

## **BILL ANALYSIS**

Senate Research Center

C.S.S.C.R. 7  
By: Duncan  
Jurisprudence  
3/24/2005  
Committee Report (Substituted)

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

The Supreme Court of Texas has rulemaking authority in matters of practice and procedure in civil actions.

The Court of Criminal Appeals of Texas has rulemaking authority in matters of post-trial, appellate, and review procedure in criminal cases.

Certain counties in this state lie within the jurisdiction of more than one court of appeals district and appellate proceedings involving cases filed in courts within such counties may be filed in or assigned to one of a number of courts of appeals. In some situations, the precedent in the two courts are in direct conflict. The purpose of developing the rules of assignment is to inform litigants about the court to which they will be appealing prior to the appeal.

Cases pending in a court of appeals are on occasion transferred to another court of appeals for docket equalization. C.S.S.C.R. 7 directs the Supreme Court to develop rules for determining how court of appeals precedent will be applied if there is a conflict between the original court which heard an appeal and the court to which the case is transferred.

### **RESOLVED**

That the 79th Legislature of the State of Texas hereby urge the Supreme Court of Texas and the Court of Criminal Appeals of Texas to adopt rules providing for the random assignment of cases pending in or appealed from counties lying within the jurisdiction of more than one court of appeals district to a court of appeals for appellate proceedings.

That the 79th Legislature of the State of Texas hereby urge the Supreme Court of Texas to adopt rules for determining how court of appeals' precedent will be applied in cases that are transferred from one court of appeals to another court of appeals if there is a conflict between the precedent of the two courts of appeals.

That the secretary of state forward an official copy of this resolution to the chief justice of the Supreme Court of Texas and to the presiding judge of the Court of Criminal Appeals of Texas.