

## CHAPTER 732

## H.B. No. 1658

An Act relating to the creation and reapportionment of supreme judicial districts, the administration and management of certain courts, the assignment of justices and judges to certain courts and administrative judicial regions, and to the operation, administration, and management of the Office of Court Administration and administrative judicial regions.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1. DECLARATION OF POLICY.** It is the policy of this state that the administration of justice shall be prompt and efficient, and that for this purpose, the supreme judicial districts of the state shall be reapportioned as soon as practicable so that the supreme judicial districts shall have judicial burdens that are as nearly equal as possible. It is the intent of the legislature that the Texas Judicial Council and the supreme court, as provided by this Act, present a reapportionment plan of the supreme judicial districts, which shall be composed of one or more whole counties, to the next regular session of the Texas Legislature. It is the further intent of the legislature that the administration of trial courts in this state be improved in order to provide all citizens of this state a prompt, efficient, and just hearing and disposition of all disputes before the various courts, and that all district and statutory county courts adopt rules of administration as provided by this Act.

**SECTION 2.** The Court Administration Act is adopted to read as follows:

### CHAPTER 1. CHIEF JUSTICE

**Sec. 1.001. MEETINGS.** (a) The chief justice shall call and preside over an annual meeting of the presiding judges of the administrative judicial regions on a date and at a time and place in the state designated by the chief justice.

(b) The chief justice may call and convene additional meetings of the regional presiding judges or local administrative judges that he considers necessary for the promotion of the orderly and efficient administration of justice.

(c) At the meetings, the judges shall:

(1) study the statistics reflecting the condition of the dockets of the courts of the state to determine the need for the assignment of judges under Chapter 4 of this Act;

(2) compare the regional and local rules of court to achieve the uniformity of rules that is practicable and consistent with local conditions;

(3) consider uniformity in the administration of this Act in the various administrative regions; and

(4) promote more effective administration of justice through the use of this Act.

(d) The expenses of the judges attending these meetings shall be paid as provided by Sections 4.003 and 4.021 of this Act.

**Sec. 1.002. ASSIGNMENT BY CHIEF JUSTICE.** (a) In addition to the assignment of judges by the regional presiding judges as authorized by Chapter 4 of this Act, the chief justice may assign judges of one or more administrative regions for service in other administrative regions when he considers the assignment necessary for the prompt and efficient administration of justice.

(b) A judge assigned by the chief justice shall perform the same duties and functions authorized by Chapter 4 of this Act that the judge would perform if he were assigned by the presiding judge.

**Sec. 1.003. ASSIGNMENT OF JUSTICES AND APPELLATE JUDGES.** (a) The chief justice of the supreme court may temporarily assign a justice of a court of appeals to another court of appeals regardless of whether a vacancy exists in the court of appeals to which the justice is assigned.

(b) The chief justice of the supreme court may assign a qualified retired justice or judge of the supreme court, of the court of criminal appeals, or of a court of appeals to a court of appeals for active service regardless of whether a vacancy exists in the court to which the justice is assigned.

(c) An active or retired justice or judge assigned as provided by this section out of the county of his residence is entitled to receive the same expenses and per diem as those allowed a district judge assigned as provided by Chapter 4 of this Act. The state shall pay the expenses and per diem on certificates of approval by the chief justice of the supreme court or the chief justice of the court of appeals to which the justice or judge is assigned. The compensation authorized by this subsection is in addition to all other compensation authorized by law.

(d) An active justice assigned out of the county of his residence as provided by this section is entitled to receive, pro rata for the time serving on assignment, supplemental compensation from the county or counties paying supplemental compensation under Chapter 297, Acts of the 62nd Legislature, Regular Session, 1971 (Article 6819a-18a, Vernon's Texas Civil Statutes), to an associate justice of the court of appeals to which the justice is assigned.

(e) A retired justice or judge assigned as provided by this section is entitled to receive, pro rata for the time serving on assignment, from money appropriated from the general revenue fund for that purpose, an amount equal to the difference between the total amount of the justice's or judge's judicial retirement benefits and the salary paid by the state to an associate justice of a court of appeals.

(f) A retired justice or judge assigned as provided by this section is entitled to receive, pro rata for the time serving on assignment, supplemental compensation from the county or counties paying supplemental compensation under Chapter 297, Acts of the 62nd Legislature, Regular Session, 1971 (Article 6819a-18a, Vernon's Texas Civil Statutes), to an associate justice of the court of appeals to which the justice or judge is assigned.

**Sec. 1.004. SUPERVISION OF OFFICE OF COURT ADMINISTRATION.** The chief justice shall direct and supervise the office of court administration.

