

## **BILL ANALYSIS**

H.B. 3324  
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Judiciary & Civil Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

In counties that do not have a county court at law, constitutional county court judges who are not attorneys face a major problem conducting jury trials and determining the admissibility of evidence since they have inadequate legal training and experience.

Provisions of the Government Code allow an attorney in good standing to be appointed by the presiding county criminal court at law judge in Harris County to serve as the judge of the court for a fixed period of time. The attorney is not allowed to practice law while serving as a judge and is subject to the Code of Judicial Conduct during that time period.

H.B. 3324 authorizes certain county court judges to appoint a special judge from a list of attorneys approved as qualified by the commissioners court to hear criminal, juvenile, and civil cases.

### **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. 3324 amends the Government Code to authorize a county court judge in a county in which there are no statutory county courts or statutory probate courts, if the county court judge is absent or for any reason unable to preside over the county court, to appoint, by written order of appointment, a special judge to hear criminal, juvenile, and civil cases. The bill requires the order of appointment to state the period of appointment. The bill requires the county judge to appoint the special judge from a list of attorneys approved as qualified by the commissioners court, and establishes that, to be eligible to be selected for the list, a person must be a licensed attorney in Texas who has practiced law for more than five years.

H.B. 3324 requires a person appointed to serve as a special judge to take and sign the oath of office required by the constitution for county judges before performing any duties as a special judge. The bill requires the county clerk to enter a record of the order of appointment and the oath of office into the general minutes of the court. The bill establishes that a special judge has the same authority as a county court judge when presiding over criminal, juvenile, or civil cases, but has no authority to preside over commissioners court meetings or over the general administration of county business that is within the jurisdiction of the commissioners court. The bill requires the county to compensate the special judge at a rate determined by the commissioners court before the special judge is appointed. The bill provides that during the period of appointment the special judge is not authorized to practice law, and is subject to the Code of Judicial Conduct.

### **EFFECTIVE DATE**

September 1, 2009.