

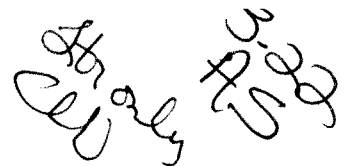
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March 21, 2007

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RE: Texas Senate Bill 1204 - Senator Duncan's Court Reorganization Bill

Dear Chip:

Frank Branson asked that I forward a copy of SB 1204 -- Senator Duncan's court reorganization bill, and a summary of the bill.

Among some of the many dramatic changes contemplated by SB 1204 are:

- 1) a virtually unchecked expansion of the Texas Supreme Court's jurisdiction,
- 2) the abolition of county courts at law in most of the populous counties in the state of Texas, and the substitution of district courts in their place,
- 3) the designation of courts "giving preference to certain kinds of cases,"
- 4) the elimination of the parties' ability to agree to try cases to "fewer than 12" jurors in district court, unless the parties specifically agree to 6 jurors, and
- 5) the creation of "judicial panels on complex cases," with power to reassign any "complex" case to a judge of the panel's choosing.

Given the vagueness of the bill's criteria concerning whether a case is "complex," virtually *any* case of any size or complexity could be deemed to be "complex," and therefore subject to reassignment from the court in which it was filed.


The bill's criteria to determine whether a case is "complex" include: 1) whether there are likely to be a large number of separately represented parties, 2) whether coordination may be necessary with related actions pending in one or more courts in other counties, states, or countries, or in a United States federal court, 3) whether it would be beneficial for the case to be heard by a judge who is knowledgeable in the specific area of law involved, 4) whether it is

Charles Lynde Babcock, IV
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likely there will be numerous pretrial motions, or that pretrial motions will present difficult or novel legal issues that will be time-consuming to resolve, 5) whether it is likely that there will be a large number of witnesses or a substantial amount of documentary evidence, 6) whether it is likely that substantial post-judgment supervision will be required, 7) whether it is likely that the amount in controversy will exceed an amount specified by the supreme court, and 8) whether there is likely to be scientific, technical, medical, or other evidence that requires specialized knowledge.

Please call Frank or me to discuss your thoughts on SB 1204 and whether there is anything that you are able to do to help us persuade our elected representatives that this ill-conceived bill is wrong for Texas.

Very truly yours,


Quentin Brogdon

QB/sah

ANALYSIS OF SB 1204

Senator Duncan's Court Reorganization Bill

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ARTICLE 1 - Appellate Court Provisions *(pp. 1-4 of bill)*

Greatly expands jurisdiction of Texas Supreme Court by: 1) granting Court jurisdiction over “appealable interlocutory order(s),” and 2) eliminating requirements that cases appealed to Court be cases in which courts of appeals disagree, cases involving construction or validity of statute, cases involving state revenue, or cases in which railroad commission is party. *(Section 1.01, pp. 1-2).*

Retains ostensible requirement that “a judgment of a court of appeals is conclusive on the facts of the case in all civil cases,” but *abolishes* provision that, absent specific grants of jurisdiction to Texas Supreme court, judgments of courts of appeals are “conclusive on the *law and facts*” (emphasis supplied). Also *abolishes* provision disallowing petitions for review to Texas Supreme Court in, among other types of cases: 1) cases in which county court would have had original or appellate jurisdiction of case, 2) certain contested election cases, 3) interlocutory appeals, and 4) cases in which temporary injunction has been granted or refused. *(Section 1.03, pp. 3-4).*

ARTICLE 2 - General Provisions for Trial Courts *(pp. 5-6 of bill)*

Allows transfers of cases between courts in a county, “on the agreement of all parties in a pending case.” *(Section 2.02, pp. 5-6).*

ARTICLE 3 - General Provisions for District Courts *(pp. 6-13 of bill)*

Grants local administrative judge expanded powers to reassign cases when a judge on another judge’s own motion determines that the moving judge “is disqualified or otherwise should recuse himself.” *(Section 3.01, pp. 6-7).*

Expands abilities of judges to transfer cases and sit in other courts in same county. *(Section 24.003, pp. 7-9).*

Allows “the local board of district judges” to “designate a court as giving preference to certain kinds of cases.” *(Section 24.026, p.10).*

“On the creation of a new judicial district, the initial vacancy in the office of district judge is filled in accordance with Section 28, Article V, Texas Constitution.” *(Section 24.027, pp. 10-11).* *(This constitutional provision requires that the vacancy “shall be filled by the governor*

until the next succeeding General Election for state officers....”).

Eliminates ability of parties to agree to trials in district court with “fewer than 12” jurors, and now enables parties to agree only to use 6 jurors, if the parties agree not to use 12 jurors. *(Section 62.201, p. 13).*

ARTICLE 4 - Jurisdiction of Statutory County Courts *(pp. 13-14 of bill)*

Reduces jurisdiction of unabolished statutory county courts. *(Section 4.01, pp. 13-14).*

ARTICLE 5 - Abolition of Certain Statutory County Courts and Creation of Additional Judicial Districts *(pp. 14-41 of bill)*

County courts at law in certain counties are abolished, and district courts are created in their place. These counties include Calhoun, Cameron, Cass, Dallas, Ellis, El Paso, Galveston, Gregg, Hidalgo, Hood, Kaufman, Kendall, Midland, Nueces, Panola, Parker, Randall, Rockwall, Rusk, Smith, and Travis. These changes are effective on January 1, 2011, except as to: 1) Parker County (effective 1/1/09 for CCL #2), and 2) Rockwall County (effective 1/1/09) (there may be other exceptions to the 1/1/11 effective date). *(Sections 5.01-5.22, pp. 14-38).*

With exceptions related to two specific courts, “the initial vacancy in the office of judge of a judicial district created by this article shall be filled by election,” and “the office of judge of a judicial district created by th is article exists for purposes of the primary and general elections in 2010.” Nevertheless, “[a] vacancy after the initial vacancy is filled as provided by Section 28, Article V, Texas Constitution.” *(This constitutional provision requires that the vacancy “shall be filled by the governor until the next succeeding General Election for state officers....”).* *(Section 5.23, p. 38).*

ARTICLE 6 - Justice and Small Claims Courts *(pp. 42-44 of bill)*

Effective July 1, 2008, Expands jurisdiction of justice courts to \$10,000, eliminates small claims courts, and transfers jurisdiction over small claims cases to justice courts. *(Sections 6.02-6.04, pp. 42-43).*

ARTICLE 7 - Court Administration *(pp. 44-45 of bill)*

Transfers power to appoint presiding judges for administrative regions from governor to chief justice of supreme court. *(Section 7.01, p. 44).*

ARTICLE 8 - Judicial Panels on Multidistrict Litigation and Complex Cases *(pp. 45-49 of bill)*

Creates new “judicial panels on complex cases” comprised of “five members designated by the

chief justice of the supreme court.” (Section 8.02, p. 45). Members of panel must be “active court of appeals justices or regional presiding judges.” (Section 8.02, p. 46).

“On the motion of a party to a civil case, the judge of the court in which the case is pending shall refer the case to the panel for a determination of whether the case constitutes a complex case.” (Section 8.02, p. 47).

Supreme court is directed to develop rules regarding the types of cases that constitute complex cases, but supreme court should consider the following factors in developing rules:

- 1) whether there are likely to be a large number of separately represented parties,
- 2) whether coordination may be necessary with related actions pending in one or more courts in other counties, states, or countries, or in a United states federal court,
- 3) whether it would be beneficial for the case to be heard by a judge who is knowledgeable in the specific area of law involved,
- 4) whether it is likely there will be numerous pretrial motions, or that pretrial motions will present difficult or novel legal issues that will be time-consuming to resolve,
- 5) whether it is likely that there will be a large number of witnesses or a substantial amount of documentary evidence,
- 6) whether it is likely that substantial post-judgment supervision will be required,
- 7) whether it is likely that the amount in controversy will exceed an amount specified by the supreme court, and
- 8) whether there is likely to be scientific, technical, medical, or other evidence that requires specialized knowledge. (Section 8.02, pp. 46-47).

The judge assigned by the panel to try the case must be “an active judge from the administrative region in which the court from which the case was referred is located,” or “a retired or former judge from any administrative region, provided that the retired or former judge agrees to travel [to the region in which the court from which the case was referred is located].” (Section 8.02, p. 47). A retired or former judge assigned to a case is not subject to objection, except under Section 74.053(d) the Government Code. (Section 8.02, pp. 47-48) (Section 74.053(d) of the Government Code provides that, “An assigned judge or justice who was defeated in the last primary or general election for which the judge or justice was a candidate for the judicial office held by the judge or justice may not sit in a case if either party objects to the judge or justice.”).

There is no mandamus provision in the event that the panel determines that the case *is* complex, but there is a provision for mandamus directly to the supreme court in the event that the panel determines that the case is *not* complex. (Section 8.02, p. 48).

The judge to whom a case is assigned by the panel may permit interlocutory appeals of otherwise non-appealable interlocutory orders if “the interlocutory order involves a controlling question of law with respect to which there is substantial ground for difference of opinion,” and “an immediate appeal from the interlocutory order may materially advance the ultimate termination of the litigation.” (Section 8.02, pp. 48-49).

By: Duncan

S.B. No. 1204

A BILL TO BE ENTITLED

AN ACT

1

2 relating to the reorganization and administration of, and
3 procedures relating to, courts in this state, including procedures
4 for appeals.

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

6 ARTICLE 1. APPELLATE COURT PROVISIONS

7 SECTION 1.01. Sections 22.001(a), (b), and (e), Government
8 Code, are amended to read as follows:

9 (a) The supreme court has appellate jurisdiction, except in
10 criminal law matters, coextensive with the limits of the state and
11 extending to all questions of law arising in a case:

12 (1) that is [the following cases when they have been]
13 brought to a court [the courts] of appeals from an appealable
14 judgment or appealable interlocutory order of a [the] trial court
15 [courts].

