

1-1 By: Crabb (Senate Sponsor - Duncan) H.C.R. No. 88
1-2 (In the Senate - Received from the House April 19, 2005;
1-3 April 21, 2005, read first time and referred to Committee on
1-4 Jurisprudence; May 19, 2005, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; May 19, 2005, sent to printer.)

1-6 HOUSE CONCURRENT RESOLUTION

1-7 WHEREAS, The Supreme Court of Texas has rulemaking authority
1-8 in matters of practice and procedure in civil actions; and

1-9 WHEREAS, The Court of Criminal Appeals of Texas has
1-10 rulemaking authority in matters of post-trial, appellate, and
1-11 review procedure in criminal cases; and

1-12 WHEREAS, Certain counties in this state lie within the
1-13 jurisdiction of more than one court of appeals district and
1-14 appellate proceedings involving cases filed in courts within such
1-15 counties may be filed in or assigned to one of a number of courts of
1-16 appeals; and

1-17 WHEREAS, Cases pending in a court of appeals are on occasion
1-18 transferred to another court of appeals for docket equalization;
1-19 now, therefore, be it

1-20 RESOLVED, That the 79th Legislature of the State of Texas
1-21 hereby urge the Supreme Court of Texas and the Court of Criminal
1-22 Appeals of Texas to adopt rules providing for the random assignment
1-23 of cases pending in or appealed from counties lying within the
1-24 jurisdiction of more than one court of appeals district to a court
1-25 of appeals for appellate proceedings; and, be it further

1-26 RESOLVED, That the 79th Legislature of the State of Texas
1-27 hereby urge the Supreme Court of Texas to adopt rules for
1-28 determining which court of appeals' precedent will be applied in
1-29 cases that are transferred from one court of appeals to another
1-30 court of appeals if there is a conflict between the precedent of the
1-31 two courts of appeals; and, be it further

1-32 RESOLVED, That the secretary of state forward an official
1-33 copy of this resolution to the chief justice of the Supreme Court of
1-34 Texas and to the presiding judge of the Court of Criminal Appeals of
1-35 Texas.

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