

1-1 By: Leach, et al. (Senate Sponsor - Hughes) H.B. No. 2384
 1-2 (In the Senate - Received from the House April 18, 2023;
 1-3 April 19, 2023, read first time and referred to Committee on State
 1-4 Affairs; May 5, 2023, reported favorably by the following vote:
 1-5 Yeas 11, Nays 0; May 5, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to court administration, including the knowledge,
 1-22 efficiency, training, and transparency requirements for candidates
 1-23 for or holders of judicial offices.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Subchapter B, Chapter 141, Election Code, is
 1-26 amended by adding Section 141.0311 to read as follows:

1-27 Sec. 141.0311. ADDITIONAL REQUIREMENTS FOR APPLICATION FOR
 1-28 JUDICIAL OFFICE. (a) This section applies to candidates for the
 1-29 following judicial offices:

1-30 (1) chief justice or justice of the supreme court;

1-31 (2) presiding judge or judge of the court of criminal
 1-32 appeals;

1-33 (3) chief justice or justice of a court of appeals;

1-34 (4) district judge, including a criminal district
 1-35 judge; and

1-36 (5) judge of a statutory county court.

1-37 (b) In addition to other requirements under this code, a
 1-38 candidate's application for a place on the ballot must:

1-39 (1) include the candidate's state bar number for:

1-40 (A) this state; and

1-41 (B) any other state in which the candidate has
 1-42 been licensed to practice law;

1-43 (2) disclose any public:

1-44 (A) sanction or censure, as those terms are
 1-45 defined by Section 33.001, Government Code, the State Commission on
 1-46 Judicial Conduct or a review tribunal has issued against the
 1-47 candidate;

1-48 (B) disciplinary sanction imposed on the
 1-49 candidate by the state bar; and

1-50 (C) disciplinary sanction imposed on the
 1-51 candidate by an entity in another state responsible for attorney
 1-52 discipline in that state;

1-53 (3) include statements describing for the preceding
 1-54 five years:

1-55 (A) the nature of the candidate's legal practice,
 1-56 including any area of legal specialization; and

1-57 (B) the candidate's professional courtroom
 1-58 experience; and

1-59 (4) disclose any final conviction of a Class A or Class
 1-60 B misdemeanor in the 10 years preceding the date the person would
 1-61 assume the judicial office for which the person is filing the

2-1 application.

2-2 (c) A candidate for a judicial office described by
 2-3 Subdivision (a)(1), (2), or (3) who does not hold or has not
 2-4 previously held a judicial office described by those subdivisions
 2-5 must, in addition to the other requirements of this section and this
 2-6 code, include in the application a description of:

2-7 (1) appellate court briefs the candidate has prepared
 2-8 and filed in the preceding five years; and

2-9 (2) oral arguments the candidate has presented before
 2-10 any appellate court in the preceding five years.

2-11 (d) Each officially prescribed form for an application
 2-12 under this section must include a statement informing candidates
 2-13 that knowingly providing false information on the application, in
 2-14 addition to other penalties prescribed by law, constitutes
 2-15 professional misconduct subject to public sanctions or censure by
 2-16 the State Commission on Judicial Conduct or the state bar, as
 2-17 applicable.

2-18 (e) The secretary of state shall prescribe the form and
 2-19 content of the application materials under this section. The
 2-20 secretary of state may consult with the Office of Court
 2-21 Administration of the Texas Judicial System, the supreme court, and
 2-22 the court of criminal appeals when prescribing the form and content
 2-23 of application materials under this section.

2-24 SECTION 2. Section 33.032, Government Code, is amended by
 2-25 adding Subsection (i) to read as follows:

2-26 (i) Any sanction the commission issues against a judge for
 2-27 knowingly making a false declaration on an application for a place
 2-28 on the ballot as a candidate for a judicial office described by
 2-29 Section 141.0311, Election Code, any withdrawal of such sanction,
 2-30 and all records and proceedings related to the sanction are a matter
 2-31 of public record.

2-32 SECTION 3. Subtitle B, Title 2, Government Code, is amended
 2-33 by adding Chapter 39 to read as follows:

2-34 CHAPTER 39. JUDICIAL EDUCATION REQUIREMENTS

2-35 Sec. 39.001. APPLICABILITY. This chapter applies to a
 2-36 person elected to or holding any of the following judicial offices:

2-37 (1) chief justice or justice of the supreme court;

2-38 (2) presiding judge or judge of the court of criminal
 2-39 appeals;

2-40 (3) chief justice or justice of a court of appeals;

2-41 (4) district judge, including a criminal district
 2-42 judge; and

2-43 (5) judge of a statutory county court.

