

BILL ANALYSIS

Senate Research Center

S.B. 2342
By: Creighton
State Affairs
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Every Texan, no matter their background or economic status, has the right to access a court to peacefully resolve a legitimate civil dispute. The ever-increasing cost of civil litigation, however, limits the ability of many Texans to access the civil justice system, creating frustration with the system and, in some instances, causing unacceptable delays in resolution of disputes or leaving disputes unresolved altogether. C.S.S.B. 2342 addresses the issue of the increasing cost of litigation by allowing justice of the peace courts and many county courts at law to handle somewhat larger civil disputes and by providing that the Supreme Court of Texas is required to promulgate rules to expedite the resolution of civil disputes having \$250,000 or less in controversy, which expands an existing requirement to expedite cases having less than \$100,000 in controversy.

C.S.S.B. 2342 also amends a number of statutes governing county court at law jurisdiction to provide that when a county court at law hears a case having more than \$250,000 in controversy, it is required to empanel a 12-person jury, as would be done in a district court if the case were pending in a district court, rather than a six-person jury, which is standard in cases filed in a county court at law. Additionally, county courts at law would be required under C.S.S.B. 2342 to use the same procedures for empaneling a jury as are used by the district courts in the same county. (Original Author's/Sponsor's Statement of Intent)

S.B. 2342 amends current law relating to the jurisdiction of, and practices and procedures in civil cases before, justice courts, county courts, statutory county courts, and district courts.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Supreme Court of Texas (supreme court) in SECTION 1 (Section 22.004, Government Code) of this bill.

Rulemaking authority previously granted to the supreme court is modified in SECTION 1 (Section 22.004, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 22.004, Government Code, by amending Subsection (h) and adding Subsection (h-1), as follows:

(h) Prohibits the Supreme Court of Texas (supreme court) from adopting rules under this subsection that conflict with other statutory law, rather than with a provision of certain laws.

(1) Deletes this subdivision and existing text prohibiting the supreme court from adopting rules under Subsection (h) that conflict with a provision of Chapter 74 (Medical Liability), Civil Practice and Remedies Code.

(2) Deletes this subdivision and existing text prohibiting the supreme court from adopting rules under Subsection (h) that conflict with a provision of the Family Code.

(3) Deletes this subdivision and existing text prohibiting the supreme court from adopting rules under Subsection (h) that conflict with a provision of the Property Code.

(4) Deletes this subdivision and existing text prohibiting the supreme court from adopting rules under Subsection (h) that conflict with a provision of the Tax Code.

(h-1) Requires the supreme court, in addition to the rules adopted under Subsection (h), to adopt rules to promote the prompt, efficient, and cost-effective resolution of civil actions filed in county courts at law in which the amount in controversy does not exceed \$250,000. Requires the rules to balance the need for lowering discovery costs in these actions against the complexity of and discovery needs in these actions. Prohibits the supreme court from adopting rules under this subsection that conflict with other statutory law.

SECTION 2. Amends Section 25.0003(c), Government Code, to provide that a statutory county court exercising civil jurisdiction concurrent with the constitutional jurisdiction of the county court has, in addition to other jurisdiction provided by law, concurrent jurisdiction with the district court in certain proceedings, including civil cases in which the matter in controversy exceeds \$500 but does not exceed \$250,000, rather than does not exceed \$200,000, excluding interest and certain costs.

SECTION 3. Amends Section 25.0007, Government Code, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Provides that practice in a statutory county court is that prescribed by law for county courts, except that practice, procedure, rules of evidence, issuance of process and writs, the drawing of jury panels, the selection of jurors, and all other matters pertaining to the conduct of trials and hearings in the statutory county courts that involve those matters of concurrent jurisdiction with district courts are governed by the laws and rules pertaining to the district courts in the county in which the statutory county court is located, rather than except that practice, procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings in the statutory county courts, other than the number of jurors, that involve those matters of concurrent jurisdiction with district courts are governed by the laws and rules pertaining to district courts.

(c) Requires the jury, in a civil case pending in a statutory county court in which the matter in controversy exceeds \$250,000, to be composed of 12 members unless all of the parties agree to a jury composed of a lesser number of jurors.

SECTION 4. Reenacts Section 25.0052(a), Government Code, as amended by Chapters 614 (S.B. 1428) and 746 (H.B. 66), Acts of the 72nd Legislature, Regular Session, 1991, and amends it to delete existing text providing that a county court at law in Angelina County, in addition to certain other jurisdiction, has concurrent jurisdiction with the district court in civil cases in which the matter in controversy exceeds \$500 but does not exceed \$50,000, excluding interest, and to make nonsubstantive changes.

SECTION 5. Amends Section 25.0102(h), Government Code, to require that a jury, in all cases other than a family law case or proceeding, be composed of six members except as provided by the constitution, Section 25.0007(c), or other law, rather than composed of six members.