16 [(1) a case in which the justices of a court of appeals
17 disagree on a question of law material to the decision,

18 [(2) a case in which one of the courts of appeals holds
19 differently from a prior decision of another court of appeals or of
20 the supreme court on a question of law material to a decision of the
21 case,

22 [(3) a case involving the construction or validity of
23 a statute necessary to a determination of the case,

24 [(4) a case involving state revenue,

1 ~~[(5) a case in which the railroad commission is a~~
2 ~~party]; and~~

3 (2) ~~[(6) any other case]~~ in which it appears that an
4 error of law has been committed by the court of appeals, and that
5 error is of such importance to the jurisprudence of the state that,
6 in the opinion of the supreme court, it requires correction~~[- but~~
7 ~~excluding those cases in which the jurisdiction of the court of~~
8 ~~appeals is made final by statute].~~

9 (b) A case over which the court has jurisdiction under
10 Subsection (a) may be carried to the supreme court ~~[either]~~ by
11 petition for review ~~[writ of error or by certificate from the court~~
12 ~~of appeals, but the court of appeals may certify a question of law~~
13 ~~arising in any of those cases at any time it chooses, either before~~
14 ~~or after the decision of the case in that court].~~

15 (e) The supreme court may act on a petition for review when
16 the court deems it expedient. The supreme court shall grant a
17 petition for review in a case in which a court of appeals has
18 declared void a statute of the state. ~~[For purposes of Subsection~~
19 ~~(a)(2), one court holds differently from another when there is~~
20 ~~inconsistency in their respective decisions that should be~~
21 ~~clarified to remove unnecessary uncertainty in the law and~~
22 ~~unfairness to litigants.]~~

23 SECTION 1.02. Section 22.002(b), Government Code, is
24 amended to read as follows:

25 (b) The supreme court or~~[- in vacation,]~~ a justice of the
26 supreme court may issue a writ of mandamus to compel a statutory
27 county court judge, a statutory probate court judge, or a district

1 judge to proceed to trial and judgment in a case [~~agreeable to the~~
2 ~~principles and usages of law, returnable to the supreme court on or~~
3 ~~before the first day of the term, or during the session of the term,~~
4 ~~or before any justice of the supreme court as the nature of the case~~
5 ~~requires~~].

6 SECTION 1.03. Section 22.225, Government Code, is amended
7 to read as follows:

8 Sec. 22.225. EFFECT OF JUDGMENT IN CIVIL CASES. [~~(a)~~] A
9 judgment of a court of appeals is conclusive on the facts of the
10 case in all civil cases.

11 [~~(b)~~ ~~Except as provided by Subsection (c) or (d), a judgment~~
12 ~~of a court of appeals is conclusive on the law and facts, and a~~
13 ~~petition for review is not allowed to the supreme court, in the~~
14 ~~following civil cases:~~

15 [~~(1) a case appealed from a county court or from a~~
16 ~~district court when, under the constitution, a county court would~~
17 ~~have had original or appellate jurisdiction of the case, with the~~
18 ~~exception of a probate matter or a case involving state revenue laws~~
19 ~~or the validity or construction of a statute,~~

20 [~~(2) a case of a contested election other than a~~
21 ~~contested election for a state officer, with the exception of a case~~
22 ~~where the validity of a statute is questioned by the decision,~~

23 [~~(3) an appeal from an interlocutory order appointing~~
24 ~~a receiver or trustee or from other interlocutory appeals that are~~
25 ~~allowed by law,~~

26 [~~(4) an appeal from an order or judgment in a suit in~~
27 ~~which a temporary injunction has been granted or refused or when a~~

1 ~~motion to dissolve has been granted or overruled, and~~

2 ~~[(5) all other cases except the cases where appellate~~
3 ~~jurisdiction is given to the supreme court and is not made final in~~
4 ~~the courts of appeals.~~

5 ~~[(c) This section does not deprive the supreme court of~~
6 ~~jurisdiction of a civil case brought to the court of appeals from an~~
7 ~~appealable judgment of a trial court in which the justices of the~~
8 ~~courts of appeals disagree on a question of law material to the~~
9 ~~decision or in which one of the courts of appeals holds differently~~
10 ~~from a prior decision of another court of appeals or of the supreme~~
11 ~~court, as provided by Subdivisions (1) and (2) of Section~~
12 ~~22.001(a).~~

13 ~~[(d) A petition for review is allowed to the supreme court~~
14 ~~for an appeal from an interlocutory order described by Section~~
15 ~~51.014(a)(3), (6), or (11), Civil Practice and Remedies Code.~~

16 ~~[(e) For purposes of Subsection (c), one court holds~~
17 ~~differently from another when there is inconsistency in their~~
18 ~~respective decisions that should be clarified to remove unnecessary~~
19 ~~uncertainty in the law and unfairness to litigants.]~~

20 SECTION 1.04. (a) Section 24.007, Property Code, is
21 amended to read as follows:

22 Sec. 24.007. APPEAL. (a) ~~[A final judgment of a county~~
23 ~~court in an eviction suit may not be appealed on the issue of~~
24 ~~possession unless the premises in question are being used for~~
25 ~~residential purposes only.]~~ A judgment of a county court in an
26 eviction suit may not under any circumstances be stayed pending
27 appeal unless, within 10 days of the signing of the judgment, the

1 appellant files a supersedeas bond in an amount set by the county
2 court. In setting the supersedeas bond the county court shall
3 provide protection for the appellee to the same extent as in any
4 other appeal, taking into consideration the value of rents likely
5 to accrue during appeal, damages which may occur as a result of the
6 stay during appeal, and other damages or amounts as the court may
7 deem appropriate.

8 (b) Notwithstanding any other law, a final judgment of a
9 county court in an eviction suit may be taken to the court of
10 appeals district in which the county court is located.

11 (b) The change in law made by this section applies to an
12 appeal of a final judgment rendered on or after the effective date
13 of this section. An appeal of a final judgment rendered before the
14 effective date of this section is governed by the law in effect on
15 the date the judgment was rendered, and the former law is continued
16 in effect for that purpose.

17 SECTION 1.05. Section 22.007, Government Code, is repealed.

18 ARTICLE 2. GENERAL PROVISIONS FOR TRIAL COURTS

19 SECTION 2.01. The heading to Subchapter A, Chapter 23,
20 Government Code, is amended to read as follows:

21 SUBCHAPTER A. GENERAL PROVISIONS [JURISDICTION]

22 SECTION 2.02. Subchapter A, Chapter 23, Government Code, is
23 amended by adding Section 23.002 to read as follows:

24 Sec. 23.002. TRANSFER OF CASES. Notwithstanding any other
25 law, on the agreement of all parties in a pending case, a district
26 court, statutory county court, county court, or justice court may
27 transfer the case to any other of those courts in the county,

1 provided that the court to which the case is transferred has
2 jurisdiction over the matter.

3 ARTICLE 3. GENERAL PROVISIONS FOR DISTRICT COURTS

4 SECTION 3.01. Section 24.002, Government Code, is amended
5 to read as follows:

6 Sec. 24.002. ASSIGNMENT OF JUDGE OR TRANSFER OF CASE ON
7 RECUSAL [SUBSTITUTE JUDGES]. (a) If the district judge in a county
8 with only one district court determines on the judge's own motion
9 that the judge should not sit in a case pending in the judge's court
10 because the judge is disqualified or otherwise should recuse
11 himself or herself, the judge shall enter a recusal order, request
12 the presiding judge of that administrative region to assign another
13 judge to sit, and take no further action in the case except for good
14 cause stated in the order in which the action is taken.

15 (b) If a district judge in a county with more than one
16 district court determines on the judge's own motion that the judge
17 should not sit in a case pending in the judge's court because the
18 judge is disqualified or otherwise should recuse himself or
19 herself, the judge shall enter a recusal order, request the local
20 administrative district judge to transfer the case to another
21 court, and take no further action in the case except for good cause
22 stated in the order in which the action is taken [A change of venue
23 is not necessary because of the disqualification of a district
24 judge in a case or proceeding pending in his court, but the judge
25 shall immediately certify his disqualification to the governor.
26 The governor shall designate a district judge of another district
27 to exchange benches with the disqualified judge to try the case.

1 ~~The governor shall notify both judges of his designation, and the~~
2 ~~judges shall exchange benches. If the judges are prevented from~~
3 ~~exchanging benches, the parties or their counsels may agree on an~~
4 ~~attorney of the court for the trial of the case. The district judge~~
5 ~~or special judge shall certify to the governor the fact of a failure~~
6 ~~of the parties or their counsels to agree on an attorney, and the~~
7 ~~governor shall appoint a person legally qualified to act as judge in~~
8 ~~the trial of the case].~~

9 SECTION 3.02. Section 24.003, Government Code, is amended
10 to read as follows:

11 Sec. 24.003. TRANSFER OF CASES; EXCHANGE OF BENCHES
12 ~~[SUBSTITUTE JUDGES IN CERTAIN COUNTIES]~~. (a) This section applies
13 only to ~~[civil cases in]~~ counties with two ~~[five]~~ or more district
14 courts.

15 (b) A district judge in the county may:

16 (1) transfer any civil or criminal case or proceeding
17 on the court's docket to the docket of another district court in the
18 county;

19 (2) hear and determine any case or proceeding pending
20 in another district court in the county without having the case
21 transferred;

22 (3) sit for another district court in the county and
23 hear and determine any case or proceeding pending in that court;

24 (4) temporarily exchange benches with the judge of
25 another district court in the county;

26 (5) try different cases in the same court at the same
27 time; and

1 (6) occupy the judge's own courtroom or the courtroom
2 of another district court in the county.

3 (c) If a district judge in the county is sick or otherwise
4 absent, another district judge in the county may hold court for the
5 judge. A district judge in the county may hear and determine any
6 part or question of any case or proceeding pending in any of the
7 district courts, and any other district judge may complete the
8 hearing and render judgment in the case or proceeding. A district
9 judge may hear and determine motions, including motions for new
10 trial, petitions for injunction, applications for the appointment
11 of a receiver, interventions, pleas in abatement, dilatory pleas,
12 and all preliminary matters, questions, and proceedings, and may
13 enter judgment or order on them in the court in which the case or
14 proceeding is pending without transferring the case or proceeding.
15 The district judge in whose court the matter is pending may proceed
16 to hear, complete, and determine the matter, or all or any part of
17 another matter, and render a final judgment. A district judge may
18 issue a restraining order or injunction that is returnable to any
19 other district court.

