

CHAPTER 537

H.B. No. 1356

AN ACT

relating to trial by special judge in certain cases.

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

SECTION 1. Sections 1, 3, 4, 6, and 8, Chapter 917, Acts of the 68th Legislature, Regular Session, 1983 (Article 200d, Vernon's Texas Civil Statutes), are amended to read as follows:

Sec. 1. REFERRAL BY AGREEMENT. On agreement of the parties, *in civil or family law matters, the judge in whose court the case is filed may* ~~[the judge in a civil case filed in district court may]~~ order referral of the case as provided by this Act and shall stay proceedings in his court pending the outcome of the trial. Any or all of the issues in the cases, whether an issue of fact or law, may be referred.

Sec. 3. QUALIFICATIONS OF JUDGE. The special judge must be a *retired or former district judge who:*

(1) *has served as a judge for at least four years in a district, statutory, or appellate court;*

(2) *has developed substantial experience in his area of specialty;*

(3) *has not been removed from office or resigned while under investigation for discipline or removal; and*

(4) *annually demonstrates 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* ~~[retired under Subtitle E, Title 110B, Revised Statutes].~~

Sec. 4. REFERRAL ORDER ENTERED. An order of referral must specify the issue referred ~~[the time and place for trial,]~~ and the name of the special judge. An order of referral may designate *the time and place for trial and* the time for filing of the special judge's report. The clerk of the court shall send a copy of the order to the special judge.

Sec. 6. POWERS OF A SPECIAL JUDGE. (a) A special judge shall conduct the trial in the same manner as a court trying an issue without a jury.

(b) While serving as a special judge, the judge has the powers of a district court judge except that he may not:

~~[(1) award attorney's fees to a party; or~~

~~[(2) hold a person in contempt of court unless the person is a witness before him.~~

Sec. 8. COURT REPORTER REQUIRED. The *special judge* ~~[parties]~~ shall provide a court reporter who meets the qualifications prescribed by law for district court reporters to maintain a record of the proceedings at the hearing.

SECTION 2. This Act applies only to referral of a case under Chapter 917, Acts of the 68th Legislature, Regular Session, 1983 (Article 200d, Vernon's Texas Civil Statutes), on or after the effective date of this Act. A referral under Chapter 917, Acts of the 68th Legislature, Regular Session, 1983 (Article 200d, Vernon's Texas Civil Statutes), before the effective date of this Act is governed by the law in existence on the date of the referral, and that law is continued in effect for that purpose.

SECTION 3. 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 from and after its passage, and it is so enacted.

Passed by the House on May 8, 1987, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1356 on May 27, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 25, 1987, by the following vote: Yeas 30, Nays 0.

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70th LEGISLATURE—REGULAR SESSION

Approved June 17, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.