

Memorandum on the Need to Amend Rule 3a

The 75th Legislature in 1997 passed a bill amending Section 75.404 of the Government Code which allowed the justice courts in Harris County, Texas to pass and implement local rules. The amendment required that all 16 justices of the peace must vote to adopt a rule, which has resulted in no local rules being adopted by the Harris County justice courts.

The 77th Legislature passed an amendment to Section 75.404 of the Government Code allowing rules to be adopted by a vote of two-thirds of the Harris County justices of the peace. This was H.B. 3662 and will be effective Sept. 1, 2001.

Therefore on Sept. 1, 2001 the Harris County justices of the peace may begin to adopt local rules. Since Rule 3a does not currently apply to the Harris County justice courts, there is no requirement that any local rules adopted be submitted to the Texas Supreme Court for review or approval. Section 75.404 of the Government Code does not require approval of any adopted local rules by the Supreme Court or any other entity.

Since it is clearly in the best interests of the administration of justice to have the Texas Supreme Court review and approve such local rules as are within its jurisdiction I request that Rule 3a be amended to resolve this issue. I understand that the SCAC approved and sent a revision of Rule 3a to the Supreme Court last November, but that no action has been taken. I have no objection to simply amending what the SCAC sent to the Supreme Court last November, unless there is a problem which may keep the Supreme Court from acting on that revision. If there is a problem then I request that we simply recommend an amendment to the current Rule 3a and send that to the Supreme Court as the only issue to consider.