By:  Murr H.B. No. 4213

A BILL TO BE ENTITLED

AN ACT

relating to the appeal of a party or attorney representing a party of a sanction issued by a court following a ruling on a motion to recuse.

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

SECTION 1.  Chapter 30 of the Texas Civil Practices and Remedies Code is amended by adding Section 30.165 to read as follows:

Sec. 30.165.  APPEAL FOLLOWING RULING ON A MOTION TO RECUSE FILED BY A PARTY OR ATTORNEY REPRESENTING A PARTY TO A PROCEEDING.

(a)  In a proceeding in which a party or an attorney representing a party files a motion to recuse the court, and following a ruling, is ordered to pay fees or expenses in accordance with the Texas Rules of Civil Procedure, the party or attorney representing a party may file a notice of appeal with the court no later than thirty days following the date of the applicable order. The appealing party or attorney representing a party, as applicable, is entitled to and shall have the sanctions order reviewed de novo by a jury or a judge. Selection of a jury for this section shall occur in accordance with jury selection set forth for a civil jury trial for the respective court of jurisdiction.

(b)  A jury determination made pursuant to this section is subject to appeal to the court of appeals having jurisdiction over the case and shall occur in accordance with rules established for the appeal of a ruling issued by a trial court.

(c)  The Supreme Court of the State of Texas shall promulgate changes to the Texas Rules of Civil Procedure to comply with this section.

SECTION 2.  This Act takes effect September 1, 2021.