

BILL ANALYSIS

C.S.H.B. 3384
By: Hartnett
Judicial Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Chapter 54, Subchapter F of the Government Code deals with court masters in Dallas County. Certain powers of these court masters are not clearly defined, nor is there a statutory provision relating to a method of appeal from their decisions. C.S.H.B. 3384 changes the title of these court masters to “associate judge” and amends and clarifies the Government Code provisions relating to their qualifications, appointment, powers and duties, as well as procedures for appeals from their decisions.

RULEMAKING AUTHORITY

It is the committee’s opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3384 amends the Government Code to rename “masters” as “associate judges” and to provide that the judges of certain Dallas County courts may vote to appoint one or more associate judges to hear any civil matters. The bill also amends the qualifications of these associate judges to require that they be a citizen of Texas, be at least 25 years old, and have practiced law in Texas for at least four years preceding the date of appointment. The bill also requires them to maintain a license to practice law in Texas during their term of service.

The bill provides that an associate judge has the same judicial immunity as a district judge. The bill also provides that a judge may refer any civil case or portion of a civil case to an associate judge for resolution, and that a party may not object to the referral of a such a matter to an associate judge. The bill also provides that an associate judge may conduct a trial on the merits on the agreement of all parties and by referral of the referring court, and that a case may be referred to an associate judge by an order of referral in a specific case or by an omnibus order.

The bill provides that unless limited by written order, or by the order of referral, an associate judge has the same authority as the referring judge to perform any act necessary for the proper resolution of the matter referred. The bill also sets forth certain procedures for the record of evidence in hearings conducted by associate judges as well as the imposition of costs for this record.

The bill also sets forth certain procedures for notice of decisions by associate judges and for the appeal of such decisions, and specifies that a matter appealed to the referring court shall be tried de novo and shall be limited to only those matters specified in the appeal, and that except on leave of court, a party may not submit on appeal any additional evidence or pleadings. The bill also sets forth certain provisions regarding temporary restraining orders and temporary injunctions issued by an associate judge. The bill also mandates that associate judges complete certain continuing education requirements.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute corrects certain drafting errors and adds specific provisions regarding the appeal of the issuance of a temporary restraining order or a temporary injunction. The substitute also mandates certain continuing education requirements for associate judges.