By:  Leach, et al. (Senate Sponsor - Hughes) H.B. No. 2384

(In the Senate - Received from the House April 18, 2023; April 19, 2023, read first time and referred to Committee on State Affairs; May 5, 2023, reported favorably by the following vote: Yeas 11, Nays 0; May 5, 2023, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Hughes          X

Paxton          X

Bettencourt     X

Birdwell        X

LaMantia        X

Menéndez        X

Middleton       X

Parker          X

Perry           X

Schwertner      X

Zaffirini       X

A BILL TO BE ENTITLED

AN ACT

relating to court administration, including the knowledge, efficiency, training, and transparency requirements for candidates for or holders of judicial offices.

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

SECTION 1.  Subchapter B, Chapter 141, Election Code, is amended by adding Section 141.0311 to read as follows:

Sec. 141.0311.  ADDITIONAL REQUIREMENTS FOR APPLICATION FOR JUDICIAL OFFICE. (a) This section applies to candidates for the following judicial offices:

(1)  chief justice or justice of the supreme court;

(2)  presiding judge or judge of the court of criminal appeals;

(3)  chief justice or justice of a court of appeals;

(4)  district judge, including a criminal district judge; and

(5)  judge of a statutory county court.

(b)  In addition to other requirements under this code, a candidate's application for a place on the ballot must:

(1)  include the candidate's state bar number for:

(A)  this state; and

(B)  any other state in which the candidate has been licensed to practice law;

(2)  disclose any public:

(A)  sanction or censure, as those terms are defined by Section 33.001, Government Code, the State Commission on Judicial Conduct or a review tribunal has issued against the candidate;

(B)  disciplinary sanction imposed on the candidate by the state bar; and

(C)  disciplinary sanction imposed on the candidate by an entity in another state responsible for attorney discipline in that state;

(3)  include statements describing for the preceding five years:

(A)  the nature of the candidate's legal practice, including any area of legal specialization; and

(B)  the candidate's professional courtroom experience; and

(4)  disclose any final conviction of a Class A or Class B misdemeanor in the 10 years preceding the date the person would assume the judicial office for which the person is filing the application.

(c)  A candidate for a judicial office described by Subdivision (a)(1), (2), or (3) who does not hold or has not previously held a judicial office described by those subdivisions must, in addition to the other requirements of this section and this code, include in the application a description of:

(1)  appellate court briefs the candidate has prepared and filed in the preceding five years; and

(2)  oral arguments the candidate has presented before any appellate court in the preceding five years.

(d)  Each officially prescribed form for an application under this section must include a statement informing candidates that knowingly providing false information on the application, in addition to other penalties prescribed by law, constitutes professional misconduct subject to public sanctions or censure by the State Commission on Judicial Conduct or the state bar, as applicable.

(e)  The secretary of state shall prescribe the form and content of the application materials under this section. The secretary of state may consult with the Office of Court Administration of the Texas Judicial System, the supreme court, and the court of criminal appeals when prescribing the form and content of application materials under this section.

SECTION 2.  Section 33.032, Government Code, is amended by adding Subsection (i) to read as follows:

(i)  Any sanction the commission issues against a judge for knowingly making a false declaration on an application for a place on the ballot as a candidate for a judicial office described by Section 141.0311, Election Code, any withdrawal of such sanction, and all records and proceedings related to the sanction are a matter of public record.

SECTION 3.  Subtitle B, Title 2, Government Code, is amended by adding Chapter 39 to read as follows:

CHAPTER 39. JUDICIAL EDUCATION REQUIREMENTS

Sec. 39.001.  APPLICABILITY. This chapter applies to a person elected to or holding any of the following judicial offices:

(1)  chief justice or justice of the supreme court;

(2)  presiding judge or judge of the court of criminal appeals;

(3)  chief justice or justice of a court of appeals;

(4)  district judge, including a criminal district judge; and

(5)  judge of a statutory county court.

Sec. 39.002.  JUDICIAL INSTRUCTION REQUIREMENTS. (a) The supreme court, in consultation with the court of criminal appeals, shall adopt rules on the judicial training a person must complete not later than the first anniversary of the date the person assumes a judicial office, subject to Subsection (b). The rules must require the person to complete at least 30 hours of instruction.

(b)  Subsection (a) does not apply to a person who has been absent from judicial office for less than one year before assuming a judicial office and who has previously completed the requirements of Subsection (a).

(c)  A judge must annually complete at least 16 hours of instruction described by Subsection (a) after the first year of the judge's term.

(d)  The rules adopted under this section may provide for a deferral or exemption for a person who is unable to timely complete the training or instruction due to a medical or physical disability.

(e)  This section does not affect any funds appropriated to or grants administered by the court of criminal appeals under Chapter 56.

Sec. 39.003.  SUSPENSION. The State Commission on Judicial Conduct shall issue an order suspending any judge who fails to meet the education requirements under Section 39.002 until the judge demonstrates compliance with the requirements.

