

SUBJECT: Revising criteria for former justices and judges to be visiting judges

COMMITTEE: Judiciary and Civil Jurisprudence — favorable, without amendment

VOTE: 8 ayes — Leach, Farrar, Julie Johnson, Krause, Meyer, Neave, Smith, White

0 nays

1 absent — Y. Davis

WITNESSES: For — (*Registered, but did not testify:* Lee Parsley, Texans for Lawsuit Reform; George Christian, Texas Civil Justice League)

Against — None

BACKGROUND: Government Code sec. 74.003 allows the chief justice of the Texas Supreme Court to assign qualified retired justices or judges of certain courts for active service. Eligible justices or judges must have served at least 96 months in a district, statutory probate, statutory county, or appellate court, with at least 48 of those months in an appellate court. The individual cannot have been removed from office and must be in good standing with the State Commission on Judicial Conduct and up to date on annual educational requirements. The individual also must certify to the chief justice a willingness not to appear and plead as an attorney in any court in the state for a period of two years.

Interested parties note that there is currently a shortage of eligible judges and justices available to serve as visiting judges.

DIGEST: HB 2547 would broaden the eligibility requirements for a qualified retired justice or judge to be assigned to active service by the chief justice of the Supreme Court.

Former, not just retired, justices and judges could be assigned to active service. The number of months the justice or judge would have to have

served in a district, statutory probate, county probate, or appellate court to be eligible for assignment would be reduced from 96 to 72. The bill would require that a judge or justice certify to the chief justice a willingness not to appear and plead as an attorney for two years in courts in which the individual served as a justice or judge. Judges and justices would be ineligible due to a removal from office only if the removal was because of misconduct or incapacity.

The bill would take effect September 1, 2019, and would apply only to a certification or recertification that took effect after the effective date.