

## **BILL ANALYSIS**

Senate Research Center  
88R20320 AMF-F

H.B. 2384  
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State Affairs  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Voters should have access to all pertinent information regarding judicial candidates and be assured that elected judges are the most qualified individuals for the job. To this end, measures have been suggested to implement stricter education and training requirements for those who are elected to judicial offices and to create uniform standards for judges.

Another suggestion is to require judicial candidates to disclose any record of sanctions as well as their courtroom experience, with candidates for appellate courts describing previous appellate court briefs and oral arguments. The Office of Court Administration of the Texas Judicial System should develop standards for identifying courts that need additional assistance and include more detailed information in its court statistics report.

Finally, there should be a specialty certification for attorneys in judicial administration that is also applicable to judges. H.B. 2384 seeks to implement these measures.

H.B. 2384 amends current law relating to court administration, including the knowledge, efficiency, training, and transparency requirements for candidates for or holders of judicial offices.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Supreme Court of Texas in SECTION 3 (Section 39.002, Government Code) and SECTION 9 (Section 82.101, Government Code) of this bill.

Rulemaking authority is expressly granted to the Texas Judicial Council in SECTION 10 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter B, Chapter 141, Election Code, by adding Section 141.0311, as follows:

Sec. 141.0311. ADDITIONAL REQUIREMENTS FOR APPLICATION FOR JUDICIAL OFFICE. (a) Provides that this section applies to candidates for the following judicial offices:

- (1) chief justice or justice of the Supreme Court of Texas (supreme court);
- (2) presiding judge or judge of the Texas Court of Criminal Appeals (court of criminal appeals);
- (3) chief justice or justice of a court of appeals;
- (4) district judge, including a criminal district judge; and
- (5) judge of a statutory county court.

(b) Requires that a candidate's application for a place on the ballot, in addition to other requirements under this code:

(1) include the candidate's state bar number for:

(A) this state; and

(B) any other state in which the candidate has been licensed to practice law;

(2) disclose any public:

(A) sanction or censure, as those terms are defined by Section 33.001 (Definitions), Government Code, the State Commission on Judicial Conduct (SCJC) or a review tribunal has issued against the candidate;

(B) disciplinary sanction imposed on the candidate by the state bar; and

(C) disciplinary sanction imposed on the candidate by an entity in another state responsible for attorney discipline in that state;

(3) include statements describing for the preceding five years:

(A) the nature of the candidate's legal practice, including any area of legal specialization; and

(B) the candidate's professional courtroom experience; and

(4) disclose any final conviction of a Class A or Class B misdemeanor in the 10 years preceding the date the person would assume the judicial office for which the person is filing the application.

(c) Requires a candidate for a judicial office described by Subdivision (a)(1), (2), or (3) who does not hold or has not previously held a judicial office described by those subdivisions, in addition to the other requirements of this section and this code, to include in the application a description of:

(1) appellate court briefs the candidate has prepared and filed in the preceding five years; and

(2) oral arguments the candidate has presented before any appellate court in the preceding five years.

(d) Requires that each officially prescribed form for an application under this section include a statement informing candidates that knowingly providing false information on the application, in addition to other penalties prescribed by law, constitutes professional misconduct subject to public sanctions or censure by SCJC or the state bar, as applicable.

(e) Requires the secretary of state (SOS) to prescribe the form and content of the application materials under this section. Authorizes SOS to consult with the Office of Court Administration of the Texas Judicial System (OCA), the supreme court, and the court of criminal appeals when prescribing the form and content of application materials under this section.

SECTION 2. Amends Section 33.032, Government Code, by adding Subsection (i), as follows:

(i) Provides that any sanction SCJC issues against a judge for knowingly making a false declaration on an application for a place on the ballot as a candidate for a judicial office described by Section 141.0311, Election Code, any withdrawal of such sanction, and all records and proceedings related to the sanction are a matter of public record.

SECTION 3. Amends Subtitle B, Title 2, Government Code, by adding Chapter 39, as follows:

#### CHAPTER 39. JUDICIAL EDUCATION REQUIREMENTS

Sec. 39.001. **APPLICABILITY.** Provides that this chapter applies to a person elected to or holding any of the following judicial offices:

- (1) chief justice or justice of the supreme court;
- (2) presiding judge or judge of the court of criminal appeals;
- (3) chief justice or justice of a court of appeals;
- (4) district judge, including a criminal district judge; and
- (5) judge of a statutory county court.

Sec. 39.002. **JUDICIAL INSTRUCTION REQUIREMENTS.** (a) Requires the supreme court, in consultation with the court of criminal appeals, to adopt rules on the judicial training a person is required to complete not later than the first anniversary of the date the person assumes a judicial office, subject to Subsection (b). Requires that the rules require the person to complete at least 30 hours of instruction.

(b) Provides that Subsection (a) does not apply to a person who has been absent from judicial office for less than one year before assuming a judicial office and who has previously completed the requirements of Subsection (a).

