

BILL ANALYSIS

Senate Research Center
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S.B. 909
By: Shapiro
Jurisprudence
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DIGEST AND PURPOSE

Currently, the Government Code provides for the appointment and authority of court masters in Dallas County including the authority of special masters to hear matters referred to them for civil proceedings. There is some confusion regarding the authority of court masters and the procedures for the most efficient execution of justice. As proposed, S.B. 909 clarifies the court master program, only in Dallas County, by amending provisions relating to designation of certain judicial functions, immunity, powers and duties, and appeals.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Chapter 54F, Government Code, as follows:

SUBCHAPTER F. New heading: ASSOCIATE JUDGES IN DALLAS COUNTY

SECTION 2. Amends Section 54.502, Government Code, as follows:

Sec. 54.502. New heading: APPOINTMENT OF ASSOCIATE JUDGES. (a) Authorizes the judges by majority vote to appoint one or more full-time associate judges, rather than to appoint a full-time master, for any civil matters, rather than for tax suits and other matters.

(b) - (c) Make a conforming change.

SECTION 3. Amends Section 54.503, Government Code, to set forth certain requirements of an associate judge. Makes a conforming change.

SECTION 4. Amends Section 54.504, Government Code, to make a conforming change.

SECTION 5. Amends Section 54.505, Government Code, as follows:

Sec. 54.505. New heading: JUDICIAL IMMUNITY. Provides that an associate judge has the same judicial immunity as a district judge. Deletes existing Subsections (a) and (b) relating to fees.

SECTION 6. Amends Section 54.506, Government Code, as follows:

Sec. 54.506. New heading: MATTERS THAT MAY BE REFERRED; NO RIGHT OF OBJECTION. (a) Authorizes a judge to refer any civil case or portion of a civil case to an associate judge for resolution.

(b) Prohibits a party to object to the referral of a matter described by Subsection (a) to an associate judge.

Deletes existing text pertaining to matters referred to the master.

SECTION 7. Amends Chapter 54, Government Code, by adding Section 54.5061, as follows:

Sec. 54.5061. TRIAL ON THE MERITS. Authorizes an associate judge to conduct a trial on the merits on the agreement of all parties and the consent of the referring court.

SECTION 8. Amends Section 54.507, Government Code, as follows:

Sec. 54.507. New heading: METHODS OF REFERRAL. Authorizes a case to be referred to an associate judge by an order of referral in a specific case or by an omnibus order. Deletes existing Subsections (a) and (b) relating to orders issued by the master.

SECTION 9. Amends Section 54.508, Government Code, to provide that an associate judge, unless limited by published local rule, by written order, or by order of referral, has the same authority as the referring judge to perform any act necessary for the proper resolution of the matter referred. Deletes existing text of Section 54.508 pertaining to the authority of the master.

SECTION 10. Amends Section 54.509, Government Code, to authorize a party, the associate judge, or the referring court, to provide a court reporter for a hearing conducted by an associate judge. Requires that a record of a hearing conducted by an associate judge to be preserved by a tape recorder provided by the associate judge or by another method approved by the associate judge or the referring court. Authorizes an associate judge or the referring court to impose as costs the expenses incurred in preserving a record. Deletes existing text pertaining to a record of certain evidence.

SECTION 11. Amends Section 54.510, Government Code, as follows:

Sec. 54.510. New heading: NOTICE OF DECISION; APPEAL. (a) Requires an associate judge, after hearing a matter, to notify each party participating in the hearing of the associate judge's decision. Provides that an associate judge's decision has the same force and effect as an order of the referring court unless a party appeals the decision as provided by Subsection (b).

(b) Requires a party, to appeal an associate judge's decision, other than the issuance of a temporary restraining order, to file an appeal in the referring court not later than the third day after the date the party receives notice of the decision under Subsection (a).

(c) Provides that a temporary restraining order issued by an associate judge is effective immediately and expires on the 15th day after the date of issuance unless, after a hearing, the order is modified or extended by the associate judge or district judge.

(d) Requires that a matter appealed to the referring court be tried de novo and be limited to only those matters specified in the appeal. Prohibits a party from submitting on appeal any additional evidence or pleadings, except on leave of court.

Deletes existing text pertaining to the notice of the hearing.

SECTION 12. Amends Section 54.511, Government Code, as follows:

Sec. 54.511. New heading: CONTINUING EDUCATION. (a) Provides that an associate judge is subject to the same continuing judicial education requirements as a district judge.

(b) Authorizes continuing judicial education credit earned by an associate judge during a fiscal year that exceeds the minimum number of credit hours required for that year to be carried forward and applied to the following fiscal year.

(c) Authorizes an associate judge to be reimbursed for expenses incurred in complying with the requirements of this section if sufficient funds are available in the budget for continuing judicial education.

Deletes previous Subsections (a) and (b) pertaining to witnesses.

SECTION 13. Repealers: Sections 54.512 - 54.516 (Papers Transmitted to Judge, Judicial Action on Master's Report, Hearing Before Judge, Decree of Court, and Jury Trial Demanded), Government Code.

SECTION 14. Makes application of this Act prospective.

SECTION 15. Effective date: September 1, 2001.