

A BILL TO BE ENTITLED

AN ACT

relating to resources and authority for court administration.

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

ARTICLE 1. COURT ADMINISTRATION

SECTION 1. Section 74.050, Government Code, is amended to read as follows:

Sec. 74.050. SUPPORT STAFF [~~ADMINISTRATIVE ASSISTANT~~].

(a) The presiding judge may employ, directly or through a contract with another governmental entity, a full-time or part-time administrative assistant, and up to three staff attorneys on behalf of the Committee on Court Resources.

(b) An administrative assistant and staff attorney must have the qualifications established by rule of the supreme court.

(c) An administrative assistant shall aid the presiding judge in carrying out the judge's duties under this chapter. The administrative assistant shall:

(1) perform the duties that are required by the presiding judge and by the rules of administration;

(2) conduct correspondence for the presiding judge;

(3) under the direction of the presiding judge, make an annual report of the activities of the administrative region and special reports as provided by the rules of administration to the supreme court, which shall be made in the manner directed by the supreme court; and

1 (4) attend to other matters that are prescribed by the council of
2 judges.

3 (d) An administrative assistant, with the approval of the presiding judge,
4 may purchase the necessary office equipment, stamps, stationery, and supplies and
5 employ additional personnel as authorized by the presiding judge.

6 (e) An administrative assistant or staff attorney is entitled to receive the
7 compensation from the state provided by the General Appropriations Act, from
8 county funds, or from any public or private grant.

9 (f) A staff attorney may provide assistance to a district judge for a
10 specific case at the direction of the Judicial Committee on Additional Resources.

11 **SECTION 1.02. Amend § 74.093, Government Code, to read as follows:**

12 Sec. 74.093. RULES OF ADMINISTRATION

13 (a) The district and statutory county court judges in each county shall, by
14 majority vote, adopt local rules of administration.

15 (b) The rules must provide for:

16 (1) assignment, docketing, transfer, and hearing of all cases, subject
17 to jurisdictional limitations of the district courts and statutory county courts;

18 (2) designation of court divisions or branches responsible for certain

1 matters;

2 (3) holding court at least once a week in the county unless in the
3 opinion of the local administrative judge sessions at other intervals will result in
4 more efficient court administration;

5 (4) fair and equitable division of caseloads; and

6 (5) plans for judicial vacation, sick leave, attendance at educational
7 programs, and similar matters.

8 (c) The rules may provide for:

9 (1) the selection and authority of one or more administrative judges
10 ~~[a presiding judge]~~ of the divisions or branches of the courts under (b)(2);

11 (2) assigning courts ~~[giving preference]~~ to a specified class of cases,
12 such as civil, criminal, juvenile, child protection, ~~[or]~~ family law or other
13 cases requiring special judicial attention;

14 (3) other strategies for managing cases that require special judicial
15 attention;

16 (4) a coordinated response for the transaction of essential judicial
17 functions in the event of a disaster; and

18 (5) [(2)] any other matter necessary to carry out this chapter or to

1 improve the administration and management of the court system and its auxiliary
2 services.

3 (d) Rules relating to the transfer of cases or proceedings shall not allow the
4 transfer of cases from one court to another unless the cases are within the
5 jurisdiction of the court to which it is transferred. When a case is transferred
6 from one court to another as provided under this section, all processes, writs,
7 bonds, recognizances, or other obligations issued from the transferring court are
8 returnable to the court to which the case is transferred as if originally issued by
9 that court.

10 ARTICLE 2. ADDITIONAL RESOURCES FOR CERTAIN LITIGATION

11 SECTION 2.01 Chapter 74, Government Code, is amended by adding
12 Subchapter I to read as follows:

13 SUBCHAPTER I. ADDITIONAL RESOURCES FOR CERTAIN CIVIL CASES

14 Sec. 74.181. APPLICABILITY OF SUBCHAPTER. (a) Except as provided by
15 Subsection (b), this subchapter applies only to a civil case pending in a trial court in
16 this state.