**Sec. 1.005. APPOINTMENT OF REGIONAL PRESIDING JUDGES.** (a) The governor, with the advice and consent of the senate, shall appoint one judge in each administrative region as presiding judge of the region.

(b) On the death, resignation, or expiration of the term of office of a presiding judge, the governor immediately shall appoint or reappoint a presiding judge.

Sec. 1.006. **SUPREME COURT DUTIES.** The chief justice shall ensure that the supreme court executes and implements the court's administrative duties and responsibilities under this Act.

Sec. 1.007. **COMMITTEES.** The chief justice, subject to the approval of the supreme court, shall name and appoint members to committees necessary or desirable for the efficient administration of justice or to carry out the provisions of this Act.

## CHAPTER 2. SUPREME COURT

Sec. 2.001. **SUPERVISORY AND ADMINISTRATIVE CONTROL.** The supreme court has supervisory and administrative control over the judicial branch and is responsible for the orderly and efficient administration of justice.

Sec. 2.002. **CHANGES IN NUMBER OF COURTS.** (a) The supreme court shall assess the need for adding, consolidating, eliminating, or reallocating existing appellate courts.

(b) The supreme court shall promulgate rules, regulations, and criteria to be used in assessing those needs.

(c) The supreme court shall biennially recommend to the legislature any needed changes in the number or allocation of those courts.

Sec. 2.003. **DIRECTOR OF OFFICE OF COURT ADMINISTRATION.** (a) The supreme court shall appoint the administrative director of the courts for the office of court administration.

(b) The director serves at the pleasure of the supreme court and shall be subordinate to, and act by the authority and under the direction of, the chief justice.

Sec. 2.004. **RULES.** (a) The supreme court shall adopt rules of administration setting policies and guidelines necessary or desirable for the operation and management of the court system and for the efficient administration of justice.

(b) The supreme court shall request the advice of the court of criminal appeals before adopting rules affecting the administration of criminal justice.

(c) The supreme court shall consider the adoption of rules relating to:

- (1) time standards for pleading, discovery, motions, and dispositions;
- (2) dismissal of inactive cases from dockets, if the dismissal is warranted;
- (3) judicial accountability for and incentives to avoid delay and to meet time standards;
- (4) penalties for filing frivolous motions;
- (5) firm trial dates with a strict continuance policy;
- (6) restrictive devices on discovery;
- (7) a uniform dockets policy;
- (8) formalization of mandatory settlement conferences or settlement programs;
- (9) standards for selection and management of nonjudicial personnel;
- (10) establishment of a monthly statewide information reporting system from individual courts including the number of:
  - (A) new cases filed;
  - (B) types and numbers of cases filed, terminated, and pending at the beginning and at the end of each month;
  - (C) cases pending past established time limits; and
  - (D) continuances requested and granted;
- (11) emphasis on getting older cases to trial; and
- (12) regulation of attorneys with heavy case loads that inhibit the case flow system.

Sec. 2.005. **EDUCATION PROGRAMS.** The supreme court shall, if adequate funding is available for education programs for judges and court personnel, ensure that adequate education programs are available.

## CHAPTER 3. OFFICE OF COURT ADMINISTRATION

Sec. 3.001. **DEFINITIONS.** In this chapter:

- (1) "Court" means any tribunal forming a part of the judiciary.
- (2) "Director" means the administrative director of the courts appointed as provided by this Act.
- (3) "Office" means the Office of Court Administration of the Texas Judicial System.
- (4) "Trial court" means any tribunal forming a part of the judiciary, except the supreme court, the court of criminal appeals, and the courts of appeals, but does not include the commissioners court of a county.

Sec. 3.002. **EFFECT ON JURISDICTION OR JUDICIAL DISCRETION.** This chapter or a rule adopted by the supreme court under Section 2.004 of this Act does not authorize:

(1) a judge to act in a case over which his court would not have potential jurisdiction under the Texas Constitution or other state law; or

(2) an infringement of the judicial discretion of a judge in the trying of a case properly before his court.

**Sec. 3.003. OFFICE OF COURT ADMINISTRATION.** (a) The office of court administration is an agency of the state and operates under the direction and supervision of the supreme court and chief justice.

(b) The office shall exercise the powers and perform the duties or functions imposed on the office by this chapter or the supreme court.

**Sec. 3.004. DIRECTOR.** (a) The administrative director of the courts shall:

(1) implement this chapter and direct the operations of the office of court administration; and

(2) as an additional duty of his office, serve as the executive director of the Texas Judicial Council.

