

By: Lucio

S.B. No. 1369

A BILL TO BE ENTITLED

AN ACT

relating to the appointment of attorneys ad litem.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 74.092, Government Code, is amended to read as follows:

Sec. 74.092. DUTIES OF LOCAL ADMINISTRATIVE JUDGE.

(a) A local administrative judge, for the courts for which the judge serves as local administrative judge, shall:

(1) implement and execute the local rules of administration, including the assignment, docketing, transfer, and hearing of cases;

(2) appoint any special or standing committees necessary or desirable for court management and administration;

(3) promulgate local rules of administration if the other judges do not act by a majority vote;

(4) recommend to the regional presiding judge any needs for assignment from outside the county to dispose of court caseloads;

(5) supervise the expeditious movement of court caseloads, subject to local, regional, and state rules of administration;

(6) provide the supreme court and the office of court administration requested statistical and management information;

(7) set the hours and places for holding court in the

1 county;

2 (8) supervise the employment and performance of
3 nonjudicial personnel;

4 (9) supervise the budget and fiscal matters of the
5 local courts, subject to local rules of administration;

6 (10) coordinate and cooperate with any other local
7 administrative judge in the district in the assignment of cases in
8 the courts' concurrent jurisdiction for the efficient operation of
9 the court system and the effective administration of justice; ~~and~~

10 (11) establish and maintain a list of all attorneys
11 qualified to serve as an attorney ad litem; and

12 (12) perform other duties as may be directed by the
13 chief justice or a regional presiding judge.

14 (b) A list of attorneys ad litem maintained under Subsection
15 (a)(11) must contain the names of all attorneys who:

16 (1) meet any statutory or other requirements to serve
17 as an attorney ad litem; and

18 (2) have registered to serve as attorney ad litem with
19 a court for which the judge maintaining the list serves as local
20 administrative judge.

21 SECTION 2. Subchapter D, Chapter 74, Government Code, is
22 amended by adding Section 74.098 to read as follows:

23 Sec. 74.098. APPOINTMENT OF ATTORNEYS AD LITEM; MAINTENANCE
24 OF LIST. (a) Except as provided by Subsection (b), in each case in
25 which the appointment of an attorney ad litem is necessary, a court
26 shall appoint the attorney whose name appears first on the list of
27 attorneys ad litem maintained by the local administrative judge for

1 that court as required by Section 74.092.

2 (b) The court may appoint an attorney included on the list
3 whose name does not appear first on the list or an attorney not
4 included on the list if the appointment of that attorney as attorney
5 ad litem is:

6 (1) required on a complex matter because the attorney
7 possesses relevant specialized education, training, certification,
8 or skill;

9 (2) made pursuant to the Family Code, Health and
10 Safety Code, Human Resources Code, Texas Trust Code (Subtitle B,
11 Title 9, Property Code), or Texas Probate Code; or

12 (3) agreed on by the parties and approved by the court.

13 (c) After an attorney has been appointed as an attorney ad
14 litem from the list, the local administrative judge shall place
15 that attorney's name at the end of the list.

16 SECTION 3. Not later than December 1, 2009, each local
17 administrative judge shall establish a list of attorneys registered
18 and qualified to serve as attorney ad litem in a court for which the
19 judge serves as local administrative judge as required by Section
20 74.092, Government Code, as amended by this Act.

21 SECTION 4. The change in law made by this Act applies only
22 to the appointment of an attorney ad litem on or after December 1,
23 2009.

24 SECTION 5. This Act takes effect September 1, 2009.