SECTION 6. Amends Section 25.0202(a), Government Code, to delete existing text providing that a county court at law in Bosque County, in addition to certain other jurisdiction, has concurrent jurisdiction with the district court in civil cases in which the matter in controversy exceeds \$500 but does not exceed \$200,000, excluding interest, court costs, and attorney's fees, and to make nonsubstantive changes.

SECTION 7. Amends Section 25.0222(m), Government Code, to require that a jury, in certain cases in which a jury trial is requested in the statutory county courts, be composed of six jurors except as provided by the constitution, Section 25.0007(c), or other law, rather than composed of six jurors.

SECTION 8. Amends Section 25.0362(f), Government Code, as follows:

(f) Requires a jury in a county court at law, except as otherwise provided by this subsection, to be composed of six members except as provided by the constitution, Section 25.0007(c), or other law, rather than composed of six members unless the constitution requires a 12-member jury. Authorizes the jury, in matters in which the constitution or other law, rather than the constitution, does not require a 12-member jury and the county court at law has concurrent jurisdiction with the district court, to be composed of 12 members if a party to the suit requests a 12-member jury, rather than if a party to the suit requests a 12-member jury and the judge of the court consents. Authorizes the parties in a civil case tried in a county court at law to, by mutual agreement, rather than by mutual agreement and the consent of the judge, agree to try the case with any number of jurors and have a verdict rendered and returned by the vote of any number of those jurors that is less than the total number of jurors.

SECTION 9. Amends Section 25.0722(i), Government Code, to require that a jury, in all cases other than a family law case or proceeding, be composed of six members except as provided by the constitution, Section 25.0007(c), or other law, rather than composed of six members.

SECTION 10. Amends Section 25.0812(k), Government Code, to make a conforming change to this subsection.

SECTION 11. Amends Section 25.0862(n), Government Code, to make a conforming change to this subsection.

SECTION 12. Amends Section 25.0942(l), Government Code, to make conforming changes to this subsection.

SECTION 13. Amends Section 25.1042(h), Government Code, to delete existing text requiring a jury to be composed of 12 members in any civil case pending in which the amount in controversy is \$200,000 or more and to make nonsubstantive changes.

SECTION 14. Amends Sections 25.1132(c) and (o), Government Code, to delete existing text providing that a county court at law in Hood County has concurrent jurisdiction with the district court in civil cases in which the matter in controversy exceeds \$500 but does not exceed \$250,000, excluding interest, and to make conforming and nonsubstantive changes to these subsections.

SECTION 15. Amends Section 25.1142(b), Government Code, to delete existing text providing that a county court at law does not have jurisdiction of civil cases in which the amount in controversy exceeds \$200,000, excluding interest, and to make nonsubstantive changes to this subsection.

SECTION 16. Amends Sections 25.1252(j) and (m), Government Code, as follows:

(j) Requires the jury, if a family law case or proceeding is tried before a jury in a county court at law, to be composed of 12 members. Requires the jury, in all other cases, to be composed of six members except as provided by the constitution, Section 25.0007(c), or other law. Deletes existing text authorizing a county court at law to exercise the jurisdiction vested in the district court for the drawing, selection, and service of jurors. Deletes existing text requiring a panel not exceeding 24 jurors to be drawn for any one week of a court, and existing text prohibiting the juries selected from exceeding six.

(m) Provides that Section 25.0006 (Bond; Removal) does not, rather than providing that Sections 25.0006 and 25.0007 (Juries; Practice and Procedure) do not, apply to the county courts at law of Jefferson County.

SECTION 17. Amends Sections 25.1272(b) and (h), Government Code, as follows:

(b) Deletes existing text providing that a county court at law in Jim Wells County has concurrent jurisdiction with the district court in civil cases in which the matter in controversy exceeds \$500 but does not exceed \$200,000, excluding interest, and makes nonsubstantive changes to this subsection.

(h) Requires the jury, if a jury trial is requested in a case that is in a county court at law's jurisdiction, to be composed of six members unless the constitution, Section 25.0007(c), or other law, rather than the constitution, requires a 12-member jury.

SECTION 18. Amends Sections 25.1412(a) and (p), Government Code, as follows:

(a) Deletes existing text providing that a county court at law in Lamar County has concurrent jurisdiction with the district court in civil cases in which the matter in controversy does not exceed \$200,000, excluding interest, and makes nonsubstantive changes to this subsection.

(p) Requires a jury in a county court at law, except as otherwise provided by this subsection, to be composed of six members unless the constitution, Section 25.0007(c), or other law requires a 12-member jury, rather than composed of six members unless the constitution requires a 12-member jury. Authorizes the jury, in matters in which the constitution or other law, rather than the constitution, does not require a 12-member jury and the county court at law has concurrent jurisdiction with the district court, to be composed of 12 members if a party to the suit requests a 12-member jury and the judge of the court consents. Authorizes the parties in a civil case tried in a county court at law to, by mutual agreement, rather than by mutual agreement and with the consent of the judge, agree to try the case with any number of jurors and have a verdict rendered and returned by the vote of any number of those jurors that is less than the total number of jurors.