20 (d) A judgment or order shall be entered in the minutes of
21 the court in which the case is pending.

22 (e) This section does not limit the powers of a district
23 judge when acting for another judge by exchange of benches or
24 otherwise ~~[If a district judge is disqualified in a case pending in~~
25 ~~his court and his disqualification is certified to the governor,~~
26 ~~the governor may require any other district judge in the county to~~
27 ~~exchange benches with the disqualified judge.~~

1 ~~[(c) If a district judge is absent, sick, or disqualified,~~
2 ~~any of the district judges in the county may hold court for him or~~
3 ~~may transfer a pending case to the court of any other district judge~~
4 ~~in the county].~~

5 SECTION 3.03. Section 24.012(a), Government Code, is
6 amended to read as follows:

7 (a) Notwithstanding any other law, each [Each] district and
8 criminal district court holds in each county in the judicial
9 district [at least two] terms that commence on the first Mondays in
10 January and July of [court] each year [in each county in the
11 district]. To the extent of a conflict between this subsection and
12 a specific provision relating to a particular judicial district,
13 this section controls.

14 SECTION 3.04. Subchapter A, Chapter 24, Government Code, is
15 amended by adding Sections 24.023 through 24.031 to read as
16 follows:

17 Sec. 24.023. OBLIGATIONS; BONDS. (a) When a case is
18 transferred from one court to another, all processes, writs, bonds,
19 recognizances, and other obligations issued by the transferring
20 court are returnable to the court to which the case is transferred
21 as if originally issued by that court.

22 (b) The obligees in all bonds and recognizances taken in and
23 for a court from which a case is transferred, and all witnesses
24 summoned to appear in a district court from which a case is
25 transferred, are required to appear before the court to which the
26 case is transferred as if taken in or for required to appear before
27 that court.

1 Sec. 24.024. FILING AND DOCKETING CASES. In a county with
2 two or more district courts, the district judges may adopt rules
3 governing the filing and numbering of cases, the assignment of
4 cases for trial, and the distribution of the work of the courts as
5 in their discretion they consider necessary or desirable for the
6 orderly dispatch of the business of the courts.

7 Sec. 24.025. SUPPLEMENTAL COMPENSATION. (a) Unless
8 otherwise provided by this subchapter, all district judges in a
9 county are entitled to equal amounts of supplemental compensation
10 from the county.

11 (b) A district judge is entitled to an amount of
12 supplemental compensation for serving on the juvenile board of a
13 county that is equal to the amount other judges serving on the
14 juvenile board receive.

15 Sec. 24.026. ASSIGNING PREFERENCES TO DISTRICT COURTS. (a)
16 In a county with two or more district courts, the local board of
17 district judges may designate a court as giving preference to
18 certain kinds of cases.

19 (b) Courts designated as giving preference to family law
20 matters have primary responsibility for matters arising under
21 Titles 1, 2, 4, and 5, Family Code.

22 (c) The designation of a court as giving preference to
23 certain kinds of cases does not limit the jurisdiction of that court
24 or of any other district court in the county.

25 Sec. 24.027. APPOINTMENT OF INITIAL JUDGE. On the creation
26 of a new judicial district, the initial vacancy in the office of
27 district judge is filled in accordance with Section 28, Article V,

1 Texas Constitution.

2 Sec. 24.028. GRAND AND PETIT JURORS. (a) All grand and
3 petit jurors selected in a county before a new district court is
4 created or the composition of an existing district court is
5 modified by an amendment to this chapter are considered to be
6 selected for the new or modified district court, as applicable.

7 (b) A petit jury is composed of the number of members as
8 provided by Section 62.201.

9 Sec. 24.029. CASES TRANSFERRED. If by an amendment to this
10 chapter a county is removed from the composition of an existing
11 judicial district and added to another existing or new judicial
12 district, all cases and proceedings from that county that are
13 pending in the district court of the judicial district from which
14 the county was removed are transferred to the district court of the
15 judicial district to which the county is added. The judge of each
16 affected district court shall sign the proper orders in connection
17 with the transfer.

18 Sec. 24.030. PROCESSES, WRITS, AND OTHER OBLIGATIONS REMAIN
19 VALID. (a) If by an amendment to this chapter a county is removed
20 from the composition of an existing judicial district and added to
21 another existing or new judicial district, or if an amendment to
22 this chapter changes the time or place at which the terms of court
23 are held, all processes, writs, bonds, recognizances, and other
24 obligations issued from and made returnable to that court before
25 the effective date of the transfer or other change are returnable as
26 provided by this subsection. An obligation issued from the
27 affected court is returnable to another district court in the

1 county on the date that court directs, but may not be made
2 returnable on a date that is earlier than the date on which the
3 obligation was originally returnable. The obligations are legal
4 and valid as if the obligations had been made returnable to the
5 issuing court.

6 (b) The obligees in all appearance bonds and recognizances
7 taken in and for a district court of a county before the effective
8 date of an amendment to this chapter, and all witnesses summoned to
9 appear before that district court under laws existing before the
10 effective date of an amendment to this chapter, are required to
11 appear at another district court in the county on the date that
12 court directs, but may not be required to appear on a date that is
13 earlier than the date on which the obligees or witnesses were
14 originally required to appear.

15 Sec. 24.031. LOCATION OF COURT. (a) A district court shall
16 sit in the county seat for a jury trial in a civil case. The
17 commissioners court of the county may authorize a district court to
18 sit in any municipality within the county to hear and determine
19 nonjury trials in civil cases and to hear and determine motions,
20 arguments, and other matters not heard before a jury in a civil case
21 that is within the court's jurisdiction.

22 (b) The district clerk or the clerk's deputy serves as clerk
23 of the court when a court sits in a municipality other than the
24 municipality that is the county seat and may transfer:

25 (1) all necessary books, minutes, records, and papers
26 to that municipality while the court is in session there; and

27 (2) the books, minutes, records, and papers back to

1 the clerk's office in the county seat at the end of each session.

2 (c) If the commissioners court authorizes a district court
3 to sit in a municipality other than the municipality that is the
4 county seat, the commissioners court shall provide suitable
5 facilities for the court in that municipality.

6 SECTION 3.05. Section 62.201, Government Code, is amended
7 to read as follows:

8 Sec. 62.201. NUMBER OF JURORS. The jury in a district court
9 is composed of 12 persons, except that the parties may agree to try
10 a particular case with six ~~[fewer than 12]~~ jurors unless a jury of
11 12 is required by Section 13, Article V, Texas Constitution.

12 SECTION 3.06. Section 24.013, Government Code, is repealed.

13 ARTICLE 4. JURISDICTION OF STATUTORY COUNTY COURTS

14 SECTION 4.01. Section 25.0002, Government Code, is amended
15 to read as follows:

16 Sec. 25.0002. DEFINITIONS ~~[DEFINITION]~~. In this chapter:

17 (1) "Criminal law cases and proceedings" includes
18 cases and proceedings for allegations of conduct punishable in part
19 by confinement in the county jail not to exceed one year.

20 (2) "Family~~[, "family]~~ law cases and proceedings"
21 includes cases and proceedings under Titles 1, 2, 4, and 5, Family
22 Code ~~[involving adoptions, birth records, or removal of disability~~
23 ~~of minority or coverture, change of names of persons, child~~
24 ~~welfare, custody, support and reciprocal support, dependency,~~
25 ~~neglect, or delinquency, paternity, termination of parental~~
26 ~~rights, divorce and marriage annulment, including the adjustment of~~
27 ~~property rights, custody and support of minor children involved~~

1 ~~therein, temporary support pending final hearing, and every other~~
2 ~~matter incident to divorce or annulment proceedings; independent~~
3 ~~actions involving child support, custody of minors, and wife or~~
4 ~~child desertion, and independent actions involving controversies~~
5 ~~between parent and child, between parents, and between spouses].~~

6 (3) "Juvenile law cases and proceedings" includes all
7 cases and proceedings brought under Title 3, Family Code.

8 (4) "Mental health causes and proceedings" includes
9 all cases and proceedings brought under Subtitle C, Title 7, Health
10 and Safety Code.

11 SECTION 4.02. This article takes effect September 1, 2007.

12 ARTICLE 5. ABOLITION OF CERTAIN STATUTORY COUNTY COURTS AND

13 CREATION OF ADDITIONAL JUDICIAL DISTRICTS

14 SECTION 5.01. (a) Subchapter C, Chapter 24, Government
15 Code, is amended by adding Section 24.594 to read as follows:

16 Sec. 24.594. 450TH JUDICIAL DISTRICT (CALHOUN COUNTY). The
17 450th Judicial District is composed of Calhoun County.

18 (b) Sections 25.0311 and 25.0312, Government Code, are
19 repealed.

20 (c) On January 1, 2011:

21 (1) the County Court at Law No. 1 of Calhoun County is
22 abolished; and

23 (2) the 450th Judicial District is created.

24 (d) This section takes effect January 1, 2011.

25 SECTION 5.02. (a) Subchapter C, Chapter 24, Government
26 Code, is amended by adding Section 24.595 to read as follows:

27 Sec. 24.595. 451ST JUDICIAL DISTRICT (CAMERON COUNTY). The

1 451st Judicial District is composed of Cameron County.

2 (b) Subchapter C, Chapter 24, Government Code, is amended by
3 adding Section 24.596 to read as follows:

4 Sec. 24.596. 452ND JUDICIAL DISTRICT (CAMERON COUNTY). The
5 452nd Judicial District is composed of Cameron County.

6 (c) Subchapter C, Chapter 24, Government Code, is amended by
7 adding Section 24.597 to read as follows:

8 Sec. 24.597. 453RD JUDICIAL DISTRICT (CAMERON COUNTY). The
9 453rd Judicial District is composed of Cameron County.

10 (d) Sections 25.0331 and 25.0332, Government Code, are
11 repealed.

