

BILL ANALYSIS

Senate Research Center
84R6568 CAE-F

H.B. 1923
By: Naishtat (Rodríguez)
State Affairs
5/14/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties point out that civil or family lawsuits that are pending in a district court, statutory probate court, or statutory county court can be referred by the presiding judge to a special judge but note that retired statutory probate court judges were overlooked when the state was considering solutions to overcrowded civil dockets. These parties suggest that authorizing a retired statutory probate court judge to serve as a special judge would help lessen the burden on the dockets. H.B. 1923 seeks to provide for this authorization.

H.B. 1923 amends the Civil Practice and Remedies Code to include a retired or former statutory probate court judge among the judges qualified to serve as a special judge.

H.B. 1923 amends current law relating to qualifications of special judges.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 151.003, Civil Practice and Remedies Code, as follows:

Sec. 151.003. QUALIFICATIONS OF JUDGE. Requires the special judge be a retired or former district court, statutory county court, statutory probate court, or appellate court judge who:

- (1) has served as a judge for at least four years in a district court, statutory county court, statutory probate court, or appellate court;
- (2) has developed substantial experience in the judge's, rather than his, area of specialty;
- (3) has not been removed from office or resigned while under investigation for discipline or removal; and
- (4) annually demonstrates completion in the past calendar year of at least five days of continuing legal education in courses approved by the state bar or the supreme court, rather than annually demonstrates that he has completed in the past calendar year at least five days of continuing legal education in courses approved by the state bar or the supreme court.

SECTION 2. Provides that this Act applies only to a referral of a case to a special judge under Chapter 151, Civil Practice and Remedies Code, made on or after the effective date of this Act. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2015.