2-44 Sec. 39.002. JUDICIAL INSTRUCTION REQUIREMENTS. (a) The
 2-45 supreme court, in consultation with the court of criminal appeals,
 2-46 shall adopt rules on the judicial training a person must complete
 2-47 not later than the first anniversary of the date the person assumes
 2-48 a judicial office, subject to Subsection (b). The rules must
 2-49 require the person to complete at least 30 hours of instruction.

2-50 (b) Subsection (a) does not apply to a person who has been
 2-51 absent from judicial office for less than one year before assuming a
 2-52 judicial office and who has previously completed the requirements
 2-53 of Subsection (a).

2-54 (c) A judge must annually complete at least 16 hours of
 2-55 instruction described by Subsection (a) after the first year of the
 2-56 judge's term.

2-57 (d) The rules adopted under this section may provide for a
 2-58 deferral or exemption for a person who is unable to timely complete
 2-59 the training or instruction due to a medical or physical
 2-60 disability.

2-61 (e) This section does not affect any funds appropriated to
 2-62 or grants administered by the court of criminal appeals under
 2-63 Chapter 56.

2-64 Sec. 39.003. SUSPENSION. The State Commission on Judicial
 2-65 Conduct shall issue an order suspending any judge who fails to meet
 2-66 the education requirements under Section 39.002 until the judge
 2-67 demonstrates compliance with the requirements.

2-68 Sec. 39.004. REMOVAL FROM OFFICE. (a) For purposes of
 2-69 Section 1-a, Article V, Texas Constitution, a judge who is

3-1 noncompliant with the education requirements under Section 39.002
 3-2 for more than one year has engaged in wilful or persistent conduct
 3-3 that is clearly inconsistent with the proper performance of a
 3-4 judge's duties sufficient to subject the judge to removal from
 3-5 office.

3-6 (b) The attorney general shall file a petition under Section
 3-7 66.002, Civil Practice and Remedies Code, against a judge who is
 3-8 subject to removal as provided by Subsection (a) if presented with
 3-9 evidence by the State Commission on Judicial Conduct establishing
 3-10 probable grounds that the judge engaged in conduct described by
 3-11 Subsection (a).

3-12 SECTION 4. Section 72.024, Government Code, is amended by
 3-13 adding Subsection (b-1) to read as follows:

3-14 (b-1) The director shall develop standards for identifying
 3-15 courts that need additional assistance to promote the efficient
 3-16 administration of justice.

3-17 SECTION 5. Section 72.082, Government Code, is amended to
 3-18 read as follows:

3-19 Sec. 72.082. PERFORMANCE REPORT. The office shall annually
 3-20 collect and publish a performance report of information regarding
 3-21 the efficiency of the courts of this state. The report must include
 3-22 disaggregated performance measures for each appellate court,
 3-23 district court, statutory county court, statutory probate court,
 3-24 and county court.

3-25 SECTION 6. Section 72.083, Government Code, is amended to
 3-26 read as follows:

3-27 Sec. 72.083. TRIAL COURTS. (a) ~~[The office shall report~~
 3-28 ~~the aggregate clearance rate of cases for the district courts.]~~ In
 3-29 this section, "clearance rate" means the number of cases disposed
 3-30 of by a court ~~[the district courts]~~ divided by the number of cases
 3-31 added to the docket ~~[dockets]~~ of the court ~~[district courts]~~.

3-32 (b) The office shall annually report the following
 3-33 performance measures for each district court, statutory county
 3-34 court, statutory probate court, and county court:

- 3-35 (1) the court's clearance rate;
- 3-36 (2) the average time a case is before the court from
 3-37 filing to disposition; and
- 3-38 (3) the age of the court's active pending caseload.

