

- SUBJECT:** Allowing a trial by a special judge to be held in a public courtroom
- COMMITTEE:** Judiciary and Civil Jurisprudence — favorable, without amendment
- VOTE:** 9 ayes — Hunter, Hughes, Alonzo, Hartnett, Jackson, Lewis, Madden, Martinez, Woolley
- 0 nays
- 2 absent — Branch, Leibowitz
- WITNESSES:** For — (*Registered, but did not testify:* Steve Bresnen, Texas Family Law Foundation)
- Against — None
- BACKGROUND:** Civil Practice and Remedies Code, ch. 151 permits a judge to order the referral of a case involving a civil or family law matter to a special judge for a non-jury trial by agreement of the parties. Under Sec. 151.010, this type of trial may not be held in a public courtroom, nor may a public employee participate in such a trial during regular working hours.
- DIGEST:** HB 2435 would authorize a judge who referred a family or civil law case to a special judge for non-jury trial to permit, at the judge's discretion, the trial to be held in a public courtroom and allow a public employee to take part in the trial during regular working hours.
- The bill would apply only to a trial commenced on or after its September 1, 2009, effective date.
- SUPPORTERS SAY:** HB 2455 would give judges the discretion to allow use of their courtrooms for non-jury trials conducted by special judges in family law cases. Under current law, a special judge must locate appropriate and secure facilities for the trial setting, an often time-consuming and expensive process that results in delays and additional costs for litigants. This problem is compounded in rural areas, where adequate facilities may be in short supply. By contrast, a public courtroom offers an appropriate, secure setting for trials without the attendant costs of renting or purchasing

private facilities, which may not be as secure. Granting discretion to a referring judge to allow a special judge to conduct trials in public courtrooms would save costs and increase judicial efficiency.

OPPONENTS
SAY:

No apparent opposition.