

## **BILL ANALYSIS**

Senate Research Center  
78R9427 YDB-F

H.B. 3384  
By: Hartnett (Shapiro)  
Jurisprudence  
5/13/2003  
Engrossed

### **DIGEST AND PURPOSE**

Chapter 54, Subchapter F of the Government Code, deals with court masters in Dallas County. Certain powers of these court masters are not clearly defined, nor is there a statutory provision relating to a method of appeal from their decisions. H.B. 3384 changes the title of these court masters to "associate judge" and amends and clarifies provisions of the Government Code relating to their qualifications, appointment, powers and duties, as well as procedures for appeals from their decisions.

### **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 the heading to Subchapter F, Chapter 54, Government Code, to read as follows:

#### **SUBCHAPTER F. ASSOCIATE JUDGES IN DALLAS COUNTY**

SECTION 2. Amends Section 54.502, Government Code, as follows:

Sec. 54.502. New heading: APPOINTMENT OF ASSOCIATE JUDGES. (a) Authorizes the judges by majority to vote to appoint one or more full-time associate judges, rather than a full-time master, for any civil matters, rather than for tax suits, and other matters.

(b) Provides that each appointment is subject to the approval of the commissioners court.

(c) Makes a conforming change.

SECTION 3. Amends Section 54.503, Government Code, to make a conforming change. Sets forth qualifications of an associate judge.

SECTION 4. Amends Section 54.504, Government Code, to make a conforming change

SECTION 5. Amends Section 54.505, Government Code, as follows:

Sec. 54.505. New heading: JUDICIAL IMMUNITY. Provides that an associate judge has the same judicial immunity as a district judge. Deletes existing text relating to a master's fees.

SECTION 6. Amends Section 54.506, Government Code, as follows:

Sec. 54.506. New heading: MATTERS THAT MAY BE REFERRED; NO RIGHT OF OBJECTION. (a) Authorizes a judge to refer any civil case or portion of a civil case to an associate judge for resolution.

(b) Prohibits a party from objecting to the referral of a matter described by Subsection (a) to an associate judge, rather than any matter to the master for a finding.

SECTION 7. Amends Subchapter F, Chapter 54, Government Code, by adding Section 54.5061, as follows:

Sec. 54.5061. TRIAL ON THE MERITS. Authorizes an associate judge to conduct a trial on the merits on the agreement of all parties and the consent of the referring court.

SECTION 8. Amends Section 54.507, Government Code, as follows:

Sec. 54.507. New heading: METHODS OF REFERRAL. Authorizes a case to be referred to an associate judge by an order of referral in a specific case or by an omnibus order. Deletes text relating to referring a matter to a master.

SECTION 9. Amends Section 54.508, Government Code, to provide that unless limited by published local rule, by written order, or by order of referral, an associate judge has the same authority as the referring judge to perform any act necessary for the proper resolution of the matter referred. Deletes text relating to certain tasks authorized for a master to perform.

SECTION 10. Amends Section 54.509, Government Code, as follows:

- (a) Authorizes but does not require a party, the associate judge, or the referring court to provide a court reporter for a hearing conducted by an associate judge.
- (b) Authorizes a record of a hearing conducted by an associate judge to be preserved by a tape recorder provided by the associate judge or by another method approved by the associate judge or the referring court.
- (c) Authorizes an associate judge or the referring court to impose as costs the expenses incurred in preserving a record. Deletes text relating to a master making a record of evidence offered and excluded.

SECTION 11. Amends Section 54.510, Government Code, as follows:

Sec. 54.510. New heading: NOTICE OF DECISION; APPEAL. (a) Requires an associate judge, after hearing a matter, to notify each attorney participating in the hearing of the associate judge's decision. Provides that an associate judge's decision has the same force and effect as an order of the referring court unless a party appeals the decision as provided by Subsection (b).

(b) Requires a party, to appeal an associate judge's decision, other than the issuance of a temporary restraining order or temporary injunction, to file an appeal in the referring court not later than the third day after the date the party receives notice of the decision under Subsection (a).

(c) Provides that a temporary restraining order issued by an associate judge is effective immediately and expires on the 15th day after the date of issuance unless, after a hearing, the order is modified or extended by the associate judge or a district judge.

(d) Provides that a temporary injunction issued by an associate judge is effective immediately and continues during the pendency of a trial unless, after a hearing, the order is modified by a district judge.

(e) Requires a matter appealed to the referring court to be tried de novo and to be limited to only those matters specified in the appeal. Provides that, except on

leave of court, a party may not submit on appeal any additional evidence or pleadings. Deletes text requiring each party to give notice, before the master holds a hearing. Deletes text authorizing a referring court to fine and imprison a witness for failure to appear after being summoned.

SECTION 12. Amends Section 54.511, Government Code, as follows:

Sec. 54.511. New heading: CONTINUING EDUCATION. (a) Provides that an associate judge is subject to the same continuing judicial education requirements as a district judge.

(b) Authorizes continuing judicial education credit earned by an associate judge during a fiscal year that exceeds the minimum number of credit hours required for that year to be carried forward and applied to the following fiscal year.

(c) Authorizes an associate judge to be reimbursed for expenses incurred in complying with the requirements of this section if sufficient funds are available in the budget for continuing judicial education. Deletes text providing that a witness who appears before the master and is sworn is subject to the penalties for perjury provided by law.

SECTION 13. Repealer: Sections 54.512-54.516, Government Code.

Sec. 54.512. Papers Transmitted to Judge;  
Sec. 54.513. Judicial Action on Master's Report;  
Sec. 54.514. Hearing Before Judge;  
Sec. 54.515. Decree of Court; and  
Sec. 54.516. Jury Trial Demanded.

SECTION 14. Makes application of this Act prospective.

SECTION 15. Effective date: September 1, 2003.