(c) Requires a judge to annually complete at least 16 hours of instruction described by Subsection (a) after the first year of the judge's term.

(d) Authorizes the rules adopted under this section to provide for a deferral or exemption for a person who is unable to timely complete the training or instruction due to a medical or physical disability.

(e) Provides that this section does not affect any funds appropriated to or grants administered by the court of criminal appeals under Chapter 56 (Judicial and Court Personnel Training Fund.)

Sec. 39.003. **SUSPENSION.** Requires SCJC to issue an order suspending any judge who fails to meet the education requirements under Section 39.002 until the judge demonstrates compliance with the requirements.

Sec. 39.004. **REMOVAL FROM OFFICE.** (a) Provides that a judge who is noncompliant with the education requirements under Section 39.002 for more than one year, for purposes of Section 1-a (Retirement, Compensation, Discipline, and Removal of Justices and Judges; State Commission on Judicial Conduct), Article V (Judicial Department), Texas Constitution, has engaged in wilful or persistent conduct that is clearly inconsistent with the proper performance of a judge's duties sufficient to subject the judge to removal from office.

(b) Requires the attorney general to file a petition under Section 66.002 (Initiation of Suit), Civil Practice and Remedies Code, against a judge who is subject to removal as provided by Subsection (a) if presented with evidence by SCJC establishing probable grounds that the judge engaged in conduct described by Subsection (a).

SECTION 4. Amends Section 72.024, Government Code, by adding Subsection (b-1) to require the administrative director of the courts to develop standards for identifying courts that need additional assistance to promote the efficient administration of justice.

SECTION 5. Amends Section 72.082, Government Code, as follows:

Sec. 72.082. PERFORMANCE REPORT. Requires that the report include disaggregated performance measures for each appellate court, district court, statutory county court, statutory probate court, and county court.

SECTION 6. Amends Section 72.083, Government Code, as follows:

Sec. 72.083. TRIAL COURTS. (a) Creates this subsection from existing text. Redefines "clearance rate." Deletes existing text requiring OCA to report the aggregate clearance rate of cases for the district courts.

(b) Requires OCA to annually report the following performance measures for each district court, statutory county court, statutory probate court, and county court:

- (1) the court's clearance rate;
- (2) the average time a case is before the court from filing to disposition;  
and
- (3) the age of the court's active pending caseload.

SECTION 7. Amends Section 74.046, Government Code, as follows:

Sec. 74.046. DUTIES OF PRESIDING JUDGE. (a) Creates this subsection from existing text.

(b) Authorizes a presiding judge to appoint a judicial mentor or arrange for additional administrative personnel to be assigned to a court identified by OCA as needing additional assistance under Section 72.024(b-1).

SECTION 8. Amends Section 81.075, Government Code, by adding Subsection (f), as follows:

(f) Requires a district grievance committee, if the panel of the committee finds an attorney knowingly made a false declaration on an application for a place on the ballot as a candidate for judicial office under Section 141.0311, Election Code, to impose a public sanction against the respondent attorney.

SECTION 9. Amends Chapter 82, Government Code, by adding Subchapter D, as follows:

#### SUBCHAPTER D. SPECIALTY CERTIFICATIONS FOR ATTORNEYS

Sec. 82.101. SPECIALTY CERTIFICATION IN JUDICIAL ADMINISTRATION. (a) Requires the supreme court to adopt rules establishing a specialty certification for attorneys in the practice area of judicial administration.

(b) Requires the Texas Board of Legal Specialization (TBLS), for purposes of establishing a specialty certification for attorneys in the practice area of judicial administration, to make recommendations to the supreme court for the specialty certification and a proposed examination for obtaining the specialty certification.

(c) Requires TBLS to make the specialty certification for attorneys in judicial administration available to each judge of an appellate court, district court, statutory county court, statutory probate court, or county court performing judicial

functions who is a licensed attorney and who meets the eligibility requirements established by TBLS.

(d) Requires the supreme court by rule to require an attorney who holds a specialty certification in judicial administration to annually complete 21 hours of continuing legal education to maintain the certification.

(e) Authorizes a justice or judge who holds a specialty certification in judicial administration or another specialty certification to be entitled to additional compensation if the legislature makes a specific appropriation for that purpose.

SECTION 10. (a) Requires the supreme court, as soon as practicable after the effective date of this Act, to adopt the rules necessary to implement Chapter 39, Government Code, as added by this Act, and Subchapter D, Chapter 82, Government Code, as added by this Act.

(b) Requires the Texas Judicial Council, as soon as practicable after the effective date of this Act, to adopt the rules necessary for OCA to collect the information required under Sections 72.082 and 72.083, Government Code, as amended by this Act.

(c) Makes application of Section 141.0311, Election Code, as added by this Act, prospective.

(d) Provides that the changes in law made by Chapter 39, Government Code, as added by this Act, apply to all judges elected, appointed, or holding office on or after the effective date of this Act.

SECTION 11. Effective date: September 1, 2023.