12 (e) On January 1, 2011:

13 (1) the County Court at Law No. 1 of Cameron County is
14 abolished; and

15 (2) the 451st Judicial District is created.

16 (f) On January 1, 2011:

17 (1) the County Court at Law No. 2 of Cameron County is
18 abolished; and

19 (2) the 452nd Judicial District is created.

20 (g) On January 1, 2011:

21 (1) the County Court at Law No. 3 of Cameron County is
22 abolished; and

23 (2) the 453rd Judicial District is created.

24 (h) This section takes effect January 1, 2011.

25 SECTION 5.03. (a) Subchapter C, Chapter 24, Government
26 Code, is amended by adding Section 24.598 to read as follows:

27 Sec. 24.598. 454TH JUDICIAL DISTRICT (CASS COUNTY). The

1 454th Judicial District is composed of Cass County.

2 (b) Sections 25.0361 and 25.0362, Government Code, are
3 repealed.

4 (c) On January 1, 2011:

5 (1) the County Court at Law of Cass County is
6 abolished; and

7 (2) the 454th Judicial District is created.

8 (d) This section takes effect January 1, 2011.

9 SECTION 5.04. (a) Subchapter C, Chapter 24, Government
10 Code, is amended by adding Section 24.599 to read as follows:

11 Sec. 24.599. 455TH JUDICIAL DISTRICT (DALLAS COUNTY). The
12 455th Judicial District is composed of Dallas County.

13 (b) Subchapter C, Chapter 24, Government Code, is amended by
14 adding Section 24.600 to read as follows:

15 Sec. 24.600. 456TH JUDICIAL DISTRICT (DALLAS COUNTY). The
16 456th Judicial District is composed of Dallas County.

17 (c) Subchapter C, Chapter 24, Government Code, is amended by
18 adding Section 24.6001 to read as follows:

19 Sec. 24.6001. 457TH JUDICIAL DISTRICT (DALLAS COUNTY). The
20 457th Judicial District is composed of Dallas County.

21 (d) Subchapter C, Chapter 24, Government Code, is amended by
22 adding Section 24.6002 to read as follows:

23 Sec. 24.6002. 458TH JUDICIAL DISTRICT (DALLAS COUNTY). The
24 458th Judicial District is composed of Dallas County.

25 (e) Subchapter C, Chapter 24, Government Code, is amended by
26 adding Section 24.6003 to read as follows:

27 Sec. 24.6003. 459TH JUDICIAL DISTRICT (DALLAS COUNTY). The

1 459th Judicial District is composed of Dallas County.

2 (f) Sections 25.0591(a) and 25.0592, Government Code, are
3 repealed.

4 (g) Section 25.0593(a), Government Code, is amended to read
5 as follows:

6 (a) A county criminal court in Dallas County has the
7 criminal jurisdiction, original and appellate, provided by the
8 constitution and law for county courts and ~~[concurrent]~~
9 jurisdiction ~~[with county courts at law for Dallas County]~~ to hear
10 appeals of the suspension of driver's licenses and original
11 proceedings regarding occupational driver's licenses.

12 (h) On January 1, 2011:

13 (1) the County Court of Dallas County at Law No. 1 is
14 abolished; and

15 (2) the 455th Judicial District is created.

16 (i) On January 1, 2011:

17 (1) the County Court of Dallas County at Law No. 2 is
18 abolished; and

19 (2) the 456th Judicial District is created.

20 (j) On January 1, 2011:

21 (1) the County Court of Dallas County at Law Number 3
22 is abolished; and

23 (2) the 457th Judicial District is created.

24 (k) On January 1, 2011:

25 (1) the County Court of Dallas County at Law Number 4
26 is abolished; and

27 (2) the 458th Judicial District is created.

1 (1) On January 1, 2011:

2 (1) the County Court of Dallas County at Law No. 5 is
3 abolished; and

4 (2) the 459th Judicial District is created.

5 (m) This section takes effect January 1, 2011.

6 SECTION 5.05. (a) Subchapter C, Chapter 24, Government
7 Code, is amended by adding Section 24.6004 to read as follows:

8 Sec. 24.6004. 460TH JUDICIAL DISTRICT (ELLIS COUNTY). The
9 460th Judicial District is composed of Ellis County.

10 (b) Subchapter C, Chapter 24, Government Code, is amended by
11 adding Section 24.6005 to read as follows:

12 Sec. 24.6005. 461ST JUDICIAL DISTRICT (ELLIS COUNTY). The
13 461st Judicial District is composed of Ellis County.

14 (c) Sections 25.0721 and 25.0722, Government Code, are
15 repealed.

16 (d) On January 1, 2011:

17 (1) the County Court at Law of Ellis County is
18 abolished; and

19 (2) the 460th Judicial District is created.

20 (e) On January 1, 2011:

21 (1) the County Court at Law No. 2 of Ellis County is
22 abolished; and

23 (2) the 461st Judicial District is created.

24 (f) This section takes effect January 1, 2011.

25 SECTION 5.06. (a) Subchapter C, Chapter 24, Government
26 Code, is amended by adding Section 24.6006 to read as follows:

27 Sec. 24.6006. 462ND JUDICIAL DISTRICT (EL PASO COUNTY).

1 The 462nd Judicial District is composed of El Paso County.

2 (b) Subchapter C, Chapter 24, Government Code, is amended by
3 adding Section 24.6007 to read as follows:

4 Sec. 24.6007. 463RD JUDICIAL DISTRICT (EL PASO COUNTY).

5 The 463rd Judicial District is composed of El Paso County.

6 (c) Subchapter C, Chapter 24, Government Code, is amended by
7 adding Section 24.6008 to read as follows:

8 Sec. 24.6008. 464TH JUDICIAL DISTRICT (EL PASO COUNTY).

9 The 464th Judicial District is composed of El Paso County.

10 (d) Subchapter C, Chapter 24, Government Code, is amended by
11 adding Section 24.6009 to read as follows:

12 Sec. 24.6009. 465TH JUDICIAL DISTRICT (EL PASO COUNTY).

13 The 465th Judicial District is composed of El Paso County.

14 (e) Subchapter C, Chapter 24, Government Code, is amended by
15 adding Section 24.60010 to read as follows:

16 Sec. 24.60010. 466TH JUDICIAL DISTRICT (EL PASO COUNTY).

17 The 466th Judicial District is composed of El Paso County.

18 (f) Subchapter C, Chapter 24, Government Code, is amended by
19 adding Section 24.60011 to read as follows:

20 Sec. 24.60011. 467TH JUDICIAL DISTRICT (EL PASO COUNTY).

21 The 467th Judicial District is composed of El Paso County.

22 (g) Subchapter C, Chapter 24, Government Code, is amended by
23 adding Section 24.60012 to read as follows:

24 Sec. 24.60012. 468TH JUDICIAL DISTRICT (EL PASO COUNTY).

25 The 468th Judicial District is composed of El Paso County.

26 (h) Section 25.0731(a), Government Code, is amended to read
27 as follows:

- 1 (a) El Paso County has the following statutory county
2 courts:
- 3 (1) ~~[County Court at Law No. 1 of El Paso County,~~
4 ~~Texas,~~
- 5 ~~[(2) County Court at Law No. 2 of El Paso County,~~
6 ~~Texas,~~
- 7 ~~[(3) County Court at Law No. 3 of El Paso County,~~
8 ~~Texas,~~
- 9 ~~[(4) County Court at Law No. 4 of El Paso County,~~
10 ~~Texas,~~
- 11 ~~[(5) County Court at Law No. 5 of El Paso County,~~
12 ~~Texas,~~
- 13 ~~[(6) County Court at Law No. 6 of El Paso County,~~
14 ~~Texas,~~
- 15 ~~[(7) County Court at Law No. 7 of El Paso County,~~
16 ~~Texas,~~
- 17 ~~[(8)]~~ County Criminal Court at Law No. 1 of El Paso
18 County, Texas; and
- 19 (2) ~~[(9)]~~ County Criminal Court at Law No. 2 of El Paso
20 County, Texas.
- 21 (i) Sections 25.0732(i) and (r), Government Code, are
22 repealed.
- 23 (j) On January 1, 2011:
- 24 (1) the County Court at Law No. 1 of El Paso County,
25 Texas, is abolished; and
- 26 (2) the 462nd Judicial District is created.
- 27 (k) On January 1, 2011:

1 (1) the County Court at Law No. 2 of El Paso County,
2 Texas, is abolished; and

3 (2) the 463rd Judicial District is created.

4 (1) On January 1, 2011:

5 (1) the County Court at Law No. 3 of El Paso County,
6 Texas, is abolished; and

7 (2) the 464th Judicial District is created.

8 (m) On January 1, 2011:

9 (1) the County Court at Law No. 4 of El Paso County,
10 Texas, is abolished; and

11 (2) the 465th Judicial District is created.

12 (n) On January 1, 2011:

13 (1) the County Court at Law No. 5 of El Paso County,
14 Texas, is abolished; and

15 (2) the 466th Judicial District is created.

16 (o) On January 1, 2011:

17 (1) the County Court at Law No. 6 of El Paso County,
18 Texas, is abolished; and

19 (2) the 467th Judicial District is created.

20 (p) On January 1, 2011:

21 (1) the County Court at Law No. 7 of El Paso County,
22 Texas, is abolished; and

23 (2) the 468th Judicial District is created.

24 (q) This section takes effect January 1, 2011.