17 (b) This subchapter does not apply to:

18 (1) a case in which judicial review is sought under Subchapter G,

1 Chapter 2001; or

2 (2) a case that has been transferred by the judicial panel on
3 multidistrict litigation to a district court for consolidated or coordinated pretrial
4 proceedings under Subchapter H.

5 Sec. 74.182. RULES TO GUIDE DETERMINATION OF WHETHER CASE
6 REQUIRES ADDITIONAL RESOURCES. (a) The supreme court shall adopt rules
7 under which courts, presiding judges of the administrative judicial regions, and the
8 judicial committee for additional resources may determine whether a case requires
9 additional resources to ensure efficient judicial management of the case.

10 (b) In developing the rules, the supreme court shall include considerations
11 regarding whether a case involves or is likely to involve:

12 (1) a large number of parties who are separately represented by
13 counsel;

14 (2) coordination with related actions pending in one or more courts in
15 other counties of this state or in one or more United States district courts;

16 (3) numerous pretrial motions that present difficult or novel legal
17 issues that will be time-consuming to resolve;

18 (4) a large number of witnesses or substantial documentary evidence;

1 (5) substantial postjudgment supervision;

2 (6) a trial that will last more than four weeks; and

3 (7) a substantial additional burden on the trial court's docket and the
4 resources available to the trial court to hear the case.

5 Sec. 74.183. JUDICIAL DETERMINATION. (a) On the motion of a party
6 in a case, or on the court's own motion, the judge of the court in which the case is
7 pending shall review the case and determine whether, under rules adopted by the
8 supreme court under Section 74.182, the case will require additional resources to
9 ensure efficient judicial management. The judge is not required to conduct an
10 evidentiary hearing for purposes of making the determination but may, in the
11 judge's discretion, direct the attorneys for the parties to the case and the parties
12 to appear before the judge for a conference to provide information to assist the
13 judge in making the determination.

14 (b) On determining that a case will require additional resources as provided
15 by Subsection (a), the judge shall:

16 (1) refer the case to the presiding judge of the administrative
17 judicial region in which the court is located; and

18 (2) request any specific additional resources that are needed,

1 including the assignment of a judge under this chapter.

2 (c) If the presiding judge of the administrative judicial region agrees that,
3 in accordance with the rules adopted by the supreme court under Section 74.182,
4 the case will require additional resources to ensure efficient judicial management,
5 the presiding judge shall submit a request for specific additional resources to the
6 judicial committee for additional resources.

7 Sec. 74.184. JUDICIAL COMMITTEE FOR ADDITIONAL
8 RESOURCES. (a) The judicial committee for additional resources is composed of:

9 (1) the chief justice of the supreme court; and

10 (2) the nine presiding judges of the administrative judicial
11 regions.

12 (b) (b) The chief justice of the supreme court serves as presiding officer.

13 The Office of Court Administration shall provide staff support to the committee.

14 (c) On receipt of a request for additional resources from a presiding judge
15 of an administrative judicial region under Section 74.183, the committee shall
16 determine whether the case that is the subject of the request requires additional
17 resources in accordance with the rules adopted under Section 74.182. If the
18 committee determines that the case does require additional resources, the

1 committee shall make the requested resources available to the extent funds are
2 available for those resources under the General Appropriations Act and to the
3 extent the committee determines the requested resources are appropriate to the
4 circumstances of the case.

5 (d) Subject to Subsections (c) and (g), additional resources the committee
6 may make available under this section include:

7 (1) the assignment of an active or retired judge under this chapter,
8 subject to the consent of the judge of the court in which the case for which the
9 resources are provided is pending;

10 (2) additional legal, administrative, or clerical personnel;

11 (3) computer hardware or software, including specially designed
12 courtroom presentation hardware or software to facilitate presentation of the
13 evidence to the trier of fact;

14 (4) specialized continuing legal education;

15 (5) a special master;

16 (6) special accommodations or furnishings for the parties;

17 (7) other items determined necessary to try the case; and

18 (8) any other resources the committee considers appropriate.

