

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 788
By: Harris
Jurisprudence
3/23/1999
Committee Report (Substituted)

DIGEST

Currently, court cases can be stalled due to the filing of numerous motions. It is necessary to allow parties to file motions, while also moving the case along. C.S.S.B. 788 would establish provisions regarding claims against, including motions for the recusal or disqualification of, certain judges.

PURPOSE

As proposed, C.S.S.B. 788 establishes provisions regarding claims against, including motions for the recusal or disqualification of, certain judges.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 30, Civil Practice and Remedies Code, by adding Sections 30.016 and 30.017, as follows:

Sec. 30.016. RECUSAL OR DISQUALIFICATION OF CERTAIN JUDGES. Defines “tertiary recusal motion.” Requires a judge who declines recusal after a tertiary recusal motion is filed to comply with applicable rules of procedure for recusal and disqualification except that the judge shall continue with certain aspects of the case. Requires a judge hearing a tertiary recusal motion against another judge who denies the motion to award reasonable and necessary attorney’s fees and costs to the party opposing the motion. Provides that the party making the motion and the attorney for the party are jointly and severally liable for the award of fees and costs. Requires the fees and costs to be paid before the 31st day after the date the order denying the tertiary recusal motion is rendered, unless the order is properly superseded. Provides that the denial of a tertiary recusal motion is only reviewable on appeal from final judgment. Requires a new judge in the case to vacate all orders signed by the sitting judge.

Sec. 30.017. CLAIMS AGAINST CERTAIN JUDGES. Requires a claim against certain judges that is added to a case pending in the court to which the judge was elected or appointed to fulfill certain requirements. Requires the clerk of the court to assign the claim a new case number, and requires the party making the claim to pay the filing fees. Requires the presiding judge of the administrative region or the presiding judge of the statutory probate code to assign the severed claim if the claim does not satisfy the requirements of Subsection (a)(1) or (2).

SECTION 2. Effective date: September 1, 1999.
Makes application of this Act prospective.

SECTION 3. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Chapter 30, Civil Practice and Remedies Code, by adding Sections 30.016 and 30.017, to establish provisions regarding recusal or disqualification of certain judges, and claims against certain judges, respectively.