25 SECTION 5.07. (a) Subchapter C, Chapter 24, Government
26 Code, is amended by adding Section 24.60013 to read as follows:

27 Sec. 24.60013. 469TH JUDICIAL DISTRICT (GALVESTON COUNTY).

1 The 469th Judicial District is composed of Galveston County.

2 (b) Subchapter C, Chapter 24, Government Code, is amended by
3 adding Section 24.60014 to read as follows:

4 Sec. 24.60014. 470th JUDICIAL DISTRICT (GALVESTON COUNTY).

5 The 470th Judicial District is composed of Galveston County.

6 (c) Subchapter C, Chapter 24, Government Code, is amended by
7 adding Section 24.60015 to read as follows:

8 Sec. 24.60015. 471ST JUDICIAL DISTRICT (GALVESTON COUNTY).

9 The 471st Judicial District is composed of Galveston County.

10 (d) Sections 25.0862(i), (j), (k), and (l), Government
11 Code, are amended to read as follows:

12 (i) The clerk of the [~~statutory county courts and~~] statutory
13 probate court shall [~~keep a separate docket for each court. The~~
14 ~~clerk shall~~] tax the official court reporter's fees as costs in
15 civil actions in the same manner as the fee is taxed in civil cases
16 in the district courts. The [~~district clerk serves as clerk of the~~
17 ~~county courts in a cause of action arising under the Family Code and~~
18 ~~an appeal of a final ruling or decision of the division of workers'~~
19 ~~compensation of the Texas Department of Insurance regarding~~
20 ~~workers' compensation claims, and the~~] county clerk serves as clerk
21 of the court in all [~~other~~] cases.

22 (j) The sheriff shall appoint a deputy to attend [~~County~~
23 ~~Court No. 1, 2, or 3 of Galveston County or~~] the Probate Court of
24 Galveston County when required by the judge.

25 (k) The official court reporter of the [~~each statutory~~
26 ~~county court and each~~] statutory probate court is entitled to the
27 same compensation, paid in the same manner, as the official court

1 reporters of the district courts in Galveston County. The [Each]
2 reporter is primarily responsible for cases in the reporter's
3 court.

4 (1) The official court [Each] reporter may be made available
5 when not engaged in proceedings in the reporter's [their] court to
6 report proceedings in all other courts. [~~Practice, appeals, and~~
7 ~~writs of error in a statutory county court are as prescribed by law~~
8 ~~for county courts and county courts at law. Appeals and writs of~~
9 ~~error may be taken from judgments and orders of the County Courts~~
10 ~~Nos. 1, 2, and 3 of Galveston County and the judges, in civil and~~
11 ~~criminal cases, in the manner prescribed by law for appeals and~~
12 ~~writs of error. Appeals from interlocutory orders of the County~~
13 ~~Courts Nos. 1, 2, and 3 appointing a receiver or overruling a motion~~
14 ~~to vacate or appoint a receiver may be taken and are governed by the~~
15 ~~laws relating to appeals from similar orders of district courts.~~]

16 (e) Sections 25.0861(a) and 25.0862(a), (b), (g), (h), (m),
17 and (n), Government Code, are repealed.

18 (f) On January 1, 2011:

19 (1) the County Court No. 1 of Galveston County is
20 abolished; and

21 (2) the 469th Judicial District is created.

22 (g) On January 1, 2011:

23 (1) the County Court No. 2 of Galveston County is
24 abolished; and

25 (2) the 470th Judicial District is created.

26 (h) On January 1, 2011:

27 (1) the County Court No. 3 of Galveston County is

1 abolished; and

2 (2) the 471st Judicial District is created.

3 (i) This section takes effect January 1, 2011.

4 SECTION 5.08. (a) Subchapter C, Chapter 24, Government
5 Code, is amended by adding Section 24.60016 to read as follows:

6 Sec. 24.60016. 472ND JUDICIAL DISTRICT (GREGG COUNTY). The
7 472nd Judicial District is composed of Gregg County.

8 (b) Subchapter C, Chapter 24, Government Code, is amended by
9 adding Section 24.60017 to read as follows:

10 Sec. 24.60017. 473RD JUDICIAL DISTRICT (GREGG COUNTY). The
11 473rd Judicial District is composed of Gregg County.

12 (c) Sections 25.0941 and 25.0942, Government Code, are
13 repealed.

14 (d) On January 1, 2011:

15 (1) the County Court at Law No. 1 of Gregg County is
16 abolished; and

17 (2) the 472nd Judicial District is created.

18 (e) On January 1, 2011:

19 (1) the County Court at Law No. 2 of Gregg County is
20 abolished; and

21 (2) the 473rd Judicial District is created.

22 (f) This section takes effect January 1, 2011.

23 SECTION 5.09. (a) Subchapter C, Chapter 24, Government
24 Code, is amended by adding Section 24.60018 to read as follows:

25 Sec. 24.60018. 474TH JUDICIAL DISTRICT (HIDALGO COUNTY).
26 The 474th Judicial District is composed of Hidalgo County.

27 (b) Subchapter C, Chapter 24, Government Code, is amended by

1 adding Section 24.60019 to read as follows:

2 Sec. 24.60019. 475TH JUDICIAL DISTRICT (HIDALGO COUNTY).

3 The 475th Judicial District is composed of Hidalgo County.

4 (c) Subchapter C, Chapter 24, Government Code, is amended by
5 adding Section 24.60020 to read as follows:

6 Sec. 24.60020. 476TH JUDICIAL DISTRICT (HIDALGO COUNTY).

7 The 476th Judicial District is composed of Hidalgo County.

8 (d) Subchapter C, Chapter 24, Government Code, is amended by
9 adding Section 24.60021 to read as follows:

10 Sec. 24.60021. 477TH JUDICIAL DISTRICT (HIDALGO COUNTY).

11 The 477th Judicial District is composed of Hidalgo County.

12 (e) Subchapter C, Chapter 24, Government Code, is amended by
13 adding Section 24.60022 to read as follows:

14 Sec. 24.60022. 478TH JUDICIAL DISTRICT (HIDALGO COUNTY).

15 The 478th Judicial District is composed of Hidalgo County.

16 (f) Sections 25.1101(a) and (c) and 25.1102, Government
17 Code, are repealed.

18 (g) On January 1, 2011:

19 (1) the County Court at Law No. 1 of Hidalgo County is
20 abolished; and

21 (2) the 474th Judicial District is created.

22 (h) On January 1, 2011:

23 (1) the County Court at Law No. 2 of Hidalgo County is
24 abolished; and

25 (2) the 475th Judicial District is created.

26 (i) On January 1, 2011:

27 (1) the County Court at Law No. 4 of Hidalgo County is

1 abolished; and

2 (2) the 476th Judicial District is created.

3 (j) On January 1, 2011:

4 (1) the County Court at Law No. 5 of Hidalgo County is
5 abolished; and

6 (2) the 477th Judicial District is created.

7 (k) On January 1, 2011:

8 (1) the County Court at Law No. 6 of Hidalgo County is
9 abolished; and

10 (2) the 478th Judicial District is created.

11 (l) This section takes effect January 1, 2011.

12 SECTION 5.10. (a) Subchapter C, Chapter 24, Government
13 Code, is amended by adding Section 24.60023 to read as follows:

14 Sec. 24.60023. 479TH JUDICIAL DISTRICT (HOOD COUNTY). The
15 479th Judicial District is composed of Hood County.

16 (b) Sections 25.1131 and 25.1132, Government Code, are
17 repealed.

18 (c) On January 1, 2011:

19 (1) the County Court at Law No. 1 of Hood County is
20 abolished; and

21 (2) the 479th Judicial District is created.

22 (d) This section takes effect January 1, 2011.

23 SECTION 5.11. (a) Subchapter C, Chapter 24, Government
24 Code, is amended by adding Section 24.60024 to read as follows:

25 Sec. 24.60024. 480TH JUDICIAL DISTRICT (KAUFMAN COUNTY).
26 The 480th Judicial District is composed of Kaufman County.

27 (b) Section 25.1311, Government Code, is amended to read as

1 follows:

2 Sec. 25.1311. KAUFMAN COUNTY. Kaufman County has one [~~the~~
3 ~~following~~] statutory county court, [~~courts~~]

4 [~~(1) the County Court at Law of Kaufman County, and~~
5 ~~(2)~~] the County Court at Law No. 2 of Kaufman County.

6 (c) Section 25.1312(b-1), Government Code, is amended to
7 read as follows:

8 (b-1) A statutory county court in [~~The County Court at Law~~
9 ~~No. 2 of~~] Kaufman County does not have jurisdiction of civil cases
10 in which the amount in controversy exceeds the limit prescribed by
11 Section 25.0003(c)(1).

12 (d) On January 1, 2011:

13 (1) the County Court at Law of Kaufman County is
14 abolished; and

15 (2) the 480th Judicial District is created.

16 (e) This section takes effect January 1, 2011.

17 SECTION 5.12. (a) Subchapter C, Chapter 24, Government
18 Code, is amended by adding Section 24.60025 to read as follows:

19 Sec. 24.60025. 481ST JUDICIAL DISTRICT (KENDALL COUNTY).
20 The 481st Judicial District is composed of Kendall County.

21 (b) Sections 25.1321 and 25.1322, Government Code, are
22 repealed.

23 (c) On January 1, 2011:

24 (1) the County Court at Law of Kendall County is
25 abolished; and

26 (2) the 481st Judicial District is created.

27 (d) This section takes effect January 1, 2011.

1 SECTION 5.13. (a) Subchapter C, Chapter 24, Government
2 Code, is amended by adding Section 24.60026 to read as follows:

3 Sec. 24.60026. 482ND JUDICIAL DISTRICT (MIDLAND COUNTY).
4 The 482nd Judicial District is composed of Midland County.

5 (b) Subchapter C, Chapter 24, Government Code, is amended by
6 adding Section 24.60027 to read as follows:

7 Sec. 24.60027. 483RD JUDICIAL DISTRICT (MIDLAND COUNTY).
8 The 483rd Judicial District is composed of Midland County.

9 (c) Sections 25.1671 and 25.1672, Government Code, are
10 repealed.

11 (d) On January 1, 2011:

12 (1) the County Court at Law of Midland County is
13 abolished; and

14 (2) the 482nd Judicial District is created.

15 (e) On January 1, 2011:

16 (1) the County Court at Law No. 2 of Midland County is
17 abolished; and

18 (2) the 483rd Judicial District is created.

19 (f) This section takes effect January 1, 2011.

