

## CHAPTER 88

## S.B. No. 418

An Act relating to the creation and jurisdiction of the County Court at Law of Parker County; conforming its jurisdiction to that of the county court and district court.

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

**SECTION 1. CREATION.** The County Court at Law of Parker County is created on the date determined by Section 13 of this Act. It shall sit in the City of Weatherford.

**SECTION 2. JURISDICTION.** (a) The County Court at Law of Parker County has concurrent civil jurisdiction with the district court in:

(1) cases in which the matter in controversy exceeds \$500 and does not exceed \$50,000, excluding interest and attorney's fees;

(2) appeals of final rulings and decisions of the Industrial Accident Board regardless of the amount in controversy;

(3) eminent domain cases and proceedings; and

(4) cases and proceedings involving adoption, birth records, or removal of disability of minority or coverture; change of names of persons; child welfare, custody, support and reciprocal support, dependency, neglect, or delinquency; divorce and marriage annulment, including the adjustment of property rights, custody and support of minor children involved therein, temporary support pending final hearing, and every other matter incident to divorce or annulment proceedings; independent actions involving child support and custody of minors and wife or child desertion; and independent actions involving controversies between parent and child, between parents, and between spouses.

(b) The County Court at Law of Parker County has concurrent jurisdiction with the county court in all civil and criminal cases and proceedings, original and appellate, prescribed by law for county courts.

(c) The County Court at Law of Parker County has concurrent jurisdiction with the county and district courts in juvenile matters and proceedings as provided by Chapter 178, Acts of the 66th Legislature, Regular Session, 1979 (Article 2338-1.1, Vernon's Texas Civil Statutes).

(d) This section does not deny the right to appeal to the County Court at Law of Parker County from the justice court in cases in which the right of appeal to the county court exists by law.

(e) The County Court at Law of Parker County does not have jurisdiction over causes and proceedings involving the general administration of county business, including the supervision and construction of roads, bridges, and public highways that is within the jurisdiction of the commissioners court. The judge of the county court retains and shall exercise all ex officio duties of his office.

(f) This section does not diminish the jurisdiction of the district courts but only gives concurrent jurisdiction to the County Court at Law of Parker County over the matters specified in Subsections (a) through (d) of this section. The district court retains and shall continue to exercise the jurisdiction conferred by law on district courts.

(g) Article 1951, Revised Statutes, does not apply to the County Court at Law of Parker County and does not affect or diminish the jurisdiction of the court.

**SECTION 3. POWERS AND DUTIES.** (a) The County Court at Law of Parker County or the judge may issue writs of injunction, mandamus, sequestration, attachment, garnishment, certiorari, supersedeas, and all other writs necessary for the enforcement of the jurisdiction of the court. It may issue writs of habeas corpus in cases in which the offense charged is within the jurisdiction of the court or of any other court of inferior jurisdiction in the county.

(b) The County Court at Law of Parker County or the judge may punish for contempt as prescribed by general law.

(c) The judge of the County Court at Law of Parker County has all other powers, duties, immunities, and privileges provided by law for county court judges, except that a judge of the County Court at Law of Parker County has none of the county judge's authority over the administration of county business.

**SECTION 4. TERMS OF COURT.** The terms of the County Court at Law of Parker County begin on the first Mondays in January and July of each year. Each term of court continues until the next succeeding term begins.

**SECTION 5. JUDGE.** (a) The judge of the County Court at Law of Parker County must be a citizen of the United States, must have resided in the county for at least two years prior to his election or appointment, and must be a licensed member of the state bar who has actively practiced law for at least five years prior to his election or appointment.

(b) The judge of the County Court at Law of Parker County is entitled to receive an annual salary to be fixed by the Commissioners Court of Parker County at an amount not less than \$540,000.

(c) The commissioners court shall appoint a person to fill a vacancy in the office of the judge of the County Court at Law of Parker County. The appointee holds office until the next succeeding general election and until his successor is elected and has qualified.

(d) At the first general election at which county court at law judges are regularly elected following creation of the court, and every fourth year thereafter, the qualified voters of the county shall elect a judge of the County Court at Law of Parker County for regular terms of four years as provided by Article V, Section 30, and Article XVI, Section 65, of the Texas Constitution.

(e) The judge of the County Court at Law of Parker County shall take the oath of office prescribed by the constitution of this state.

(f) The judge of the County Court at Law of Parker County may not engage in the private practice of law.

**SECTION 6. COURT OFFICIALS, PERSONNEL, AND FACILITIES.** (a) The judge of the County Court at Law of Parker County shall appoint an official court reporter.

(b) With the approval of the commissioners court, the judge may appoint the personnel necessary to administer court activities. The appointed personnel shall perform the duties prescribed by the judge and shall cooperate with state agencies for the uniform and efficient operation of the courts and the administration of justice. The personnel are entitled to be paid from county funds the compensation, fees, and allowances that are set by the commissioners court or as otherwise provided by law.

(c) The district attorney or county attorney and the sheriff of the county shall attend the County Court at Law of Parker County as required by the judge of the court. The county clerk shall serve as clerk of the County Court at Law of Parker County.

