

1-1 By: Hartnett (Senate Sponsor - Shapiro) H.B. No. 3384  
1-2 (In the Senate - Received from the House May 7, 2003;  
1-3 May 9, 2003, read first time and referred to Committee on  
1-4 Jurisprudence; May 24, 2003, reported favorably by the following  
1-5 vote: Yeas 5, Nays 0; May 24, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to associate judges appointed by certain district courts  
1-9 in Dallas County.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. The heading to Subchapter F, Chapter 54,  
1-12 Government Code, is amended to read as follows:

1-13 SUBCHAPTER F. ASSOCIATE JUDGES [MASTERS] IN DALLAS COUNTY

1-14 SECTION 2. Section 54.502, Government Code, is amended to  
1-15 read as follows:

1-16 Sec. 54.502. APPOINTMENT OF ASSOCIATE JUDGES [MASTER]. (a)  
1-17 The judges may by majority vote appoint one or more [a] full-time  
1-18 associate judges [master] for [~~tax suits and~~] any civil [~~other~~]  
1-19 matters.

1-20 (b) Each [~~The~~] appointment is subject to the approval of the  
1-21 commissioners court.

1-22 (c) An associate judge's [~~The master's~~] services may be  
1-23 terminated by a majority vote of the judges.

1-24 SECTION 3. Section 54.503, Government Code, is amended to  
1-25 read as follows:

1-26 Sec. 54.503. QUALIFICATIONS. An associate judge [~~The~~  
1-27 ~~master~~] must:

1-28 (1) be a citizen of this state;

1-29 (2) be at least 25 years of age; and

1-30 (3) have practiced law in this state for at least four  
1-31 years preceding the date of appointment and maintain a license to  
1-32 practice law in this state during the term of appointment [~~who is~~  
1-33 ~~licensed to practice law in this state~~].

1-34 SECTION 4. Section 54.504, Government Code, is amended to  
1-35 read as follows:

1-36 Sec. 54.504. COMPENSATION. An associate judge [~~The master~~]  
1-37 is entitled to the compensation set by the commissioners court. The  
1-38 compensation shall be paid from the general fund of the county.

1-39 SECTION 5. Section 54.505, Government Code, is amended to  
1-40 read as follows:

1-41 Sec. 54.505. JUDICIAL IMMUNITY [FEES]. An associate judge  
1-42 has the same judicial immunity as a district judge. [~~(a) On each~~  
1-43 ~~tax case referred to a master, the judge shall set the master's fee,~~  
1-44 ~~and that fee shall be added as court costs.~~

1-45 [~~(b) On each case referred to a master other than tax cases,~~  
1-46 ~~the master shall recommend the fee to be charged, but the fee is~~  
1-47 ~~subject to the approval of the referring judge.~~]

1-48 SECTION 6. Section 54.506, Government Code, is amended to  
1-49 read as follows:

1-50 Sec. 54.506. MATTERS THAT MAY BE REFERRED; NO RIGHT OF  
1-51 OBJECTION. (a) A judge may refer any civil case or portion of a  
1-52 civil case to an associate judge for resolution.

1-53 (b) A party may not object to the referral of a matter  
1-54 described by Subsection (a) to an associate judge [~~any matter to the~~  
1-55 ~~master for a finding~~].

1-56 SECTION 7. Subchapter F, Chapter 54, Government Code, is  
1-57 amended by adding Section 54.5061 to read as follows:

1-58 Sec. 54.5061. TRIAL ON THE MERITS. An associate judge may  
1-59 conduct a trial on the merits on the agreement of all parties and  
1-60 the consent of the referring court.

1-61 SECTION 8. Section 54.507, Government Code, is amended to  
1-62 read as follows:

1-63 Sec. 54.507. METHODS [ORDER] OF REFERRAL. A case may be  
1-64 referred to an associate judge by an order of referral in a specific

2-1 ~~case or by an omnibus order. [(a) To refer a matter to the master, a~~  
 2-2 ~~judge must issue an order of referral specifying the master's~~  
 2-3 ~~duties.~~

2-4 ~~[(b) The order of referral may:~~

2-5 ~~[(1) limit the powers of the master and direct the~~  
 2-6 ~~master to report only on specific issues, do particular acts, or~~  
 2-7 ~~receive and report on evidence only;~~

2-8 ~~[(2) set the time and place for the hearing;~~

2-9 ~~[(3) prescribe a closing date for the hearing; and~~

2-10 ~~[(4) provide a date for the filing of the master's~~  
 2-11 ~~report.]~~

2-12 SECTION 9. Section 54.508, Government Code, is amended to  
 2-13 read as follows:

2-14 Sec. 54.508. POWERS. Unless limited by published local  
 2-15 rule, by written order, or by order of referral, an associate judge  
 2-16 has the same authority as the referring judge to perform any act  
 2-17 necessary for the proper resolution of the matter referred.