1 (e) A judge who is assigned under this chapter as provided by Subsection

2 (d)(1):

3 (1) may only be appointed to hear the case designated as needing
4 additional resources; and

5 (2) may not preside over the regular docket of the court in which
6 that case is pending.

7 (f) Notwithstanding any provision of Subchapter C, a justice or judge to
8 whom Section 74.053(d) applies may not be assigned under Subsection (d).

9 (g) The judicial committee for additional resources may not provide
10 additional resources under this subchapter in excess of the amount appropriated
11 for this purpose.

12 Sec. 74.185. COST OF ADDITIONAL RESOURCES. The cost of additional
13 resources provided for a case under this subchapter shall be paid by the state and
14 may not be taxed against any party in the case for which the resources are
15 provided or against the county in which the case is pending.

16 Sec. 74.186. NO STAY OR CONTINUANCE PENDING DETERMINATION.
17 The filing of a motion under Section 74.183 in a case is not grounds for a stay or
18 continuance of the proceedings in the case in the court in which the case is pending

1 during the period the motion or request is being considered by:

2 (1) the judge of that court;

3 (2) the presiding judge of the administrative judicial region; or

4 (3) the judicial committee for additional resources.

5 Sec. 74.187. APPELLATE REVIEW. A determination made by a trial court
6 judge, the presiding judge of an administrative judicial region, or the judicial
7 committee for additional resources under this subchapter is not appealable or
8 subject to review by mandamus.

9 SECTION 2.02. The changes in law made by this article apply to cases
10 pending on or after January 1, 2010.

11 ARTICLE 3. GRANT PROGRAM FOR COURT SYSTEM ENHANCEMENTS

12 SECTION 3.01. Subchapter D, Chapter 71, Government Code, is amended by
13 adding Sections 71.064 - 71.066 to read as follows:

14 Sec. 71.064. GRANTS FOR COURT SYSTEM ENHANCEMENTS. (a) The
15 Office of Court Administration shall develop and administer, except as provided by
16 Subsection (c), a program to provide grants from available funds to counties for
17 initiatives that will enhance their court systems.

18 (b) To be eligible for a grant under this section, a county must:

1 (1) use the grant money to implement initiatives that will enhance the
2 county's court system;

3 (2) match the amount of the grant with an equal amount of local
4 money; and

5 (3) apply for the grant in accordance with procedures developed by
6 the Office of Court Administration and comply with any other requirements of the
7 office.

8 (c) The judicial committee for additional resources shall determine whether
9 to award a grant to a county that meets the eligibility requirements prescribed by
10 Subsection (b).

11 (d) If the judicial committee for additional resources awards a grant to a
12 county, the Office of Court Administration shall:

13 (1) direct the comptroller to distribute the grant money to the
14 county; and

15 (2) monitor the county's use of the grant money.

16 Sec. 71.066. GRANTS FOR CHILD PROTECTION. (a) In this section,
17 "commission" means the permanent judicial commission for children, youth and
18 families established by the supreme court, or its successor entity. The commission

1 shall develop and administer a program to provide grants from available funds for
2 initiatives that will improve safety and permanency outcomes, enhance due process,
3 or increase timeliness of resolution in child protection cases.

4 (b) To be eligible for a grant under this section, a prospective recipient
5 must:

6 (1) use the grant money to improve safety or permanency outcomes,
7 enhance due process, or increase timeliness of resolution in child protection cases;
8 and

9 (2) apply for the grant in accordance with procedures developed by
10 the permanent judicial commission on children, youth and families, and comply with
11 any other requirements of the supreme court.

12 (c) If the commission awards a grant to, the court shall:

13 (1) direct the comptroller to distribute the grant money; and

14 (2) monitor the use of the grant money.

15 SECTION 4.01. Except as otherwise provided by this Act, this Act takes
16 effect September 1, 2009.