who
17 meets the eligibility requirements established by the board.

18 (d) The supreme court by rule shall require an attorney who
19 holds a specialty certification in judicial administration to
20 annually complete 21 hours of continuing legal education to
21 maintain the certification.

22 (e) A justice or judge who holds a specialty certification
23 in judicial administration or another specialty certification may
24 be entitled to additional compensation if the legislature makes a
25 specific appropriation for that purpose.

26 SECTION 10. (a) As soon as practicable after the effective
27 date of this Act, the Texas Supreme Court shall adopt the rules

1 necessary to implement Chapter 39, Government Code, as added by
2 this Act, and Subchapter D, Chapter 82, Government Code, as added by
3 this Act.

4 (b) As soon as practicable after the effective date of this
5 act, the Texas Judicial Council shall adopt the rules necessary for
6 the Office of Court Administration of the Texas Judicial System to
7 collect the information required under Sections 72.082 and 72.083,
8 Government Code, as amended by this Act.

9 (c) Section 141.0311, Election Code, as added by this Act,
10 applies only to an application for a place on the ballot filed for
11 an election ordered on or after the effective date of this Act. An
12 application for a place on the ballot filed for an election ordered
13 before the effective date of this Act is covered by the law in
14 effect on the date the application was filed, and the former law is
15 continued in effect for that purpose.

16 (d) The changes in law made by Chapter 39, Government Code,
17 as added by this Act, apply to all judges elected, appointed, or
18 holding office on or after the effective date of this Act.

19 SECTION 11. This Act takes effect September 1, 2023.