

## **BILL ANALYSIS**

Senate Research Center

S.B. 129  
By: Nixon  
Jurisprudence  
2-18-97  
Committee Report (Amended)

### **DIGEST**

Currently, an attorney may not appear in a professional capacity before a judge or justice in a civil case if the attorney is related to the judge or justice in the first degree of consanguinity, which includes parental and sibling relationships as determined by Chapter 573, Government Code. S.B. 129 prohibits certain affinity or consanguinity relationships with respect to criminal cases. This bill also changes the degree of relation by affinity or consanguinity to the third degree rather than the first.

### **PURPOSE**

As proposed, S.B. 129 prohibits certain relationships with respect to the appearance of an attorney in civil and criminal cases.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 82.066, Government Code, to prohibit an attorney from appearing before a judge or justice in a civil or criminal case if the attorney is related to the judge or justice by affinity or consanguinity within the second degree, rather than the first degree, as determined by Chapter 573, Government Code, unless no other court has jurisdiction of the matter and the judge or justice finds the attorney's appearance is justified by exigent circumstances.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.

### **SUMMARY OF COMMITTEE CHANGES**

Amends SECTION 1, Section 82.006, Government Code, to add certain exceptions to an attorney appearing before a judge or justice in certain civil or criminal cases and to amend the degree of consanguinity to the second degree, rather than third.