(b) The director shall devote full time to his official duties.

**Sec. 3.005. BUDGET; EXPENDITURES.** (a) The director shall prepare and submit an estimated budget for the appropriation of funds necessary for the maintenance and operation of the judicial system.

(b) The director shall study and recommend expenditures and savings of funds appropriated for the maintenance and operation of the judicial system.

**Sec. 3.006. PERSONNEL.** (a) The director, with the approval of the chief justice of the supreme court, shall employ the personnel needed to administer the office, including personnel needed for the Texas Judicial Council.

(b) The office shall provide staff functions necessary for the efficient operation of the Texas Judicial Council.

(c) This chapter does not limit the authority of a court to appoint clerical personnel.

**Sec. 3.007. CONSULTATION AND ASSISTANCE.** (a) The director shall assist the justices and judges in discharging their administrative duties.

(b) The director shall consult with the regional presiding judges and local administrative judges and assist them in discharging duties imposed by law or by a rule adopted by the supreme court.

(c) The director, to provide for the efficient administration of justice, shall consult with and assist:

(1) court clerks;

(2) other court officers or employees; and

(3) clerks or other officers or employees of offices related to and serving a court.

(d) The director, to provide for uniform administration of the courts and efficient administration of justice, shall consult with and make recommendations to administrators and coordinators of the courts.

**Sec. 3.008. METHODS; RECOMMENDATIONS.** (a) The director shall examine the judicial dockets, practices, and procedures of the courts and the administrative and business methods or systems used in the office of a clerk of a court or in an office related to and serving a court.

(b) The director shall recommend:

(1) a necessary improvement to a method or system;

(2) a form or other document used to record judicial business; or

(3) any other change that will promote the efficient administration of justice.

(c) The director shall recommend to the supreme court appropriate means to implement this chapter.

**Sec. 3.009. ANNUAL REPORT.** (a) The director shall prepare an annual report of the activities of the office.

(b) The report must be published in the annual report of the Texas Judicial Council.

**Sec. 3.010. RULES.** The director, under the supervision of the chief justice, shall implement a rule of administration or other rules adopted by the supreme court for the efficient administration of justice.

**Sec. 3.011. ADDITIONAL DUTIES.** The supreme court or the chief justice of the supreme court may assign the director duties in addition to those imposed by this chapter.

## CHAPTER 4. ADMINISTRATIVE JUDICIAL REGIONS

**Sec. 4.001. DEFINITIONS.** In this chapter:

(1) "Administrative region" means an administrative judicial region created by Section 4.002 of this chapter.

(2) "Presiding judge" means the presiding judge of an administrative region.

Sec. 4.002. ADMINISTRATIVE REGIONS. (a) The state is divided into nine administrative judicial regions.

(b) The First Administrative Judicial Region is composed of the counties of Anderson, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Grayson, Gregg, Harrison, Henderson, Hopkins, Houston, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Panola, Rains, Red River, Rockwall, Rusk, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood.

(c) The Second Administrative Judicial Region is composed of the counties of Angelina, Bastrop, Brazoria, Brazos, Burlison, Chambers, Fort Bend, Freestone, Galveston, Grimes, Hardin, Harris, Jasper, Jefferson, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Montgomery, Newton, Orange, Polk, Robertson, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, Washington, and Wharton.

(d) The Third Administrative Judicial Region is composed of the counties of Austin, Bell, Blanco, Bosque, Burnet, Caldwell, Colorado, Comal, Comanche, Coryell, Falls, Fayette, Gonzales, Guadalupe, Hamilton, Hays, Hill, Johnson, Lampasas, Lavaca, Llano, Mason, McLennan, Milam, Navarro, San Saba, Somervell, Travis, and Williamson.

(e) The Fourth Administrative Judicial Region is composed of the counties of Aransas, Atascosa, Bee, Bexar, Calhoun, DeWitt, Dimmit, Frio, Goliad, Jackson, Karnes, LaSalle, Live Oak, Maverick, McMullen, Refugio, San Patricio, Victoria, Webb, Wilson, Zapata, and Zavala.

(f) The Fifth Administrative Judicial Region is composed of the counties of Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Jim Wells, Kenedy, Kleberg, Nueces, Starr, and Willacy.

(g) The Sixth Administrative Judicial Region is composed of the counties of Bandera, Brewster, Crockett, Culberson, Edwards, El Paso, Gillespie, Hudspeth, Jeff Davis, Kendall, Kerr, Kimble, Kinney, Medina, Pecos, Presidio, Reagan, Real, Sutton, Terrell, Upton, Uvalde, and Val Verde.

