

BILL ANALYSIS

Senate Research Center

H.B. 1716
By: Lewis (West, Royce)
Jurisprudence
5/13/2003
Engrossed

DIGEST AND PURPOSE

Currently, no statute exists which addresses whether members of a county's commissioners court may practice law in the courts of the county. According to ethics committee opinions and attorney general opinions, a county judge, a commissioner, and the county judge's or commissioner's entire law firm must disclose conflicts of interest to the court and obtain consent from the court before proceeding with any lawsuit. However, a recent attorney general opinion found no statute which would authorize the commissioners court to consent to the county judge's practicing law in the county's courts and made a specific request for the legislature to address the issue. H.B. 1716 clarifies the requirements for a county judge and other members of the commissioners court engaged in the private practice of law. This bill also provides that a county judge or county commissioner will be entitled to practice his or her profession while disclosing this relevant information to the public.

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 Chapter 171, Local Government Code, by adding Section 171.010, as follows:

Sec. 171.010. PRACTICE OF LAW. (a) Provides that for purposes of this chapter, a county judge or county commissioner engaged in the private practice of law has a substantial interest in a business entity if the official has entered a court appearance or signed court pleadings in a matter relating to that business entity.

(b) Requires a county judge or county commissioner that has a substantial interest in a business entity as described by Subsection (a) to comply with this chapter.

(c) Prohibits a judge of a constitutional county court from entering a court appearance or sign court pleadings as an attorney in any matter before the court over which the judge presides or any court in this state over which the judge's court exercises appellate jurisdiction.

(d) Authorizes a county judge or commissioner, upon compliance with this chapter, to practice law in the courts located in the county where the county judge or commissioner serves.

SECTION 2. Provides that Section 171.010(c), Local Government Code, as added by this Act, applies only to the entrance of an appearance or pleading signed on or after September 1, 2003.

SECTION 3. Effective date: September 1, 2003.