20 SECTION 5.14. (a) Subchapter C, Chapter 24, Government
21 Code, is amended by adding Section 24.60028 to read as follows:

22 Sec. 24.60028. 484TH JUDICIAL DISTRICT (NUECES COUNTY).
23 The 484th Judicial District is composed of Nueces County.

24 (b) Subchapter C, Chapter 24, Government Code, is amended by
25 adding Section 24.60029 to read as follows:

26 Sec. 24.60029. 485TH JUDICIAL DISTRICT (NUECES COUNTY).
27 The 485th Judicial District is composed of Nueces County.

1 (c) Subchapter C, Chapter 24, Government Code, is amended by
2 adding Section 24.60030 to read as follows:

3 Sec. 24.60030. 486TH JUDICIAL DISTRICT (NUECES COUNTY).
4 The 486th Judicial District is composed of Nueces County.

5 (d) Subchapter C, Chapter 24, Government Code, is amended by
6 adding Section 24.60031 to read as follows:

7 Sec. 24.60031. 487TH JUDICIAL DISTRICT (NUECES COUNTY).
8 The 487th Judicial District is composed of Nueces County.

9 (e) Subchapter C, Chapter 24, Government Code, is amended by
10 adding Section 24.60032 to read as follows:

11 Sec. 24.60032. 488TH JUDICIAL DISTRICT (NUECES COUNTY).
12 The 488th Judicial District is composed of Nueces County.

13 (f) Sections 24.130(d), 24.196(d), 24.207(d), 24.219(d),
14 24.353(c), 24.393(c), 24.493(b), 24.627(c), 25.1801, and 25.1802,
15 Government Code, are repealed.

16 (g) On January 1, 2011:

17 (1) the County Court at Law No. 1 of Nueces County is
18 abolished; and

19 (2) the 484th Judicial District is created.

20 (h) On January 1, 2011:

21 (1) the County Court at Law No. 2 of Nueces County is
22 abolished; and

23 (2) the 485th Judicial District is created.

24 (i) On January 1, 2011:

25 (1) the County Court at Law No. 3 of Nueces County is
26 abolished; and

27 (2) the 486th Judicial District is created.

- 1 (j) On January 1, 2011:
2 (1) the County Court at Law No. 4 of Nueces County is
3 abolished; and
4 (2) the 487th Judicial District is created.
- 5 (k) On January 1, 2011:
6 (1) the County Court at Law No. 5 of Nueces County is
7 abolished; and
8 (2) the 488th Judicial District is created.
- 9 (l) This section takes effect January 1, 2011.
- 10 SECTION 5.15. (a) Subchapter C, Chapter 24, Government
11 Code, is amended by adding Section 24.60033 to read as follows:
12 Sec. 24.60033. 489TH JUDICIAL DISTRICT (PANOLA COUNTY).
13 The 489th Judicial District is composed of Panola County.
- 14 (b) Sections 25.1851 and 25.1852, Government Code, are
15 repealed.
- 16 (c) On January 1, 2011:
17 (1) the County Court at Law of Panola County is
18 abolished; and
19 (2) the 489th Judicial District is created.
- 20 (d) This section takes effect January 1, 2011.
- 21 SECTION 5.16. (a) Subchapter C, Chapter 24, Government
22 Code, is amended by adding Section 24.60034 to read as follows:
23 Sec. 24.60034. 490TH JUDICIAL DISTRICT (PARKER COUNTY).
24 The 490th Judicial District is composed of Parker County.
- 25 (b) Effective January 1, 2011, Subchapter C, Chapter 24,
26 Government Code, is amended by adding Section 24.60035 to read as
27 follows:

1 Sec. 24.60035. 491ST JUDICIAL DISTRICT (PARKER COUNTY).

2 The 491st Judicial District is composed of Parker County.

3 (c) Section 25.1861(a), Government Code, is amended to read
4 as follows:

5 (a) Parker County has one ~~[the following]~~ statutory county
6 court, [courts]

7 ~~[(1)]~~ the County Court at Law of Parker County ~~[, and~~

8 ~~[(2)] the County Court at Law No. 2 of Parker County]~~.

9 (d) Effective January 1, 2011, Sections 25.1861, 25.1862,
10 and 25.1863, Government Code, are repealed.

11 (e) On January 1, 2009:

12 (1) the County Court at Law No. 2 of Parker County is
13 abolished; and

14 (2) the 490th Judicial District is created.

15 (f) On January 1, 2011:

16 (1) the County Court at Law of Parker County is
17 abolished; and

18 (2) the 491st Judicial District is created.

19 (g) Notwithstanding Subsection (h) of this section, for
20 purposes of Section 201.027, Election Code, the effective date of
21 Subsection (b) of this section is January 1, 2011.

22 (h) This section takes effect January 1, 2009.

23 SECTION 5.17. (a) Subchapter C, Chapter 24, Government
24 Code, is amended by adding Section 24.60036 to read as follows:

25 Sec. 24.60036. 492ND JUDICIAL DISTRICT (RANDALL COUNTY).

26 The 492nd Judicial District is composed of Randall County.

27 (b) Subchapter C, Chapter 24, Government Code, is amended by

1 adding Section 24.60037 to read as follows:

2 Sec. 24.60037. 493RD JUDICIAL DISTRICT (RANDALL COUNTY).

3 The 493rd Judicial District is composed of Randall County.

4 (c) Sections 25.1931 and 25.1932, Government Code, are
5 repealed.

6 (d) On January 1, 2011:

7 (1) the County Court at Law No. 1 of Randall County is
8 abolished; and

9 (2) the 492nd Judicial District is created.

10 (e) On January 1, 2011:

11 (1) the County Court at Law No. 2 of Randall County is
12 abolished; and

13 (2) the 493rd Judicial District is created.

14 (f) This section takes effect January 1, 2011.

15 SECTION 5.18. (a) Subchapter C, Chapter 24, Government
16 Code, is amended by adding Section 24.60038 to read as follows:

17 Sec. 24.60038. 494TH JUDICIAL DISTRICT (ROCKWALL COUNTY).

18 The 494th Judicial District is composed of Rockwall County.

19 (b) Sections 25.2011 and 25.2012, Government Code, are
20 repealed.

21 (c) On January 1, 2009:

22 (1) the County Court at Law of Rockwall County is
23 abolished; and

24 (2) the 494th Judicial District is created.

25 (d) This section takes effect January 1, 2009.

26 SECTION 5.19. (a) Subchapter C, Chapter 24, Government
27 Code, is amended by adding Section 24.60039 to read as follows:

1 Sec. 24.60039. 495TH JUDICIAL DISTRICT (RUSK COUNTY). The
2 495th Judicial District is composed of Rusk County.

3 (b) Sections 25.2031 and 25.2032, Government Code, are
4 repealed.

5 (c) On January 1, 2011:

6 (1) the County Court at Law of Rusk County is
7 abolished; and

8 (2) the 495th Judicial District is created.

9 (d) This section takes effect January 1, 2011.

10 SECTION 5.20. (a) Subchapter C, Chapter 24, Government
11 Code, is amended by adding Section 24.60040 to read as follows:

12 Sec. 24.60040. 496TH JUDICIAL DISTRICT (SMITH COUNTY). The
13 496th Judicial District is composed of Smith County.

14 (b) Subchapter C, Chapter 24, Government Code, is amended by
15 adding Section 24.60041 to read as follows:

16 Sec. 24.60041. 497TH JUDICIAL DISTRICT (SMITH COUNTY). The
17 497th Judicial District is composed of Smith County.

18 (c) Subchapter C, Chapter 24, Government Code, is amended by
19 adding Section 24.60042 to read as follows:

20 Sec. 24.60042. 498TH JUDICIAL DISTRICT (SMITH COUNTY). The
21 498th Judicial District is composed of Smith County.

22 (d) Sections 25.2141 and 25.2142, Government Code, are
23 repealed.

24 (e) On January 1, 2011:

25 (1) the County Court at Law of Smith County is
26 abolished; and

27 (2) the 496th Judicial District is created.

1 (f) On January 1, 2011:

2 (1) the County Court at Law No. 2 of Smith County is
3 abolished; and

4 (2) the 497th Judicial District is created.

5 (g) On January 1, 2011:

6 (1) the County Court at Law No. 3 of Smith County is
7 abolished; and

8 (2) the 498th Judicial District is created.

9 (h) This section takes effect January 1, 2011.

10 SECTION 5.21. (a) Subchapter C, Chapter 24, Government
11 Code, is amended by adding Section 24.60043 to read as follows:

12 Sec. 24.60043. 499TH JUDICIAL DISTRICT (TRAVIS COUNTY).
13 The 499th Judicial District is composed of Travis County.

14 (b) Subchapter C, Chapter 24, Government Code, is amended by
15 adding Section 24.60044 to read as follows:

16 Sec. 24.60044. 500TH JUDICIAL DISTRICT (TRAVIS COUNTY).
17 The 500th Judicial District is composed of Travis County.

18 (c) Subchapter C, Chapter 24, Government Code, is amended by
19 adding Section 24.60045 to read as follows:

20 Sec. 24.60045. 501ST JUDICIAL DISTRICT (TRAVIS COUNTY).
21 The 501st Judicial District is composed of Travis County.

22 (d) Subchapter C, Chapter 24, Government Code, is amended by
23 adding Section 24.60046 to read as follows:

24 Sec. 24.60046. 502ND JUDICIAL DISTRICT (TRAVIS COUNTY).
25 The 502nd Judicial District is composed of Travis County.

26 (e) Subchapter C, Chapter 24, Government Code, is amended by
27 adding Section 24.60047 to read as follows:

1 Sec. 24.60047. 503RD JUDICIAL DISTRICT (TRAVIS COUNTY).

2 The 503rd Judicial District is composed of Travis County.

3 (f) Subchapter C, Chapter 24, Government Code, is amended by
4 adding Section 24.60048 to read as follows:

5 Sec. 24.60048. 504TH JUDICIAL DISTRICT (TRAVIS COUNTY).

6 The 504th Judicial District is composed of Travis County.

7 (g) Subchapter C, Chapter 24, Government Code, is amended by
8 adding Section 24.60049 to read as follows:

9 Sec. 24.60049. 505TH JUDICIAL DISTRICT (TRAVIS COUNTY).

10 The 505th Judicial District is composed of Travis County.

11 (h) Sections 25.2293(c) and (k), Government Code, are
12 amended to read as follows:

13 (c) A statutory probate court has eminent domain
14 jurisdiction. All actions, cases, matters, or proceedings of
15 eminent domain arising under Chapter 21, Property Code, or under
16 Section 251.101, Transportation Code, shall be filed and docketed
17 in Probate Court No. 1 of Travis County. A statutory probate court
18 may transfer an eminent domain proceeding to a district [county]
19 court [at law] in the county.