(h) The Seventh Administrative Judicial Region is composed of the counties of Andrews, Borden, Brown, Callahan, Coke, Coleman, Concho, Crane, Dawson, Ector, Fisher, Gaines, Garza, Glasscock, Haskell, Howard, Irion, Jones, Kent, Loving, Lynn, Martin, McCulloch, Menard, Midland, Mills, Mitchell, Nolan, Reeves, Runnels, Schleicher, Scurry, Shackelford, Sterling, Stonewall, Taylor, Throckmorton, Tom Green, Ward, and Winkler.

(i) The Eighth Administrative Judicial Region is composed of the counties of Archer, Clay, Cooke, Denton, Eastland, Erath, Hood, Jack, Montague, Palo Pinto, Parker, Stephens, Tarrant, Wichita, Wise, and Young.

(j) The Ninth Administrative Judicial Region is composed of the counties of Armstrong, Bailey, Baylor, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Crosby, Dallam, Deaf Smith, Dickens, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, King, Knox, Lamb, Lipscomb, Lubbock, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Terry, Wheeler, Wilbarger, and Yoakum.

Sec. 4.003. FACILITIES; FUNDING. (a) Adequate quarters for the operation of each administrative region and the preservation of its records shall be provided in the courthouse of the county in which the presiding judge resides.

(b) Except for the salaries, compensation, and expenses provided by state appropriations, the counties composing the administrative region shall pay, out of the general funds of the counties, the salaries, compensation, and expenses authorized and incurred to administer this chapter, including expenses for the purchase of professional liability insurance policies for regional presiding judges.

(c) Except as provided by Section 4.011 of this chapter, the salaries, compensation, and expenses shall be paid through the county budget process in proportion to the population of the county according to the latest official federal census and on certificates of approval of the presiding judge.

Sec. 4.004. TERM OF PRESIDING JUDGE. A presiding judge serves for a term of office of four years from the date of qualification as the presiding judge.

Sec. 4.005. QUALIFICATIONS OF PRESIDING JUDGE. (a) A presiding judge must be:

- (1) a regularly elected or retired district judge; or
- (2) an active or retired appellate judge with judicial experience on a district court.

(b) If the judge is retired, he must have voluntarily retired from office, reside within the administrative region, and have certified his willingness to serve.

Sec. 4.006. DUTIES OF PRESIDING JUDGE. 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 Chapter 5 of this Act;
- (6) implement and execute any rules adopted by the supreme court under this Act;
- (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.

Sec. 4.007. **AUTHORITY OF PRESIDING JUDGE.** A presiding judge may perform the acts necessary to carry out the provisions of this Act and to improve the management of the court system and the administration of justice.

Sec. 4.008. **COUNCIL OF JUDGES.** (a) Once each year, the presiding judge shall call a regular meeting of the district and statutory county court judges in the administrative region at a time and place designated by the presiding judge. In addition, the presiding judge may call a special meeting of the judges at any time he considers necessary.

(b) The purposes of the meetings or council of judges are consultation and counseling concerning the state of the civil and criminal business in the courts of the administrative region and arranging for the disposition of the business pending on the court dockets.

(c) The council of judges shall adopt:

- (1) regional rules of administration within policies and guidelines set by the supreme court;
  - (2) rules to regulate and facilitate the order of trials and the recordkeeping in the counties in the region in which judges are sent from one region to another to aid the disposition of cases; and
  - (3) other rules necessary to the practical operation of this chapter.
- (d) The judges shall lay before each council of judges:

- (1) a list of all pending cases;
- (2) the exact status of their dockets; and
- (3) other information required by the rules of the council.

Sec. 4.009. **PERFORMANCE OF DUTIES BY CHIEF JUSTICE.** The chief justice may make assignments within an administrative region and perform the other duties of a presiding judge in the following situations:

- (1) on the death or resignation of the presiding judge and until a successor presiding judge is appointed;
- (2) on notification to the chief justice by the presiding judge or other appropriate source that an absence, disabling illness, or other incapacity of the presiding judge prevents the judge from performing his official duties for a period of time and until the presiding judge is again able to perform the duties; and
- (3) in a particular matter in which the presiding judge disqualifies himself from performing the duties of presiding judge in that matter.

Sec. 4.010. **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.

(b) An administrative assistant 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) keep a record of the proceedings of the administrative region and a complete record of the cases pending in the courts of the administrative region, including the time of their filing, the style and purposes of the causes, and their final disposition;
- (4) 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
- (5) attend to other matters that are prescribed by the council of judges.

