

A BILL TO BE ENTITLED

AN ACT

relating to the assignment of cases in overlapping courts of appeals districts.

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

SECTION 1. Subchapter C, Chapter 22, Government Code, is amended by adding Section 22.2011 to read as follows:

Sec. 22.2011. ASSIGNMENT OF CASES IN OVERLAPPING COURTS OF APPEALS DISTRICT.

(a) Proceedings in courts of appeals relating to cases pending in a county lying within more than one court of appeals district shall be brought as provided by this section.

(b) Assignment to one of the courts of appeals within whose districts the case is pending shall be made (1) before notice of appeal is filed in the case, if requested by the trial court judge or any party to the case; (2) before an original proceeding arising from the case is pursued; or (3) upon filing of a notice of appeal in the case. Assignment shall be made by the trial court clerk in a public place by random method.

(c) Unless the case is transferred to another court of appeals under another statute or by order of the supreme court, all proceedings in the following matters shall be maintained in the court of appeals to which assignment has been made pursuant to subsection (b): (1) the assigned case; (2) an original proceeding arising from the case; and (3) any other case or original proceeding from a case filed in a county within the district of the assigned court of appeals and which arise from the same facts or occurrences as the assigned case.

(d) A court of appeals other than the court in which a matter may be maintained pursuant to subsection (c) may upon its own motion, and shall, upon the written motion of a party to the matter, transfer the matter to the proper court of appeals as provided by subsection (c). A written motion seeking transfer of the matter shall be deemed waived

if not filed prior to beginning of oral arguments or prior to the date of submission if the matter is submitted on briefs.

(e) The trial court clerk shall, at the time of assignment, give written notice to the assigned appellate court of any assignment made pursuant to this section.

SECTION 2. This Act applies to cases in which a valid notice of appeal has not been filed before the effective date of this Act.

SECTION 3. Sections 22.202 (h) and 22.207(c) are repealed effective September 1, 2005.

SECTION 4. This Act takes effect September 1, 2005.