20 (k) ~~[The jurisdiction and authority vested by law in the~~
21 ~~county court for the drawing, selection, and service of jurors~~
22 ~~shall be exercised by the statutory county courts.]~~ Juries
23 summoned for any statutory probate court ~~[or county court at law]~~
24 may, by order of the judge ~~[of the court in which they are~~
25 ~~summoned]~~, be transferred to any of the other courts in the county
26 to serve and may be used as if summoned for the court to which they
27 are transferred.

1 (i) Sections 25.2291(a) and (b) and 25.2292, Government
2 Code, are repealed.

3 (j) On January 1, 2011:

4 (1) the County Court at Law No. 1 of Travis County,
5 Texas, is abolished; and

6 (2) the 499th Judicial District is created.

7 (k) On January 1, 2011:

8 (1) the County Court at Law No. 2 of Travis County,
9 Texas, is abolished; and

10 (2) the 500th Judicial District is created.

11 (l) On January 1, 2011:

12 (1) the County Court at Law No. 3 of Travis County,
13 Texas, is abolished; and

14 (2) the 501st Judicial District is created.

15 (m) On January 1, 2011:

16 (1) the County Court at Law Number 4 of Travis County
17 is abolished; and

18 (2) the 502nd Judicial District is created.

19 (n) On January 1, 2011:

20 (1) the County Court at Law Number 5 of Travis County
21 is abolished; and

22 (2) the 503rd Judicial District is created.

23 (o) On January 1, 2011:

24 (1) The County Court at Law Number 6 of Travis County
25 is abolished; and

26 (2) the 504th Judicial District is created.

27 (p) On January 1, 2011:

1 (1) The County Court at Law Number 7 of Travis County
2 is abolished; and

3 (2) the 505th Judicial District is created.

4 (q) This section takes effect January 1, 2011.

5 SECTION 5.22. Subchapter A, Chapter 24, Government Code, is
6 amended by adding Section 24.0081 to read as follows:

7 Sec. 24.0081. OTHER JURISDICTION OF CERTAIN COURTS. (a) In
8 addition to other jurisdiction provided by law, the 450th, 451st,
9 452nd, 453rd, 454th, 460th, 461st, 469th, 470th, 471st, 472nd,
10 473rd, 474th, 475th, 476th, 477th, 478th, 480th, 481st, 482nd,
11 483rd, 484th, 485th, 486th, 487th, 488th, 489th, 490th, 491st,
12 492nd, 493rd, 494th, 495th, 496th, 497th, 498th, 499th, 500th,
13 501st, 502nd, 503rd, 504th, and 505th District Courts have the
14 criminal jurisdiction of a county court. Notwithstanding Section
15 26.045(a), the jurisdiction of a county court described by that
16 section is concurrent with the jurisdiction of the district court
17 provided by this subsection.

18 (b) In addition to other jurisdiction provided by law, the
19 450th, 451st, 452nd, 453rd, 454th, 455th, 456th, 457th, 458th,
20 459th, 460th, 461st, 462nd, 463rd, 464th, 465th, 466th, 467th,
21 468th, 469th, 470th, 471st, 472nd, 473rd, 474th, 475th, 476th,
22 477th, 478th, 480th, 481st, 482nd, 483rd, 484th, 485th, 486th,
23 487th, 488th, 489th, 490th, 491st, 492nd, 493rd, 494th, 495th,
24 496th, 497th, 498th, 499th, 500th, 501st, 502nd, 503rd, 504th, and
25 505th District Courts have the appellate jurisdiction of a county
26 court. The jurisdiction of a county court described by Section
27 26.046 is concurrent with the jurisdiction of the district court

1 provided by this subsection.

2 (c) In addition to other jurisdiction provided by law, the
3 450th, 451st, 452nd, 453rd, 454th, 460th, 461st, 472nd, 473rd,
4 480th, 481st, 482nd, 483rd, 484th, 485th, 486th, 487th, 488th,
5 489th, 490th, 491st, 492nd, 493rd, 494th, 495th, 496th, 497th, and
6 498th District Courts have the jurisdiction of a county court in
7 probate matters and proceedings under Subtitle C, Title 7, Health
8 and Safety Code. The jurisdiction of a county court described by
9 Section 26.052 is concurrent with the jurisdiction of the district
10 court provided by this section.

11 SECTION 5.23. Notwithstanding Section 24.311, Government
12 Code, and except as provided by Section 5.24 of this article, the
13 initial vacancy in the office of judge of a judicial district
14 created by this article shall be filled by election. Except as
15 provided by Section 5.24 of this article, the office of judge of a
16 judicial district created by this article exists for purposes of
17 the primary and general elections in 2010. A vacancy after the
18 initial vacancy is filled as provided by Section 28, Article V,
19 Texas Constitution.

20 SECTION 5.24. Notwithstanding Section 24.311, Government
21 Code, the initial vacancy in the offices of judge of the 490th and
22 494th judicial districts shall be filled by election. The offices
23 of judge of those judicial districts exist for purposes of the
24 primary and general elections in 2008. A vacancy after the initial
25 vacancy is filled as provided by Section 28, Article V, Texas
26 Constitution.

27 SECTION 5.25. On and after the date on which a statutory

1 county court is abolished in accordance with this article:

2 (1) a reference in law to that court with respect to a
3 case or proceeding means another court in the same county with
4 jurisdiction over the case or proceeding; and

5 (2) a reference in law to the judge of that court,
6 including a reference in Chapter 152, Human Resources Code, means
7 the judge of the district court created by the same subsection of
8 the section of this article that provides for the date of abolition
9 of the statutory county court.

10 SECTION 5.26. (a) The local administrative statutory
11 county court judge shall, on the date a statutory county court in
12 the county the local administrative judge serves is abolished in
13 accordance with this article, transfer all cases pending in that
14 court immediately before the abolition to the district court
15 created by the same subsection of the section of this article that
16 provides for the date of abolition of the statutory county court.

17 (b) When a case is transferred as provided by Subsection (a)
18 of this section, all processes, writs, bonds, recognizances, or
19 other obligations issued from the transferring court are returnable
20 to the court to which the case is transferred as if originally
21 issued by that court. The obligees on all bonds and recognizances
22 taken in and for the transferring court and all witnesses summoned
23 to appear in the transferring court are required to appear before
24 the court to which the case is transferred as if taken in or for
25 required to appear before that court.

26 SECTION 5.27. It is an exception to the application of
27 Section 255.006, Election Code, that a person making a

1 representation described by that section represents that a judge
2 who, immediately before the date a statutory county court was
3 abolished in accordance with this article, was serving as the judge
4 of that court and who is a candidate to fill the initial vacancy in
5 the office of judge of the district court created by the same
6 subsection of the section of this article that provides for the date
7 of abolition of the statutory county court for which the person
8 formerly served as judge, holds the office of judge of that district
9 court.

10 SECTION 5.28. (a) This section applies only to a person
11 who:

12 (1) immediately before the date a statutory county
13 court was abolished in accordance with this article, was serving as
14 the judge of that court; and

15 (2) is elected to serve and takes office as the initial
16 judge of the district court created by the same subsection of the
17 section of this article that provides for the date of abolition of
18 the statutory county court for which the person formerly served as
19 judge.

20 (b) Not later than the 30th day after the date a person to
21 whom this section applies takes office as the initial judge of a
22 district court described by Subsection (a)(2) of this section, the
23 person may make an irrevocable election to remain a member of the
24 retirement system provided by the county formerly served by the
25 statutory county court described by Subsection (a)(1) of this
26 section. A person who elects to remain a member of the retirement
27 system provided by that county is not eligible for membership in the

1 Judicial Retirement System of Texas Plan Two.

2 (c) An election under this section is governed by procedures
3 adopted by the Judicial Retirement System of Texas Plan Two. As
4 soon as practicable after an election is made, the Judicial
5 Retirement System of Texas Plan Two shall notify the applicable
6 county and the retirement system of the person's election.

7 (d) A person who elects to remain a member of the retirement
8 system provided by the county under this section is required to
9 contribute to that retirement system at the rate required of other
10 members of that system for current service. The person's
11 contribution under this section shall be made as follows:

12 (1) each payroll period the payroll officer
13 responsible for paying the state compensation of a judicial officer
14 shall:

15 (A) make the required deductions from the
16 district court judge's state compensation; and

17 (B) pay the deducted amounts to the county that
18 participates in the retirement system of which the person is a
19 member; and

20 (2) the county shall pay or cause to be paid to the
21 retirement system at the system's office the amounts the county
22 receives under Subdivision (1)(B) of this subsection.

23 (e) On behalf of a person who elects to remain a member of
24 the retirement system provided by the county, the state shall
25 contribute to that retirement system an amount equal to the amount
26 of the person's member contribution under Subsection (d) of this
27 section. The state contribution required under this subsection

1 shall be made as follows:

2 (1) the state shall pay the amount of the state
3 contribution to a county that participates in the retirement system
4 of which the person is a member; and

5 (2) the county shall pay or cause to be paid to the
6 retirement system at the system's office the contribution received
7 from the state under Subdivision (1) of this subsection.

8 (f) A person who does not elect to remain a member of a
9 county-provided retirement system under Subsection (b) of this
10 section is considered to have chosen membership in the Judicial
11 Retirement System of Texas Plan Two.

