

BILL ANALYSIS

C.S.H.B. 3386
By: Hartnett
Judicial Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There are several situations in which a district judge may need to conduct proceedings in a case outside the county in which the case is pending. This most often occurs in either mass-tort cases involving multiple plaintiffs in multiple counties, or in visiting judge situations where the visiting judge hears a case in one county but resides in another. In these latter instances, the parties often consent to hearing by telephone or to allowing the judge to sign required documents in his or her county of residence rather than incur additional travel costs.

The current rules in such situations are unclear. C.S.H.B. 3386 permits the supreme court to adopt rules regarding the conducting of proceedings under Rule 11, Rules of Judicial Administration, by a district court outside the county in which the case is pending.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Supreme Court of Texas in Section 1 (Section 74.024(c), Government Code) of this bill.

ANALYSIS

C.S.H.B. 3386 amends the Government Code to provide that the supreme court may consider the adoption of rules relating to the conducting of proceedings under Rule 11, Rules of Judicial Administration, by a district court outside the county in which a case is pending.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute changes the scope to the conducting of proceedings under Rule 11, Rules of Judicial Administration.