

- SUBJECT:** Allowing certain writ of mandamus against an associate judge
- COMMITTEE:** Judiciary and Civil Jurisprudence — favorable, without amendment
- VOTE:** 7 ayes — Smithee, Farrar, Gutierrez, Hernandez, Neave, Rinaldi, Schofield
- 1 nay — Murr
- 1 absent — Laubenberg
- WITNESSES:** For — Kelly Ausley-Flores, Texas Family Law Foundation (*Registered, but did not testify*: Amy Bresnen and Steve Bresnen, Texas Family Law Foundation)
- Against — None
- BACKGROUND:** Government Code, sec. 22.221 allows a court of appeals to issue writs of mandamus against a judge of a district or county court in the court of appeals district.
- Family Code, ch. 201, allows certain judges to appoint an associate judge to hear and decide certain cases related to family law.
- DIGEST:** HB 1480 would allow a court of appeals to issue writs of mandamus against an associate judge in the court of appeals district who was appointed by a judge under Family Code, ch. 201.
- The bill would take effect September 1, 2017, and would apply only to a certain suits filed on or after that date.
- SUPPORTERS SAY:** HB 1480 would create another avenue through which a family law case could proceed through the courts, possibly increasing the speed and reducing the expense with which some cases are resolved. Under current law, parties must do a de novo appeal to the district judge under whom the associate judge operates, which can take months, and can only proceed

after the associate judge has ruled. A writ of mandamus would allow action before the proceedings with the associate judge have ended.

District judges already have authority and power over the decisions of an associate judge, through the current de novo appeals process. This would simply create a faster avenue through which a party could have a case heard.

**OPPONENTS  
SAY:**

HB 1480 improperly would remove authority over associate judges from the district judges to a court of appeals. District judges are most directly responsible for the appointment of associate judges and therefore should receive any appellate action.

**NOTES:**

A companion bill, SB 1233 by Rodríguez, was approved by the Senate on April 19\.