12 ARTICLE 6. PROVISIONS RELATING TO JUSTICE AND SMALL CLAIMS COURTS

13 SECTION 6.01. Section 27.004(b), Government Code, is
14 amended to read as follows:

15 (b) A person who has possession of dockets, books, or papers
16 belonging to the office of any justice of the peace shall deliver
17 them to the justice on demand. If the person refuses to deliver
18 them, on a motion supported by an affidavit, the person may be
19 attached and imprisoned by the order of the district court ~~[county~~
20 ~~judge]~~ until the person makes delivery. ~~[The county judge may issue~~
21 ~~the order in termtime or vacation.]~~ The person against whom the
22 motion is made must be given three days' notice of the motion before
23 the person may be attached.

24 SECTION 6.02. Section 27.031(a), Government Code, is
25 amended to read as follows:

26 (a) In addition to the jurisdiction and powers provided by
27 the constitution and other law, the justice court has original

1 jurisdiction of:

2 (1) civil matters in which exclusive jurisdiction is
3 not in the district or county court and in which the amount in
4 controversy is not more than \$10,000 [~~\$5,000~~], exclusive of
5 interest;

6 (2) cases of forcible entry and detainer; and

7 (3) foreclosure of mortgages and enforcement of liens
8 on personal property in cases in which the amount in controversy is
9 otherwise within the justice court's jurisdiction.

10 SECTION 6.03. Subchapter B, Chapter 27, Government Code, is
11 amended by adding Section 27.035 to read as follows:

12 Sec. 27.035. LIMITATION ON AWARDS. A justice court may not
13 award a judgment that exceeds \$10,000, exclusive of interest and
14 costs of court.

15 SECTION 6.04. Subchapter C, Chapter 27, Government Code, is
16 amended by adding Section 27.060 to read as follows:

17 Sec. 27.060. SMALL CLAIMS. A justice court shall conduct
18 proceedings in a small claims case, as that term is defined by the
19 supreme court, in accordance with rules of civil procedure
20 promulgated by the supreme court to ensure the fair, expeditious,
21 and inexpensive resolution of small claims cases.

22 SECTION 6.05. (a) Chapter 28, Government Code, is
23 repealed.

24 (b) On the effective date of this section, each small claims
25 court under Chapter 28, Government Code, is abolished.

26 SECTION 6.06. Not later than July 1, 2008, the Texas Supreme
27 Court shall promulgate rules to define cases that constitute small

1 claims cases and rules of civil procedure applicable to those cases
2 as required by Section 27.060, Government Code, as added by this
3 article. The justices of the supreme court shall appoint an
4 advisory committee to assist the court in developing the rules.

5 SECTION 6.07. (a) Immediately before the date the small
6 claims court in a county is abolished in accordance with this
7 article, the justice of the peace sitting as judge of that court
8 shall transfer all cases pending in the court to a justice court in
9 the county.

10 (b) When a case is transferred as provided by Subsection (a)
11 of this section, all processes, writs, bonds, recognizances, or
12 other obligations issued from the transferring court are returnable
13 to the court to which the case is transferred as if originally
14 issued by that court. The obligees on all bonds and recognizances
15 taken in and for the transferring court and all witnesses summoned
16 to appear in the transferring court are required to appear before
17 the court to which the case is transferred as if originally required
18 to appear before that court.

19 SECTION 6.08. Sections 6.04 and 6.05 of this article take
20 effect July 1, 2008.

21 ARTICLE 7. COURT ADMINISTRATION

22 SECTION 7.01. Section 74.005, Government Code, is amended
23 to read as follows:

24 Sec. 74.005. APPOINTMENT OF REGIONAL PRESIDING JUDGES. (a)
25 The chief justice of the supreme court ~~[governor, with the advice~~
26 ~~and consent of the senate,]~~ shall appoint one judge in each
27 administrative region as presiding judge of the region.

1 (b) On the death, resignation, removal, or expiration of the
2 term of office of a presiding judge, the chief justice of the
3 supreme court [~~governor~~] immediately shall appoint or reappoint a
4 presiding judge.

5 SECTION 7.02. Section 74.044, Government Code, is amended
6 to read as follows:

7 Sec. 74.044. TERM OF PRESIDING JUDGE. A presiding judge
8 serves for a term of office of four years from the date of
9 qualification as the presiding judge, subject to removal by the
10 supreme court for good cause.

11 ARTICLE 8. JUDICIAL PANELS ON MULTIDISTRICT LITIGATION AND COMPLEX
12 CASES

13 SECTION 8.01. Subchapter H, Chapter 74, Government Code, is
14 amended by adding Section 74.165 to read as follows:

15 Sec. 74.165. LIMITATION. If a civil case is being or has
16 been considered for transfer under this subchapter by the judicial
17 panel on multidistrict litigation, the case may not be referred to
18 the judicial panel on complex cases under Subchapter I for a
19 determination of whether the case is complex, regardless of whether
20 the judicial panel on multidistrict litigation transfers the case.

21 SECTION 8.02. Chapter 74, Government Code, is amended by
22 adding Subchapter I to read as follows:

23 SUBCHAPTER I. JUDICIAL PANEL ON COMPLEX CASES

24 Sec. 74.181. DEFINITION. In this subchapter, "panel" means
25 the judicial panel on complex cases established under Section
26 74.182.

27 Sec. 74.182. JUDICIAL PANEL ON COMPLEX CASES. The judicial

1 panel on complex cases consists of five members designated by the
2 chief justice of the supreme court. The members of the panel must
3 be active court of appeals justices or regional presiding judges.

4 Sec. 74.183. OPERATION AND RULES IN GENERAL. (a) The panel
5 must operate according to rules of practice and procedure adopted
6 by the supreme court under Section 74.024.

7 (b) The panel may prescribe additional rules for the conduct
8 of its business not inconsistent with the law or rules adopted by
9 the supreme court, including rules adopted under Section 74.184.

10 Sec. 74.184. RULES TO GUIDE DETERMINATION OF WHETHER CASE
11 IS COMPLEX. (a) The supreme court shall adopt rules regarding the
12 types of civil cases that constitute complex cases.

13 (b) In developing the rules, the supreme court shall
14 consider the following factors with respect to a type of civil case:

15 (1) whether there are likely to be a large number of
16 separately represented parties;

17 (2) whether coordination may be necessary with related
18 actions pending in one or more courts in other counties, states, or
19 countries, or in a United States federal court;

20 (3) whether it would be beneficial for the case to be
21 heard by a judge who is knowledgeable in the specific area of the
22 law involved;

23 (4) whether it is likely that there will be numerous
24 pretrial motions, or that pretrial motions will present difficult
25 or novel legal issues that will be time-consuming to resolve;

26 (5) whether it is likely that there will be a large
27 number of witnesses or a substantial amount of documentary

1 evidence;

2 (6) whether it is likely that substantial
3 post-judgment supervision will be required;

4 (7) whether it is likely that the amount in
5 controversy will exceed an amount specified by the supreme court;
6 and

7 (8) whether there is likely to be scientific,
8 technical, medical, or other evidence that requires specialized
9 knowledge.

10 Sec. 74.185. DETERMINATION BY PANEL. (a) On the motion of
11 a party to a civil case, the judge of the court in which the case is
12 pending shall refer the case to the panel for a determination of
13 whether the case constitutes a complex case.

14 (b) Using the rules adopted by the supreme court under
15 Section 74.184, the panel shall determine whether the case is a
16 complex case. The concurrence of three panel members is necessary
17 to make the determination that the case is complex.

18 Sec. 74.186. ASSIGNMENT OF JUDGE. (a) On determining that
19 a case is a complex case, the panel shall assign a judge to hear the
20 case. The panel may assign:

21 (1) an active judge from the administrative region in
22 which the court from which the case was referred is located; or

23 (2) a retired or former judge from any administrative
24 region, provided that the retired or former judge agrees to travel
25 to the administrative region described by Subdivision (1) to
26 preside over the case.

27 (b) A retired or former judge assigned to preside over a

1 complex case is not subject to an objection under Section 74.053,
2 other than an objection made as authorized by Section 74.053(d).

3 Sec. 74.187. LIMITATION. If a civil case is or has been
4 referred to the panel for a determination of whether the case is
5 complex, the case may not be transferred by the judicial panel on
6 multidistrict litigation as provided by Subchapter H, regardless of
7 the determination made by the panel under this subchapter.

8 Sec. 74.188. MANDAMUS. On the determination by the panel
9 that a case is not complex, a party to the case may apply to the
10 supreme court for a writ of mandamus to the panel for a
11 determination to the contrary. The supreme court shall review the
12 application under an abuse of discretion standard.

13 SECTION 8.03. Subchapter B, Chapter 51, Civil Practice and
14 Remedies Code, is amended by adding Section 51.016 to read as
15 follows:

16 Sec. 51.016. PERMISSIVE APPEALS IN MULTIDISTRICT
17 LITIGATION AND COMPLEX CASES. The judge of a district court to
18 which multidistrict litigation has been transferred under Section
19 74.162, Government Code, or the judge of a district court assigned
20 to hear a complex case under Section 74.186, Government Code, may by
21 written order permit an appeal from an interlocutory order made in
22 the case if:

23 (1) the interlocutory order is not otherwise
24 appealable;

25 (2) the interlocutory order involves a controlling
26 question of law with respect to which there is a substantial ground
27 for differences of opinion; and

1 (3) an immediate appeal from the interlocutory order
2 may materially advance the ultimate termination of the litigation.

3 SECTION 8.04. Not later than January 1, 2008, the Texas
4 Supreme Court shall adopt rules regarding complex cases and
5 designate the initial members of the judicial panel on complex
6 cases required by Subchapter I, Chapter 74, Government Code, as
7 added by this Act.

8 SECTION 8.05. The changes in law made by this article apply
9 to cases pending on or after January 1, 2008.

10 ARTICLE 9. GENERAL EFFECTIVE DATE

11 SECTION 9.01. Except as otherwise provided by this Act,
12 this Act takes effect September 1, 2007.