

BILL ANALYSIS

Senate Research Center
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S.B. 41
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current ad litem rotation requirements are discouraging judges from appointing pro bono attorneys and volunteers who are not next on the rotation list or who do not have the time to register to be added to the list. What's more, clerks and judges are overburdened by the amount of reporting under current law, including appointments of pro bono attorneys and volunteers.

S.B. 41 would exempt pro bono attorney or volunteer appointments from existing rotation and reporting requirements. These changes would implement a recommendation of the Access to Justice Commission to allow courts to appoint pro bono attorneys to more cases and reduce the amount of time judges spend reporting information regarding these appointments.

As proposed, S.B. 41 amends current law relating to exemptions to reporting and list requirements for certain attorneys ad litem, guardians ad litem, mediators, and guardians.

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 Section 36.003, Government Code, as follows:

Sec. 36.003. EXEMPTION. Provides that the reporting requirements of Section 36.004 (Report on Appointments) do not apply to:

- (1)–(2) Makes no changes to these subsections.
- (3)–(4) Makes nonsubstantive changes to these subsections.
- (5) an attorney ad litem, guardian ad litem, amicus attorney, or mediator providing services without expectation or receipt of compensation; or
- (6) an attorney ad litem, guardian ad litem, amicus attorney, or mediator providing services as a volunteer of a nonprofit organization that provides pro bono legal services to the indigent.

SECTION 2. Amends Section 37.002, Government Code, as follows:

Sec. 37.002. EXEMPTION. Provides that the appointment requirements of Section 37.004 (Appointment of Attorneys Ad Litem, Guardians Ad Litem, Mediators, and Guardians; Maintenance of Lists) do not apply to:

- (1)–(2) Makes no changes to these subsections.
- (3)–(4) Makes nonsubstantive changes to these subsections.

(5) an attorney ad litem, guardian ad litem, amicus attorney, or mediator providing services without expectation or receipt of compensation; or

(6) an attorney ad litem, guardian ad litem, amicus attorney, or mediator providing services as a volunteer of a nonprofit organization that provide pro bono legal services to the indigent.

SECTION 3. Effective date: September 1, 2019.