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

authorized by the council of judges. The cost shall be divided pro rata among the counties and paid by the counties on the certificate of the presiding judge.

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

Sec. 4.011. COMPENSATION. (a) In addition to all other compensation, expenses, and perquisites authorized by law, including this chapter, a presiding judge shall receive compensation as provided by this section for performing the duties of a presiding judge.

(b) Except as provided by Subsection (c) of this section, a presiding judge shall receive a salary not to exceed \$5,000 a year. The Texas Judicial Council shall set the salary biennially and, in arriving at the amount of the salary, shall consider whether the presiding judge is active in administrative duties, performs part-time, or is a retired judge. The salary set by the Texas Judicial Council shall be apportioned according to the number of district courts and statutory county courts in each judicial district comprising the administrative region, and the amount apportioned to each judicial district shall be apportioned according to the population of the counties comprising the region as determined by the latest federal census.

(c) A presiding judge who is a retired district or appellate judge and presides over an administrative region with 40 or more district courts or statutory county courts is entitled to an annual salary of not less than \$5,000 a year nor more than the following amount, according to the number of courts in the administrative region:

| Number of Courts | Salary Limit |
|------------------|--------------|
| 40 to 59         | \$15,000     |
| 60 to 79         | \$25,000     |
| 80 or more       | \$30,000     |

(d) The council of judges shall set the salaries under Subsection (c) of this section biennially by majority vote. The salary shall be apportioned according to the number of district courts and statutory county courts in each judicial district comprising the administrative region, and that amount shall be apportioned to the counties comprising the judicial district according to the number of such courts in each county.

(e) Each county comprising the administrative region shall pay annually to the presiding judge, out of the officers' salary fund or the general fund of the county, the amount of the salary apportioned to it as provided by this section and the other expenses authorized by this chapter that are not paid by state appropriations. The presiding judge shall place each county's payment of salary and other expenses in an administrative fund, from which the salary and other expenses shall be paid. The salary shall be paid from the administrative fund in 12 equal monthly payments.

Sec. 4.012. ASSIGNMENT OF JUDGES. (a) Judges may be assigned in the manner provided by this chapter to hold court when necessary to dispose of accumulated business in the region.

(b) This section does not authorize a judge to act in a case over which his own court does not have jurisdiction under the constitution and laws of this state.

Sec. 4.013. OBJECTION TO ASSIGNED JUDGE. (a) When a judge is assigned under this Act the presiding judge shall, if it is reasonable and practicable and if time permits, give notice of the assignment to each attorney representing a party to the case that is to be heard in whole or part by the assigned judge.

(b) If a party to a civil case files a timely objection to the assignment, the judge is disqualified to hear the case.

(c) An objection under this section must be filed before the first hearing or trial, including pretrial hearings, over which the assigned judge is to preside.

Sec. 4.014. JUDGES SUBJECT TO ASSIGNMENT. The following judges may be assigned as provided by this chapter by the presiding judge of the administrative region in which the assigned judge resides:

(1) a regular district or county court at law judge in this state;

(2) a district judge who is a retiree under Subtitle E, Title 110B, Revised Statutes, who has consented to be subject to assignment and who is on the list maintained by the presiding judge as required by this section; and

(3) a former district judge or retired or former statutory county court judge who certifies to the presiding judge a willingness to serve and to comply with the prohibitions relating to the practice of law imposed on a retired judge by Section 44.005, Title 110B, Revised Statutes, and who is on the list maintained by the presiding judge as required by this section.

Sec. 4.015. LIST OF RETIRED AND FORMER DISTRICT JUDGES SUBJECT TO ASSIGNMENT. (a) Each presiding judge shall maintain a list of retired and former district judges who meet the requirements of this section.

(b) The presiding judge shall divide the list into area specialties of criminal, civil, or domestic relations cases. A retired or former judge may only be assigned to a case in the judge's area of specialty. A judge may qualify for assignment in more than one area of specialty.

(c) To be eligible to be named on the list, a retired or former district judge must:

- (1) have served as a judge for at least four years in a district, statutory, or appellate court;
- (2) have developed substantial experience in his area of specialty;
- (3) not have been removed from office or resigned while under investigation for discipline or removal; and
- (4) annually demonstrate 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.

**Sec. 4.016. ASSIGNMENT BY PRESIDING JUDGE.** (a) Under rules prescribed by the council of judges, a presiding judge from time to time shall assign the judges of the administrative region to hold special or regular terms of court in any county of the administrative region to try cases and dispose of accumulated business. The assignment may be made during or after the consultation concerning the state of the business of the courts at a meeting of the judges of the administrative region and with or without an additional meeting of the judges.

