

1-1 By: Lucio S.B. No. 1369  
1-2 (In the Senate - Filed March 4, 2009; March 17, 2009, read  
1-3 first time and referred to Committee on Jurisprudence;  
1-4 March 30, 2009, reported favorably by the following vote: Yeas 6,  
1-5 Nays 0; March 30, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the appointment of attorneys ad litem.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 74.092, Government Code, is amended to  
1-11 read as follows:

1-12 Sec. 74.092. DUTIES OF LOCAL ADMINISTRATIVE JUDGE. (a) A  
1-13 local administrative judge, for the courts for which the judge  
1-14 serves as local administrative judge, shall:

1-15 (1) implement and execute the local rules of  
1-16 administration, including the assignment, docketing, transfer, and  
1-17 hearing of cases;

1-18 (2) appoint any special or standing committees  
1-19 necessary or desirable for court management and administration;

1-20 (3) promulgate local rules of administration if the  
1-21 other judges do not act by a majority vote;

1-22 (4) recommend to the regional presiding judge any  
1-23 needs for assignment from outside the county to dispose of court  
1-24 caseloads;

1-25 (5) supervise the expeditious movement of court  
1-26 caseloads, subject to local, regional, and state rules of  
1-27 administration;

1-28 (6) provide the supreme court and the office of court  
1-29 administration requested statistical and management information;

1-30 (7) set the hours and places for holding court in the  
1-31 county;

1-32 (8) supervise the employment and performance of  
1-33 nonjudicial personnel;

1-34 (9) supervise the budget and fiscal matters of the  
1-35 local courts, subject to local rules of administration;

1-36 (10) coordinate and cooperate with any other local  
1-37 administrative judge in the district in the assignment of cases in  
1-38 the courts' concurrent jurisdiction for the efficient operation of  
1-39 the court system and the effective administration of justice; ~~and~~

1-40 (11) establish and maintain a list of all attorneys  
1-41 qualified to serve as an attorney ad litem; and

1-42 (12) perform other duties as may be directed by the  
1-43 chief justice or a regional presiding judge.

1-44 (b) A list of attorneys ad litem maintained under Subsection  
1-45 (a)(11) must contain the names of all attorneys who:

1-46 (1) meet any statutory or other requirements to serve  
1-47 as an attorney ad litem; and

1-48 (2) have registered to serve as attorney ad litem with  
1-49 a court for which the judge maintaining the list serves as local  
1-50 administrative judge.

1-51 SECTION 2. Subchapter D, Chapter 74, Government Code, is  
1-52 amended by adding Section 74.098 to read as follows:

1-53 Sec. 74.098. APPOINTMENT OF ATTORNEYS AD LITEM; MAINTENANCE  
1-54 OF LIST. (a) Except as provided by Subsection (b), in each case in  
1-55 which the appointment of an attorney ad litem is necessary, a court  
1-56 shall appoint the attorney whose name appears first on the list of  
1-57 attorneys ad litem maintained by the local administrative judge for  
1-58 that court as required by Section 74.092.

1-59 (b) The court may appoint an attorney included on the list  
1-60 whose name does not appear first on the list or an attorney not  
1-61 included on the list if the appointment of that attorney as attorney  
1-62 ad litem is:

1-63 (1) required on a complex matter because the attorney  
1-64 possesses relevant specialized education, training, certification,

2-1 or skill;

2-2 (2) made pursuant to the Family Code, Health and  
2-3 Safety Code, Human Resources Code, Texas Trust Code (Subtitle B,  
2-4 Title 9, Property Code), or Texas Probate Code; or

2-5 (3) agreed on by the parties and approved by the court.

2-6 (c) After an attorney has been appointed as an attorney ad  
2-7 litem from the list, the local administrative judge shall place  
2-8 that attorney's name at the end of the list.

2-9 SECTION 3. Not later than December 1, 2009, each local  
2-10 administrative judge shall establish a list of attorneys registered  
2-11 and qualified to serve as attorney ad litem in a court for which the  
2-12 judge serves as local administrative judge as required by Section  
2-13 74.092, Government Code, as amended by this Act.

2-14 SECTION 4. The change in law made by this Act applies only  
2-15 to the appointment of an attorney ad litem on or after December 1,  
2-16 2009.

2-17 SECTION 5. This Act takes effect September 1, 2009.

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