(d) The commissioners court shall provide the physical facilities and the deputy clerks, bailiffs, and other personnel necessary to operate the County Court at Law of Parker County.

**SECTION 7. SPECIAL JUDGE.** (a) If the regular judge of the County Court at Law of Parker County is absent or is from any cause disabled or disqualified from presiding, a special judge may be appointed or elected in the manner provided by law for the appointment or election of special judges for county courts.

(b) To be eligible for appointment as a special judge, a person must meet the qualifications required of the regular judge.

(c) A special judge must take the oath of office that is required by law for the regular judge and has all the power and jurisdiction of the court and of the regular judge for whom he is sitting. A special judge may sign orders, judgments, decrees, or other process of any kind as "Judge Presiding" when acting for the regular judge.

(d) A special judge is entitled to receive for each day he serves the same amount of daily compensation that the regular judge is entitled to receive for the services. None of the amount paid to a special judge for sitting for the regular judge may be deducted or paid out of the salary of the regular judge.

**SECTION 8. SEPARATE DOCKETS.** The county clerk shall keep a separate docket for the County Court at Law of Parker County. Cases shall be docketed in the order filed or in any manner as agreed upon by the judge of the County Court at Law of Parker County and the judge of the county court.

**SECTION 9. REPORTER'S FEES.** The official court reporter's fee shall be taxed as costs in civil actions in the same manner as that fee is taxed in civil cases in the district courts.

**SECTION 10. TRANSFER OF CASES; FILING OF CASES; EXCHANGE OF BENCHES.** (a) The judge of the county court and the judge of the County Court at Law of Parker 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 county judge and judge of the County Court at Law of Parker 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 in the county court or the County Court at Law of Parker County 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.

(b) On motion of a party, on agreement of the parties, or on their own motion, the judges of the County Court at Law of Parker County and the district courts in the county may transfer civil cases and proceedings to and from the dockets of their respective courts, except that a case or proceeding 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 district judge and judge of the County Court at Law of Parker 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 in the County Court at Law of Parker County or the district 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.

(c) 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.

(d) 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 issued out of the court to which the transfer is made.

(e) Cases in which the County Court at Law of Parker County has concurrent jurisdiction with the district court shall be filed and docketed in the district court, except as otherwise provided by rules jointly adopted and maintained by the judges of those courts. In matters within their concurrent jurisdiction, the judges of the County Court at Law of Parker County and district court in the county shall adopt rules governing the numbering of cases, the assignment of cases for trial, and the distribution of the work of those courts that they consider necessary or desirable for the orderly dispatch of the business of those courts. The rules must receive an affirmative vote of a majority of those judges. If it is numerically impossible to obtain a majority of the judges, the vote of the county judge of the county shall be cast and is considered to be the vote of a majority of the judges.

(f) Unless the judges of the County Court at Law of Parker County and the county court provide otherwise by rules jointly adopted and maintained by those judges, all cases, except probate matters and proceedings, in which the County Court at Law of Parker County has concurrent jurisdiction with the county court shall be filed and docketed in the County Court at Law of Parker County. In matters within their concurrent jurisdiction, the judges of the County Court at Law of Parker County and county court shall adopt the rules governing the numbering of cases, the assignment of cases for trial, and the distribution of the work of those courts that they consider necessary or desirable for the orderly dispatch of the business of those courts. The rules must receive an affirmative vote of a majority of those judges. If it is numerically impossible to obtain a majority of the judges, the district judge shall cast a vote and that vote is considered to be the vote of a majority of the judges.

**SECTION 11. JURIES; PRACTICE AND PROCEDURE.** (a) The drawing of jury panels, selection of jurors, and practice in the County Court at Law of Parker County shall conform to that prescribed by general law for county courts, except that practice, procedure, rules of evidence, issuance of process and writs, juries, and all other matters pertaining to the conduct of trials and hearings in the County Court at Law of Parker County involving those matters of concurrent jurisdiction with district courts shall be governed by the law and rules pertaining to district courts.

**SECTION 12. SEAL.** The seal of the court created by this Act is the same as that provided by law for county courts, except that the seal shall contain the words "County Court at Law of Parker County."

**SECTION 13. DATE OF CREATION.** The County Court at Law of Parker County is created on September 1, 1985, or on an earlier date determined by the commissioners court by an order entered on its minutes.

**SECTION 14. INITIAL APPOINTMENT OF JUDGE.** The commissioners court shall appoint a person to fill the vacancy existing on the creation of the office of judge as provided by Subsection (c) of Section 5 of this Act.

**SECTION 15. EFFECTIVE DATE.** This Act takes effect June 1, 1985.

**SECTION 16. EMERGENCY.** 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, and that this Act take effect and be in force according to its terms, and it is so enacted.

Passed the Senate on February 25, 1985, by the following vote: Yeas 30, Nays 0;  
passed the House on April 25, 1985, by the following vote: Yeas 143, Nays 0, two  
present not voting.

Approved: May 9, 1985

Effective: June 1, 1985