(b) The presiding judge of one administrative region may request the presiding judge of another administrative region to furnish judges to aid in the disposition of litigation pending in a county in the administrative region of the presiding judge who makes the request.

**Sec. 4.017. ASSIGNMENT BY CHIEF JUSTICE.** (a) In addition to the assignment of judges by the presiding judges as authorized by this chapter, the chief justice may assign judges of one or more administrative regions for service in other administrative regions when he considers the assignment necessary for the prompt and efficient administration of justice.

(b) A judge assigned by the chief justice shall perform the same duties and functions authorized by this chapter that the judge would perform if he were assigned by the presiding judge.

**Sec. 4.018. DUTY TO SERVE WHEN ASSIGNED.** (a) Except as provided by this Act, a judge assigned by the presiding judge to a court in the same administrative region or to a court in another administrative region at the request of the presiding judge of the other administrative region shall serve in the court or administrative region to which he is assigned.

(b) The presiding judge of a judge's administrative region may relieve the judge of an assignment on presentation of good cause in writing by the assigned judge to the presiding judge.

(c) If the presiding judge refuses to relieve a judge from assignment after receiving from the judge a written statement declining the assignment for good cause, the judge may, not later than the fifth day after refusal by the presiding judge, petition the chief justice for relief from the assignment for good cause. The chief justice may grant or refuse a petition for relief from assignment at his discretion.

**Sec. 4.019. POWERS AND DUTIES.** (a) A judge assigned under the provisions of this chapter has all the powers of a district judge.

(b) A judge shall extend the regular terms of the court, or call the special terms, that are necessary to carry out the purposes of this chapter and to dispose of pending litigation. If a term is extended, the other terms of the court may be opened and held as usual, and a term of court in that district does not fail because of the extension. By entering an order on the minutes of the court, the judge of a district court or statutory county court or a judge assigned by the presiding judge may convene a special term of the court for the trial of cases, the entry of orders, and the disposition of the business before the court.

(c) A district or statutory county court judge shall:

- (1) diligently discharge the administrative responsibilities of the office;
- (2) rule on a case within 90 days after the case is taken under advisement;
- (3) request the presiding judge to assign another judge of the administrative region to hear a motion relating to the recusal of the judge from a case pending in his court; and
- (4) if an election contest or suit for the removal of a local official is filed in his court, request the presiding judge to assign another judge of the administrative region who is not a resident of the county to hold a regular or special term of court in that county to dispose of the suit.

**Sec. 4.020. LIMITATION ON ASSIGNMENT.** An active judge may not, without the judge's consent, be assigned out of the judge's district or county for more than 10 calendar days in a year.

**Sec. 4.021. COMPENSATION WHILE ASSIGNED.** (a) The salary, compensation, and expenses of a judge while assigned under this chapter shall be paid in accordance with this chapter and other law of this state.



(b) While serving in a county outside his judicial district or county, an active judge is entitled to receive, in addition to his necessary expenses, additional compensation from the county to which he is assigned in an amount not to exceed the difference between the compensation of the assigned judge from all sources, exclusive of the per diem provided by Subsection (f) of this section, and the compensation received from all sources by the judge of the court to which he is assigned. The county shall pay the compensation provided by this subsection on approval of the presiding judge of the administrative region in which the court to which the judge is assigned is located.

(c) The salary of a retired judge while assigned under this chapter shall be paid out of money appropriated from the general revenue fund for that purpose in an amount equal to the difference between all the retirement benefits received by the judge as a retired district judge and the compensation from all sources of the judge of the court to which he is assigned. The salary of a retired judge while assigned shall be determined pro rata for the period of time that the judge actually sits as the assigned judge.

(d) For services actually performed while assigned under this chapter, a former judge shall receive from county funds and money appropriated by the legislature the same amount of salary, compensation, and expenses that the regular judge is entitled to receive from the county and from the state for those services. The presiding judge of the administrative region shall certify to the county and the state the services rendered under this chapter by a former judge and the share to be paid by the state. The amount certified by the presiding judge as the state's share shall be paid from an item in the Judicial Section--Comptroller's Department of the General Appropriations Act for the payment of salaries of district and criminal district judges.

(e) When a district or statutory county court judge is assigned under this chapter to a court outside his own district or county, the judge, in addition to all other compensation authorized by law, is entitled to receive his actual expenses in going to and returning from his assignment and his actual living expenses while in the performance of his duties under the assignment. The county in which the duties are performed shall pay the expenses out of the general fund of the county on accounts certified and approved by the presiding judge of the administrative region for that county.

