

By: Leach

H.B. No. 2384

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;
17 (5) judge of a statutory county court; and
18 (6) county judge who performs judicial functions.

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

- 21 (1) include the candidate's state bar number for:
22 (A) this state; and
23 (B) any other state in which the candidate has
24 been licensed to practice law;

1 (2) disclose any public:

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

6 (B) disciplinary sanction the state bar has
7 imposed on the candidate; and

8 (C) disciplinary sanction an entity in another
9 state responsible for attorney discipline in that state has issued
10 against the candidate;

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

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

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

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

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

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

1 (2) oral arguments the candidate has presented before
2 any appellate court in the preceding five years.

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

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

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

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

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

26 CHAPTER 39. JUDICIAL EDUCATION REQUIREMENTS

27 Sec. 39.001. APPLICABILITY. This chapter applies to a

1 person elected to or holding any of the following judicial offices:

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

3 (2) presiding judge or judge of the court of criminal
4 appeals;

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

6 (4) district judge, including a criminal district
7 judge;

8 (5) judge of a statutory county court; and

9 (6) county judge who performs judicial functions.

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

16 (1) the administrative duties of judicial office; and

17 (2) substantive, procedural, and evidentiary laws.

18 (b) Subsection (a) does not apply to a person who has been
19 absent from judicial office for less than one year before assuming a
20 judicial office and who has previously completed the requirements
21 of Subsection (a).

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

25 Sec. 39.003. SUSPENSION. The State Commission on Judicial
26 Conduct shall issue an order suspending any judge who fails to meet
27 the education requirements under Section 39.002 until the judge

1 demonstrates compliance with the requirements.

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

9 (b) The attorney general shall file a petition under Section
10 66.002, Civil Practice and Remedies Code, against a judge who is
11 subject to removal as provided by Subsection (a) if presented with
12 evidence by the State Commission on Judicial Conduct establishing
13 probable grounds that the judge engaged in conduct described by
14 Subsection (a).

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

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

20 SECTION 5. Section 72.082, Government Code, is amended to
21 read as follows:

22 Sec. 72.082. PERFORMANCE REPORT. The office shall annually
23 collect and publish a performance report of information regarding
24 the efficiency of the courts of this state. The report must include
25 disaggregated performance measures for each appellate court,
26 district court, statutory county court, and county court.

27 SECTION 6. Section 72.083, Government Code, is amended to

1 read as follows:

2 Sec. 72.083. TRIAL COURTS. (a) [~~The office shall report~~
3 ~~the aggregate clearance rate of cases for the district courts.~~] In
4 this section, "clearance rate" means the number of cases disposed
5 of by the applicable court [~~district courts~~] divided by the number
6 of cases added to the dockets of each district court, statutory
7 county court, and county court [~~the district courts~~].

8 (b) The office shall report the annual clearance rate of
9 cases for each court in Subsection (a).

10 SECTION 7. Section 74.046, Government Code, is amended to
11 read as follows:

12 Sec. 74.046. DUTIES OF PRESIDING JUDGE. (a) A presiding
13 judge shall:

14 (1) ensure the promulgation of regional rules of
15 administration within policies and guidelines set by the supreme
16 court;

17 (2) advise local judges on case flow management and
18 auxiliary court services;

19 (3) recommend to the chief justice of the supreme
20 court any needs for judicial assignments from outside the region;

21 (4) recommend to the supreme court any changes in the
22 organization, jurisdiction, operation, or procedures of the region
23 necessary or desirable for the improvement of the administration of
24 justice;

25 (5) act for a local administrative judge when the
26 local administrative judge does not perform the duties required by
27 Subchapter D;

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

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

5 (8) perform the duties assigned by the chief justice
6 of the supreme court.

7 (b) A presiding judge may appoint a judicial mentor or
8 arrange for additional administrative personnel to be assigned to a
9 court identified by the Office of Court Administration of the Texas
10 Judicial System as needing additional assistance under Section
11 72.024(b-1).

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

14 (f) If the panel of a district grievance committee finds an
15 attorney knowingly made a false declaration on an application for a
16 place on the ballot as a candidate for judicial office under Section
17 141.0311, Election Code, the committee shall impose a public
18 sanction against the respondent attorney.

19 SECTION 9. Chapter 82, Government Code, is amended by
20 adding Subchapter D to read as follows:

21 SUBCHAPTER D. SPECIALTY CERTIFICATIONS FOR ATTORNEYS

22 Sec. 82.101. SPECIALTY CERTIFICATION IN JUDICIAL
23 ADMINISTRATION. (a) The supreme court shall adopt rules
24 establishing a specialty certification for attorneys in the
25 practice area of judicial administration.

26 (b) For purposes of establishing a specialty certification
27 for attorneys in the practice area of judicial administration, the

1 Texas Board of Legal Specialization shall make recommendations to
2 the supreme court for the specialty certification and a proposed
3 examination for obtaining the specialty certification. The
4 examination must test the attorney's knowledge of:

5 (1) the administrative duties of judicial office;

6 (2) substantive, procedural, and evidentiary laws;

7 and

8 (3) any other information the supreme court considers
9 necessary and appropriate to prepare a judge to conduct the
10 business of a court.

11 (c) The Texas Board of Legal Specialization shall make the
12 specialty certification for attorneys in judicial administration
13 available to each judge of an appellate court, district court,
14 statutory county court, or county court performing judicial
15 functions who is a licensed attorney.

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

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

24 SECTION 10. (a) As soon as practicable after the effective
25 date of this Act, the Texas Supreme Court shall adopt the rules
26 necessary to implement the changes in law made by this Act.

27 (b) Section 141.0311, Election Code, as added by this Act,

1 applies only to an application for a place on the ballot filed for
2 an election ordered on or after the effective date of this Act. An
3 application for a place on the ballot filed for an election ordered
4 before the effective date of this Act is covered by the law in
5 effect on the date the application was filed, and the former law is
6 continued in effect for that purpose.

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

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