SECTION 19. Amends Section 25.1722(f), Government Code, to make a conforming change to this subsection.

SECTION 20. Amends Section 25.1732(l), Government Code, to make a conforming change to this subsection.

SECTION 21. Amends Section 25.1802(o), Government Code, to make a conforming change to this subsection.

SECTION 22. Amends Section 25.1862(k), Government Code, to make a conforming change to this subsection.

SECTION 23. Amends Section 25.2142(v), Government Code, to make conforming changes to this subsection.

SECTION 24. Amends Section 25.2232(a), Government Code, to delete existing text providing that a county court at law in Taylor County has concurrent jurisdiction with the district court in civil cases in which the matter in controversy exceeds \$500 but does not exceed \$200,000, excluding interest, and to make nonsubstantive changes to this subsection.

SECTION 25. Amends Section 25.2292(d), Government Code, as follows:

(d) Provides that, in civil cases, the jury is composed of six members except as otherwise provided by the constitution, Section 25.0007(c), or other law. Provides that failure to

object before a six-member jury is seated and sworn constitutes a waiver of a 12-member jury.

(1) Deletes this subdivision and existing text providing that, in civil cases, the jury is composed of six members unless the amount in controversy exceeds \$100,000.

(2) Deletes this subdivision and existing text providing that, in civil cases, the jury is composed of six members unless a party to the case files a written request for a 12-member jury not later than the 30th day before the date of the trial.

SECTION 26. Amends Section 25.2362(i), Government Code, to require the jury, if a jury trial is requested in a case that is in a county court at law's jurisdiction, to be composed of six members unless the constitution or other law, rather than the constitution, requires a 12-member jury.

SECTION 27. Amends Section 25.2412(j), Government Code, as follows:

(j) Requires the jury, if a case or proceeding in which a county court at law has concurrent jurisdiction with a district court is tried before a jury, to be composed of 12 members, except as provided by Section 25.0007(c), rather than to be composed of 12 members. Requires the jury, in all other cases, to be composed of six members except as provided by the constitution or other law, rather than composed of six members.

SECTION 28. Amends Section 25.2462(k), Government Code, to require that a jury in a county court at law be composed of six members except as provided by the constitution, Section 25.0007(c), or other law, rather than composed of six members.

SECTION 29. Amends Section 25.2482(l), Government Code, to make a conforming change to this subsection.

SECTION 30. Amends Section 25.2512(a), Government Code, to delete existing text providing that a county court at law in Wise County has concurrent jurisdiction with the district court in civil cases in which the matter in controversy exceeds \$500, but does not exceed \$200,000, excluding interest and attorney's fees, and to make nonsubstantive changes to this subsection.

SECTION 31. Amends Section 26.042(a), Government Code, to provide that a county court has concurrent jurisdiction with the justice courts in civil cases in which the matter in controversy exceeds \$200 in value but does not exceed \$20,000, rather than does not exceed \$10,000, exclusive of interest.

SECTION 32. Amends Section 27.031(a), Government Code, to provide that a justice court, in addition to certain other jurisdiction and powers, has original jurisdiction of civil matters in which exclusive jurisdiction is not in the district or county court and in which the amount in controversy exceeds \$200 in value but does not exceed \$20,000, rather than does not exceed \$10,000, exclusive of interest, and certain other cases.

SECTION 33. Amends Section 62.301, Government Code, to provide that the jury in the county courts and in the justice courts is composed of six persons except as provided by the constitution or other law, rather than is composed of six persons.

SECTION 34. Repealer: Section 25.0007(a) (relating to requiring the drawing of jury panels, selection of jurors, and practice in the statutory county courts to conform to that prescribed by law for county courts), Government Code.

Repealer: Section 25.1092(p) (relating to requiring the jury in a Henderson County court, in cases of concurrent jurisdiction with the district court, to be composed of 12 members, but authorizing the parties in a case to agree to a lesser number), Government Code.

Repealer: Section 25.2292(a) (relating to providing that a county court at law in Travis County, in addition to certain other jurisdiction, has concurrent jurisdiction with the district court in certain civil cases), Government Code.

Repealer: Section 25.2292(m) (relating to certain standard practices not applying to a county court at law in Travis County), Government Code.

Repealer: Section 25.2392(i) (relating to requiring a jury for certain cases in a Waller County court to be composed of 12 members), Government Code.

SECTION 35. Requires the supreme court, not later than January 1, 2021, to adopt rules as necessary to implement Section 22.004(h-1), Government Code, as added by this Act.

SECTION 36. Makes application of this Act prospective.

SECTION 37. Effective date: September 1, 2020.