3-39 SECTION 7. Section 74.046, Government Code, is amended to
 3-40 read as follows:

3-41 Sec. 74.046. DUTIES OF PRESIDING JUDGE. (a) A presiding
 3-42 judge shall:

- 3-43 (1) ensure the promulgation of regional rules of
 3-44 administration within policies and guidelines set by the supreme
 3-45 court;
- 3-46 (2) advise local judges on case flow management and
 3-47 auxiliary court services;
- 3-48 (3) recommend to the chief justice of the supreme
 3-49 court any needs for judicial assignments from outside the region;
- 3-50 (4) recommend to the supreme court any changes in the
 3-51 organization, jurisdiction, operation, or procedures of the region
 3-52 necessary or desirable for the improvement of the administration of
 3-53 justice;
- 3-54 (5) act for a local administrative judge when the
 3-55 local administrative judge does not perform the duties required by
 3-56 Subchapter D;
- 3-57 (6) implement and execute any rules adopted by the
 3-58 supreme court under this chapter;
- 3-59 (7) provide the supreme court or the office of court
 3-60 administration statistical information requested; and
- 3-61 (8) perform the duties assigned by the chief justice
 3-62 of the supreme court.

3-63 (b) A presiding judge may appoint a judicial mentor or
 3-64 arrange for additional administrative personnel to be assigned to a
 3-65 court identified by the Office of Court Administration of the Texas
 3-66 Judicial System as needing additional assistance under Section
 3-67 72.024(b-1).

3-68 SECTION 8. Section 81.075, Government Code, is amended by
 3-69 adding Subsection (f) to read as follows:

4-1 (f) If the panel of a district grievance committee finds an
4-2 attorney knowingly made a false declaration on an application for a
4-3 place on the ballot as a candidate for judicial office under Section
4-4 141.0311, Election Code, the committee shall impose a public
4-5 sanction against the respondent attorney.

4-6 SECTION 9. Chapter 82, Government Code, is amended by
4-7 adding Subchapter D to read as follows:

4-8 SUBCHAPTER D. SPECIALTY CERTIFICATIONS FOR ATTORNEYS

4-9 Sec. 82.101. SPECIALTY CERTIFICATION IN JUDICIAL
4-10 ADMINISTRATION. (a) The supreme court shall adopt rules
4-11 establishing a specialty certification for attorneys in the
4-12 practice area of judicial administration.

4-13 (b) For purposes of establishing a specialty certification
4-14 for attorneys in the practice area of judicial administration, the
4-15 Texas Board of Legal Specialization shall make recommendations to
4-16 the supreme court for the specialty certification and a proposed
4-17 examination for obtaining the specialty certification.

4-18 (c) The Texas Board of Legal Specialization shall make the
4-19 specialty certification for attorneys in judicial administration
4-20 available to each judge of an appellate court, district court,
4-21 statutory county court, statutory probate court, or county court
4-22 performing judicial functions who is a licensed attorney and who
4-23 meets the eligibility requirements established by the board.

4-24 (d) The supreme court by rule shall require an attorney who
4-25 holds a specialty certification in judicial administration to
4-26 annually complete 21 hours of continuing legal education to
4-27 maintain the certification.

4-28 (e) A justice or judge who holds a specialty certification
4-29 in judicial administration or another specialty certification may
4-30 be entitled to additional compensation if the legislature makes a
4-31 specific appropriation for that purpose.

4-32 SECTION 10. (a) As soon as practicable after the effective
4-33 date of this Act, the Texas Supreme Court shall adopt the rules
4-34 necessary to implement Chapter 39, Government Code, as added by
4-35 this Act, and Subchapter D, Chapter 82, Government Code, as added by
4-36 this Act.

4-37 (b) As soon as practicable after the effective date of this
4-38 act, the Texas Judicial Council shall adopt the rules necessary for
4-39 the Office of Court Administration of the Texas Judicial System to
4-40 collect the information required under Sections 72.082 and 72.083,
4-41 Government Code, as amended by this Act.

4-42 (c) Section 141.0311, Election Code, as added by this Act,
4-43 applies only to an application for a place on the ballot filed for
4-44 an election ordered on or after the effective date of this Act. An
4-45 application for a place on the ballot filed for an election ordered
4-46 before the effective date of this Act is covered by the law in
4-47 effect on the date the application was filed, and the former law is
4-48 continued in effect for that purpose.

4-49 (d) The changes in law made by Chapter 39, Government Code,
4-50 as added by this Act, apply to all judges elected, appointed, or
4-51 holding office on or after the effective date of this Act.

4-52 SECTION 11. This Act takes effect September 1, 2023.

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