

AN ACT

relating to associate judges appointed by certain district courts in Dallas County.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Subchapter F, Chapter 54, Government Code, is amended to read as follows:

SUBCHAPTER F. ASSOCIATE JUDGES [~~MASTERS~~] IN DALLAS COUNTY

SECTION 2. Section 54.502, Government Code, is amended to read as follows:

Sec. 54.502. APPOINTMENT OF ASSOCIATE JUDGES [~~MASTER~~]. (a) The judges may by majority vote appoint one or more [a] full-time associate judges [~~master~~] for [~~tax suits and~~] any civil [~~other~~] matters.

(b) Each [~~The~~] appointment is subject to the approval of the commissioners court.

(c) An associate judge's [~~The master's~~] services may be terminated by a majority vote of the judges.

SECTION 3. Section 54.503, Government Code, is amended to read as follows:

Sec. 54.503. QUALIFICATIONS. An associate judge [~~The master~~] must:

- (1) be a citizen of this state;
- (2) be at least 25 years of age; and
- (3) have practiced law in this state for at least four

1 years preceding the date of appointment and maintain a license to
2 practice law in this state during the term of appointment [~~who is~~
3 ~~licensed to practice law in this state~~].

4 SECTION 4. Section 54.504, Government Code, is amended to
5 read as follows:

6 Sec. 54.504. COMPENSATION. An associate judge [~~The master~~]
7 is entitled to the compensation set by the commissioners court. The
8 compensation shall be paid from the general fund of the county.

9 SECTION 5. Section 54.505, Government Code, is amended to
10 read as follows:

11 Sec. 54.505. JUDICIAL IMMUNITY [~~FEES~~]. An associate judge
12 has the same judicial immunity as a district judge. [~~(a) On each~~
13 ~~tax case referred to a master, the judge shall set the master's fee,~~
14 ~~and that fee shall be added as court costs.~~

15 [~~(b) On each case referred to a master other than tax cases,~~
16 ~~the master shall recommend the fee to be charged, but the fee is~~
17 ~~subject to the approval of the referring judge.~~]

18 SECTION 6. Section 54.506, Government Code, is amended to
19 read as follows:

20 Sec. 54.506. MATTERS THAT MAY BE REFERRED. A judge may
21 refer any civil case or portion of a civil case to an associate
22 judge for resolution [~~any matter to the master for a finding~~].

23 SECTION 7. Subchapter F, Chapter 54, Government Code, is
24 amended by adding Section 54.5061 to read as follows:

25 Sec. 54.5061. TRIAL ON THE MERITS. An associate judge may
26 conduct a trial on the merits on the agreement of all parties and
27 the consent of the referring court.

1 SECTION 8. Section 54.507, Government Code, is amended to
2 read as follows:

3 Sec. 54.507. METHODS [ORDER] OF REFERRAL. A case may be
4 referred to an associate judge by an order of referral in a specific
5 case or by an omnibus order. [~~(a) To refer a matter to the master, a~~
6 ~~judge must issue an order of referral specifying the master's~~
7 ~~duties.~~

8 [~~(b) The order of referral may:~~

9 [~~(1) limit the powers of the master and direct the~~
10 ~~master to report only on specific issues, do particular acts, or~~
11 ~~receive and report on evidence only,~~

12 [~~(2) set the time and place for the hearing,~~

13 [~~(3) prescribe a closing date for the hearing, and~~

14 [~~(4) provide a date for the filing of the master's~~
15 ~~report.]~~

16 SECTION 9. Section 54.508, Government Code, is amended to
17 read as follows:

18 Sec. 54.508. POWERS. Except as limited by an order of
19 referral, the associate judge [~~master~~] may:

20 (1) conduct hearings;

21 (2) hear evidence;

22 (3) compel production of relevant evidence, including
23 books, papers, vouchers, documents, and other writings;

24 (4) rule on admissibility of evidence;

25 (5) issue summons for the appearance of witnesses;

26 (6) examine witnesses;

27 (7) swear witnesses for hearings;

1 (8) regulate proceedings in a hearing; and

2 (9) do any act and take any measure necessary and
3 proper for the efficient performance of the duties required by the
4 order of referral.

5 SECTION 10. Section 54.509, Government Code, is amended to
6 read as follows:

7 Sec. 54.509. RECORD OF EVIDENCE. (a) A court reporter may
8 be provided during a hearing held by an associate judge appointed
9 under this subchapter. A court reporter is required to be provided
10 when the associate judge presides over a jury trial.

11 (b) A party, the associate judge, or the referring court may
12 provide for a reporter during the hearing if one is not otherwise
13 provided.

14 (c) The record may be preserved in the absence of a court
15 reporter by any other means approved by the associate judge.

16 (d) The referring court or associate judge may assess the
17 expense of preserving the record under Subsection (c) as costs.

18 (e) On appeal of the associate judge's report or proposed
19 order, the referring court may consider testimony or other evidence
20 in the record if the record is taken by a court reporter. [At the
21 request of a party, the master shall make a record of the evidence
22 offered and excluded. The record must be in the same form as a
23 record of evidence for a trial court.]

24 SECTION 11. Section 54.510, Government Code, is amended to
25 read as follows:

26 Sec. 54.510. NOTICE OF DECISION; APPEAL [HEARING]. (a)
27 After hearing a matter, an associate judge shall notify each

1 attorney participating in the hearing of the associate judge's
2 decision. An associate judge's decision has the same force and
3 effect as an order of the referring court unless a party appeals the
4 decision as provided by Subsection (b).

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

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

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

17 (e) A matter appealed to the referring court shall be tried
18 de novo and shall be limited to only those matters specified in the
19 appeal. Except on leave of court, a party may not submit on appeal
20 any additional evidence or pleadings. [~~Before the master holds a~~
21 hearing, each party shall be given notice of the time and place of
22 the hearing as provided by Rule 21a, Texas Rules of Civil
23 Procedure.]

24 SECTION 12. Sections 54.511-54.516, Government Code, are
25 repealed.

26 SECTION 13. The change in law made by this Act applies only
27 to a matter referred to an associate judge on or after the effective

1 date of this Act.

2 SECTION 14. This Act takes effect September 1, 2003.

David Newkum

President of the Senate

Jim Cusick

Speaker of the House

I certify that H.B. No. 3384 was passed by the House on May 6, 2003, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 3384 on May 30, 2003, by a non-record vote.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 3384 was passed by the Senate, with amendments, on May 28, 2003, by a viva-voce vote.

Daisy Spaw

Secretary of the Senate

APPROVED: 18 JUNE '03

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
8:30 PM O'CLOCK

June 18 2003
Kevin Shea
Secretary of State