(f) When a district or statutory county court judge is assigned under this chapter to a court outside his own district or county, the judge, in addition to all other compensation and expenses authorized by law, is entitled to receive a per diem of \$25 for each day or fraction of a day that the judge spends outside his district or county in the performance of his duties under the assignment. The state shall pay the per diem in the same manner that it pays the judge's salary on certificates of approval by the chief justice or the presiding judge of the administrative region in which the judge resides.

Sec. 4.022. EXPENSES AT MEETINGS. A judge who is required to attend an annual or special meeting prescribed by this chapter, in addition to all other compensation allowed by law, is entitled to receive his actual travel expenses going to and returning from the place of the meeting and his actual expenses while attending the meeting.

## CHAPTER 5. ADMINISTRATION BY COUNTY

Sec. 5.001. LOCAL ADMINISTRATIVE JUDGE. (a) There is a local administrative judge in each county.

(b) In a county with two or more district or statutory county courts the judges of those courts shall elect a district judge as local administrative judge for a term of not more than two years. The local administrative judge may not be elected on the basis of rotation or seniority.

(c) In a county with only one district judge, the district judge serves as the local administrative judge.

Sec. 5.002. DUTIES OF LOCAL ADMINISTRATIVE JUDGE. The local administrative judge shall:

- (1) implement and execute the local rules of administration, including the assignment, docketing, transfer, and hearing of cases;
- (2) appoint any special or standing committees necessary or desirable for court management and administration;
- (3) promulgate local rules of administration if the other judges do not act by a majority vote;
- (4) recommend to the regional presiding judge any needs for assignment from outside the county to dispose of court case loads;
- (5) supervise the expeditious movement of court case loads, subject to local, regional, and state rules of administration;
- (6) provide the supreme court and the office of court administration requested statistical and management information;
- (7) set the hours and places for holding court in the county;

(8) supervise the employment and performance of nonjudicial personnel;

(9) supervise the budget and fiscal matters of the local courts, subject to local rules of administration; and

(10) perform other duties as may be directed by the chief justice or a regional presiding judge.

Sec. 5.003. **RULES OF ADMINISTRATION.** (a) The district and statutory county court judges in each county shall, by majority votes, adopt local rules of administration.

(b) The rules must provide for:

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

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

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

(4) fair and equitable division of case loads; and

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

(c) The rules may provide for any other matter necessary to carry out this Act or to improve the administration and management of the court system and its auxiliary services.

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

Sec. 5.004. **HEARING CASES.** (a) A district or statutory county court judge may hear and determine a matter pending in any district or statutory county court in the county regardless of whether the matter is preliminary or final or whether there is a judgment in the matter. The judge may sign a judgment or order in any of the courts regardless of whether the case is transferred. The judgment, order, or action is valid and binding as if the case were pending in the court of the judge who acts in the matter. The authority of this subsection applies to an active or retired judge assigned to a court having any district court jurisdiction as provided by Chapter 4 of this Act or Subtitle E, Title 110B, Revised Statutes.

(b) The judges shall try any case and hear any proceeding as assigned by the local administrative judge.

(c) The district clerk shall file, docket, transfer, and assign the cases as directed by the local administrative judge in accordance with the local rules.

(d) Judges of district courts and statutory county courts may serve as masters and magistrates of courts, other than their own, subject to other provisions of law and court rules.

Sec. 5.005. **LIMITATIONS ON ASSIGNMENT.** The rules adopted under this chapter do not authorize a judge to act in a case over which his own court does not have jurisdiction under the constitution and laws of this state.

Sec. 5.006. **TERMS OF COURT.** The terms of all courts covered by this chapter begin on the first Monday in January and the first Monday in July of each year, except as may otherwise be provided by law. Each term of court continues until the next succeeding term begins.

## CHAPTER 6. COURT COORDINATORS

Sec. 6.001. **COURT COORDINATORS.** (a) The local administrative judge and each district or statutory county court judge may establish a court coordinator system and appoint a court coordinator for his court to improve justice and expedite the processing of cases through the courts.

(b) Each court coordinator serves at the pleasure of the judge who appointed him.

Sec. 6.002. **DUTIES.** (a) The courts by local administrative rule shall designate the duties of the court coordinators.

(b) To promote uniform and efficient administration of justice in this state, the court coordinators shall cooperate with regional presiding and local administrative judges and state agencies having duties in the area of the operation of the courts.

Sec. 6.003. **STAFF.** The courts may appoint appropriate staff and support personnel according to the needs in each county.

