

BILL ANALYSIS

H.B. 2435
By: Phillips
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

A judge may order the referral of a case in civil or family law matters to a special judge for a non-jury trial by agreement of the parties. Currently, a trial referred to a special judge cannot be held in a public courtroom, and a public employee may not be involved in the trial during regular working hours. The ability to refer a case to a special judge allows for the efficient administration of justice by resolving cases that otherwise would have to wait to be decided by the sitting judge. 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 authorizes a trial by a special judge to be held in a public courtroom and a public employee to be involved in the trial during regular work hours if ordered by the judge who referred the case to the special 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

H.B. 2435 amends the Civil Practice and Remedies Code to authorize a trial by a special judge to be held in a public courtroom and a public employee to be involved in a civil or family law trial during regular work hours if ordered by the judge who referred the case to the special judge.

EFFECTIVE DATE

September 1, 2009.