

BILL ANALYSIS

H.B. 231
By: Hartnett
Judiciary
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Special judges under Chapter 151, Civil Practice and Remedies Code, are individuals who served as a county judge or district judge for four years and no longer hold public office. They may be practicing law or even sitting as an assigned or visiting judge. The use of special judges is currently limited to civil and family law cases in district court.

To secure a special judge, the parties must file a motion with the judge where the original lawsuit was filed requesting appointment of a special judge. The motion must state the time and place of the trial and the fees to be paid and that they will be shared equally by all parties. If the motion is granted, the matter is stayed in the referring judge's court pending the outcome of the trial by the special judge. At the completion of the proceedings, the special judge's orders and judgment are filed with the referring judge.

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

House Bill 231 amends Chapter 151, Civil Practice and Remedies Code, to expand the use of special judges to statutory probate and statutory county courts and makes other conforming changes.

The Act is prospective.

EFFECTIVE DATE

September 1, 2005