2-18 ~~[Except as limited by an order of referral, the master may:~~

2-19 ~~[(1) conduct hearings;~~

2-20 ~~[(2) hear evidence;~~

2-21 ~~[(3) compel production of relevant evidence,~~  
 2-22 ~~including books, papers, vouchers, documents, and other writings;~~

2-23 ~~[(4) rule on admissibility of evidence;~~

2-24 ~~[(5) issue summons for the appearance of witnesses;~~

2-25 ~~[(6) examine witnesses;~~

2-26 ~~[(7) swear witnesses for hearings;~~

2-27 ~~[(8) regulate proceedings in a hearing; and~~

2-28 ~~[(9) do any act and take any measure necessary and~~  
 2-29 ~~proper for the efficient performance of the duties required by the~~  
 2-30 ~~order of referral.]~~

2-31 SECTION 10. Section 54.509, Government Code, is amended to  
 2-32 read as follows:

2-33 Sec. 54.509. RECORD OF EVIDENCE. (a) A party, the associate  
 2-34 judge, or the referring court may but is not required to provide a  
 2-35 court reporter for a hearing conducted by an associate judge.

2-36 (b) A record of a hearing conducted by an associate judge  
 2-37 may be preserved by a tape recorder provided by the associate judge  
 2-38 or by another method approved by the associate judge or the  
 2-39 referring court.

2-40 (c) An associate judge or the referring court may impose as  
 2-41 costs the expenses incurred in preserving a record. [At the request  
 2-42 of a party, the master shall make a record of the evidence offered  
 2-43 and excluded. The record must be in the same form as a record of  
 2-44 evidence for a trial court.]

2-45 SECTION 11. Section 54.510, Government Code, is amended to  
 2-46 read as follows:

2-47 Sec. 54.510. NOTICE OF DECISION; APPEAL [HEARING]. (a)  
 2-48 After hearing a matter, an associate judge shall notify each  
 2-49 attorney participating in the hearing of the associate judge's  
 2-50 decision. An associate judge's decision has the same force and  
 2-51 effect as an order of the referring court unless a party appeals the  
 2-52 decision as provided by Subsection (b).

2-53 (b) To appeal an associate judge's decision, other than the  
 2-54 issuance of a temporary restraining order or temporary injunction,  
 2-55 a party must file an appeal in the referring court not later than  
 2-56 the third day after the date the party receives notice of the  
 2-57 decision under Subsection (a).

2-58 (c) A temporary restraining order issued by an associate  
 2-59 judge is effective immediately and expires on the 15th day after the  
 2-60 date of issuance unless, after a hearing, the order is modified or  
 2-61 extended by the associate judge or a district judge.

2-62 (d) A temporary injunction issued by an associate judge is  
 2-63 effective immediately and continues during the pendency of a trial  
 2-64 unless, after a hearing, the order is modified by a district judge.

2-65 (e) A matter appealed to the referring court shall be tried  
 2-66 de novo and shall be limited to only those matters specified in the  
 2-67 appeal. Except on leave of court, a party may not submit on appeal  
 2-68 any additional evidence or pleadings. [Before the master holds a  
 2-69 hearing, each party shall be given notice of the time and place of

3-1 ~~the hearing as provided by Rule 21a, Texas Rules of Civil~~  
3-2 ~~Procedure.]~~

3-3 SECTION 12. Section 54.511, Government Code, is amended to  
3-4 read as follows:

3-5 Sec. 54.511. CONTINUING EDUCATION [WITNESS]. (a) An  
3-6 associate judge is subject to the same continuing judicial  
3-7 education requirements as a district judge.

3-8 (b) Continuing judicial education credit earned by an  
3-9 associate judge during a fiscal year that exceeds the minimum  
3-10 number of credit hours required for that year may be carried forward  
3-11 and applied to the following fiscal year.

3-12 (c) An associate judge may be reimbursed for expenses  
3-13 incurred in complying with the requirements of this section if  
3-14 sufficient funds are available in the budget for continuing  
3-15 judicial education. [A witness who appears before the master and is  
3-16 sworn is subject to the penalties for perjury provided by law.

3-17 ~~[(b) A referring court may issue attachment against and may~~  
3-18 ~~fine or imprison a witness whose failure to appear after being~~  
3-19 ~~summoned or whose refusal to answer questions has been certified to~~  
3-20 ~~the court.]~~

3-21 SECTION 13. Sections 54.512-54.516, Government Code, are  
3-22 repealed.

3-23 SECTION 14. The change in law made by this Act applies only  
3-24 to a matter referred to an associate judge on or after the effective  
3-25 date of this Act.

3-26 SECTION 15. This Act takes effect September 1, 2003.

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