Sec. 6.004. **COMPENSATION.** (a) The judges shall determine reasonable compensation for the court coordinators, subject to approval of the commissioners court.

(b) Upon approval by the commissioners court of the position and compensation, the commissioners court of the county shall provide the necessary funding through the county's budget process. County funds may be supplemented in whole or part through public or private grants.

Sec. 6.005. CUMULATIVE OF OTHER PROVISIONS. This chapter is cumulative of other provisions of law relating to the pay and duties of court administrators, court managers, and court coordinators.

## CHAPTER 7. TRANSFER OF CASES AND EXCHANGE OF BENCHES BETWEEN CERTAIN COURTS

Sec. 7.001. TRANSFER OF CASES; EXCHANGE OF BENCHES. (a) The judges of constitutional county courts, statutory county courts, justice courts, and small claims courts in a county may transfer cases to and from the dockets of their respective courts, except that a case may not be transferred from one court to another without the consent of the judge of the court to which it is transferred and may not be transferred unless it is within the jurisdiction of the court to which it is transferred. The judges of those courts within a county may exchange benches and courtrooms with each other so that if one is absent, disabled, or disqualified, the other may hold court for him without the necessity of transferring the case. Either judge may hear all or any part of a case pending court and may rule and enter orders on and continue, determine, or render judgment on all or any part of the case without the necessity of transferring it to his own docket. A judge may not sit or act in a case unless it is within the jurisdiction of his court. Each judgment and order shall be entered in the minutes of the court in which the case is pending.

(b) When a case is transferred from one court to another as provided by this section, all processes, writs, bonds, recognizances, or other obligations issued from the transferring court are returnable to the court to which the case is transferred as if originally issued by that court. The obligees in all bonds and recognizances taken in and for a court from which a case is transferred, and all witnesses summoned to appear in a court from which a case is transferred, are required to appear before the court to which the case is transferred as if originally required to appear before the court to which the transfer is made.

## CHAPTER 8. MISCELLANEOUS PROVISION

Sec. 8.001. This Act shall be known and may be cited as the Court Administration Act.

**SECTION 3.** Section 1, Chapter 275, Acts of the 64th Legislature, Regular Session, 1975 (Article 4412b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1. (a) The Attorney General of Texas is responsible for defending a state district judge or a presiding judge of an administrative region in any action or suit in the federal courts in which the judge is a defendant because of his office as [district] judge if the [district] judge requests the attorney general's assistance in the defense of the suit.

(b) The attorney general is responsible for defending a state grand jury commissioner or a state grand juror in an action or suit in the federal courts in which the commissioner or the juror is a defendant if:

- (1) the suit involves an act of the defendant while in the performance of his duties as a grand jury commissioner or a grand juror; and
- (2) the commissioner or the juror requests the attorney general's assistance in the defense of the suit.

**SECTION 4.** This Act does not affect the assignment of senior district judges under Chapter 578, Acts of the 68th Legislature, Regular Session, 1983 (Article 200c, Vernon's Texas Civil Statutes), or the assignment of a judge of a statutory probate court under Chapter 781, Acts of the 68th Legislature, Regular Session, 1983 (Article 1969b, Vernon's Texas Civil Statutes).

**SECTION 5.** The following laws are repealed:

- (1) Chapter 156, Acts of the 40th Legislature, Regular Session, 1927 (Article 200a, Vernon's Texas Civil Statutes);
- (2) Chapter 376, Acts of the 62nd Legislature, Regular Session, 1971 (Article 200b, Vernon's Texas Civil Statutes);
- (3) Subsection (d), Article 1812, Revised Statutes;
- (4) Chapter 240, Acts of the 64th Legislature, Regular Session, 1975 (Article 1918a, Vernon's Texas Civil Statutes);
- (5) Chapter 45, Acts of the 65th Legislature, Regular Session, 1977 (Article 2328b, Vernon's Texas Civil Statutes); and
- (6) Chapter 344, Acts of the 68th Legislature, Regular Session, 1983 (Article 5966b, Vernon's Texas Civil Statutes).

**SECTION 6.** All laws and parts of laws inconsistent with or in conflict with this Act are repealed.

**SECTION 7.** This Act takes effect January 1, 1986.

**SECTION 8.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 25, 1985, by a non-record vote; House concurred in Senate amendments to H.B. No. 1658 on May 27, 1985, by the following vote: Yeas 103, Nays 28, 2 present, not voting; passed by the Senate, with amendments, on May 27, 1985, by a viva-voce vote.

Approved: June 14, 1985

Effective: January 1, 1986