

By: Gattis

H.J.R. No. 106

A JOINT RESOLUTION

1 proposing a constitutional amendment on the qualifications for  
2 district judges.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 7, Article V, Texas Constitution, is  
5 amended to read as follows:

6 Sec. 7. (a) The State shall be divided into judicial  
7 districts, with each district having one or more Judges as may be  
8 provided by law or by this Constitution.

9 (b) Each district judge shall be elected by the qualified  
10 voters at a General Election. A person is not eligible to serve in  
11 the office of district judge unless the person:

12 (1) is [~~and shall be~~] a citizen of the United States  
13 and of this State;

14 (2) has attained the age of 35 years;

15 (3) [~~who~~] is licensed to practice law in this State  
16 and has been a practicing lawyer or a Judge of a Court in this State,  
17 or both combined, for at least 10 [~~four (4)~~] years;

18 (4) [~~next preceding his election, who~~] has resided in  
19 the district in which the person [~~he~~] was elected for two [~~(2)~~]  
20 years next preceding the person's [~~his~~] election;

21 (5) has been a practicing attorney in this State for at  
22 least the immediately preceding three years;

23 (6) has completed at least 60 hours of continuing  
24 legal education in the immediately preceding three years;

1           (7) has at least five persons willing to attest to the  
2 person's competence in the practice of trial law; and

3           (8) has either:

4                 (A) devoted at least 35 percent of the person's  
5 practice to civil trial work and has:

6                         (i) tried a minimum of 20 contested civil  
7 cases in courts in this State involving a sum of actual damages in  
8 controversy that exceeds \$25,000, including seven jury cases; or

9                         (ii) devoted a minimum of 100 separate days  
10 to the trial of contested civil cases in this State involving a sum  
11 of actual damages in controversy that exceeds \$25,000, including at  
12 least 50 days devoted to the trial of jury cases; or

13                 (B) devoted at least 25 percent of the person's  
14 practice to criminal trial work and has tried a minimum of 15  
15 criminal cases in courts in this State, including five jury cases.

16           (b-1) Notwithstanding Subsection (b) of this section, a  
17 person serving as a district judge on January 1, 2011, is not  
18 required to comply with Subsection (b)(5), (6), (7), or (8) to  
19 continue to serve as district judge in the office to which the  
20 person was appointed or elected before that date.

21           (c) A district judge shall:

22                 (1) [~~and who shall~~] reside in the [his] district  
23 during the judge's [his] term of office;

24                 (2) [~~and~~] hold [his] office for the period of four  
25 [~~4~~] years; [~~7~~] and

26                 (3) [~~who shall~~] receive for the judge's [his] services  
27 an annual salary to be fixed by the Legislature.

1        (d) The Court shall conduct its proceedings at the county  
2 seat of the county in which the case is pending, except as otherwise  
3 provided by law. The district judge [~~He~~] shall hold the regular  
4 terms of [~~his~~] Court at the County Seat of each County in the [~~his~~]  
5 district in such manner as may be prescribed by law.

6        (e) The Legislature shall have power by General or Special  
7 Laws to make such provisions concerning the terms or sessions of  
8 each Court as it may deem necessary. The Legislature shall also  
9 provide for the holding of District Court when the Judge thereof is  
10 absent, or is from any cause disabled or disqualified from  
11 presiding.

12        SECTION 2. The following temporary provision is added to  
13 the Texas Constitution:

14        TEMPORARY PROVISION. (a) This temporary provision applies  
15 to the constitutional amendment proposed by the 81st Legislature,  
16 Regular Session, 2009, relating to the qualifications for district  
17 judges.

18        (b) The amendment to Section 7, Article V, of this  
19 constitution takes effect January 1, 2011.

20        (c) This temporary provision expires January 1, 2012.

21        SECTION 3. This proposed constitutional amendment shall be  
22 submitted to the voters at an election to be held November 3, 2009.  
23 The ballot shall be printed to provide for voting for or against the  
24 proposition: "The constitutional amendment relating to the  
25 qualifications for district judges."