Sec. 39.004.  REMOVAL FROM OFFICE. (a) For purposes of Section 1-a, Article V, Texas Constitution, a judge who is noncompliant with the education requirements under Section 39.002 for more than one year has engaged in wilful or persistent conduct that is clearly inconsistent with the proper performance of a judge's duties sufficient to subject the judge to removal from office.

(b)  The attorney general shall file a petition under Section 66.002, Civil Practice and Remedies Code, against a judge who is subject to removal as provided by Subsection (a) if presented with evidence by the State Commission on Judicial Conduct establishing probable grounds that the judge engaged in conduct described by Subsection (a).

SECTION 4.  Section 72.024, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1)  The director shall develop standards for identifying courts that need additional assistance to promote the efficient administration of justice.

SECTION 5.  Section 72.082, Government Code, is amended to read as follows:

Sec. 72.082.  PERFORMANCE REPORT. The office shall annually collect and publish a performance report of information regarding the efficiency of the courts of this state. The report must include disaggregated performance measures for each appellate court, district court, statutory county court, statutory probate court, and county court.

SECTION 6.  Section 72.083, Government Code, is amended to read as follows:

Sec. 72.083.  TRIAL COURTS. (a) [~~The office shall report the aggregate clearance rate of cases for the district courts.~~] In this section, "clearance rate" means the number of cases disposed of by a court [~~the district courts~~] divided by the number of cases added to the docket [~~dockets~~] of the court [~~district courts~~].

(b)  The office shall annually report the following performance measures for each district court, statutory county court, statutory probate court, and county court:

(1)  the court's clearance rate;

(2)  the average time a case is before the court from filing to disposition; and

(3)  the age of the court's active pending caseload.

SECTION 7.  Section 74.046, Government Code, is amended to read as follows:

Sec. 74.046.  DUTIES OF PRESIDING JUDGE. (a) A presiding judge shall:

(1)  ensure the promulgation of regional rules of administration within policies and guidelines set by the supreme court;

(2)  advise local judges on case flow management and auxiliary court services;

(3)  recommend to the chief justice of the supreme court any needs for judicial assignments from outside the region;

(4)  recommend to the supreme court any changes in the organization, jurisdiction, operation, or procedures of the region necessary or desirable for the improvement of the administration of justice;

(5)  act for a local administrative judge when the local administrative judge does not perform the duties required by Subchapter D;

(6)  implement and execute any rules adopted by the supreme court under this chapter;

(7)  provide the supreme court or the office of court administration statistical information requested; and

(8)  perform the duties assigned by the chief justice of the supreme court.

(b)  A presiding judge may appoint a judicial mentor or arrange for additional administrative personnel to be assigned to a court identified by the Office of Court Administration of the Texas Judicial System as needing additional assistance under Section 72.024(b-1).

SECTION 8.  Section 81.075, Government Code, is amended by adding Subsection (f) to read as follows:

(f)  If the panel of a district grievance committee finds an attorney knowingly made a false declaration on an application for a place on the ballot as a candidate for judicial office under Section 141.0311, Election Code, the committee shall impose a public sanction against the respondent attorney.

SECTION 9.  Chapter 82, Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. SPECIALTY CERTIFICATIONS FOR ATTORNEYS

Sec. 82.101.  SPECIALTY CERTIFICATION IN JUDICIAL ADMINISTRATION. (a) The supreme court shall adopt rules establishing a specialty certification for attorneys in the practice area of judicial administration.

(b)  For purposes of establishing a specialty certification for attorneys in the practice area of judicial administration, the Texas Board of Legal Specialization shall make recommendations to the supreme court for the specialty certification and a proposed examination for obtaining the specialty certification.

(c)  The Texas Board of Legal Specialization shall make the specialty certification for attorneys in judicial administration available to each judge of an appellate court, district court, statutory county court, statutory probate court, or county court performing judicial functions who is a licensed attorney and who meets the eligibility requirements established by the board.

(d)  The supreme court by rule shall require an attorney who holds a specialty certification in judicial administration to annually complete 21 hours of continuing legal education to maintain the certification.

(e)  A justice or judge who holds a specialty certification in judicial administration or another specialty certification may be entitled to additional compensation if the legislature makes a specific appropriation for that purpose.

SECTION 10.  (a) As soon as practicable after the effective date of this Act, the Texas Supreme Court shall adopt the rules necessary to implement Chapter 39, Government Code, as added by this Act, and Subchapter D, Chapter 82, Government Code, as added by this Act.

(b)  As soon as practicable after the effective date of this act, the Texas Judicial Council shall adopt the rules necessary for the Office of Court Administration of the Texas Judicial System to collect the information required under Sections 72.082 and 72.083, Government Code, as amended by this Act.

(c)  Section 141.0311, Election Code, as added by this Act, applies only to an application for a place on the ballot filed for an election ordered on or after the effective date of this Act. An application for a place on the ballot filed for an election ordered before the effective date of this Act is covered by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

(d)  The changes in law made by Chapter 39, Government Code, as added by this Act, apply to all judges elected, appointed, or holding office on or after the effective date of this Act.

SECTION 11.  This Act takes effect September 1, 2023.

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