

BILL ANALYSIS

Senate Research Center
81R11001 TJS-D

H.B. 2435
By: Phillips (Hinojosa)
Jurisprudence
5/21/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, by agreement of the involved parties, a judge may order the referral of a case in civil or family law matters to a special judge for a non-jury trial. A trial referred to a special judge cannot be held in a public court room and a public employee is prohibited from being involved in the trial during regular working hours. This prohibition causes the parties to hold their trials in any available space. Recently an instance occurred in North Texas in which a judge had to rent out the local Elks Lodge in order to hold a trial. Allowing a trial that has been referred to a special judge to occur in a public courtroom and allowing a public employee to be involved in the trial furthers the administration of justice by reducing a litigant's costs associated with the use of special judges, and by ensuring the security of the case file and those involved in the trial.

H.B. 2435 amends Section 151.010, Civil Practice and Remedies Code, to allow the referring judge to designate a public courtroom as an appropriate venue for a special trial.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 151.010, Civil Practice and Remedies Code, to prohibit a trial under this chapter from being held in a public courtroom, and a public employee from being involved in the trial during regular work hours, unless otherwise ordered by the referring judge. Makes a nonsubstantive change.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.