

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 16-9037

ORDER ADOPTING RULE 14 OF THE RULES OF JUDICIAL ADMINISTRATION

ORDERED that:

1. The Court adopts Rule 14 of the Rules of Judicial Administration. *See* Acts 2015, 84th Leg., R.S., ch. 186 (S.B. 455) (codified at TEX. GOV'T CODE § 22A.001 *et seq.*); TEX. GOV'T CODE § 74.024. The rule applies to cases that are filed or pending in the trial court on or after the date of this order.
2. Any person may submit written comments to Rules Attorney Martha Newton at rulescomments@txcourts.gov. The Court requests that comments be submitted by August 31, 2016.
3. The Clerk is directed to:
 - a. file a copy of this order with the Secretary of State;
 - b. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this order to each elected member of the Legislature; and
 - d. submit a copy of the order for publication in the *Texas Register*.

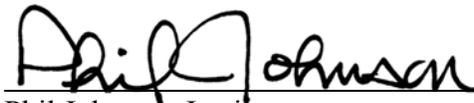
Dated: March 22, 2016.



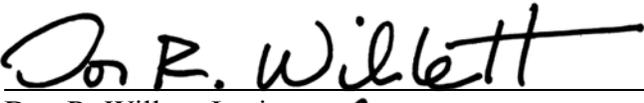
Nathan L. Hecht, Chief Justice



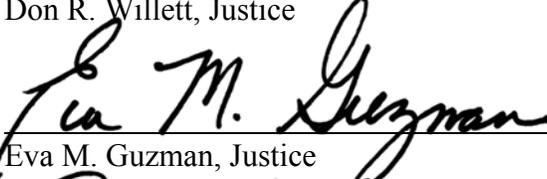
Paul W. Green, Justice



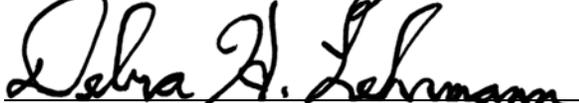
Phil Johnson, Justice



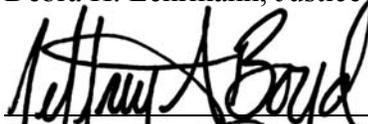
Don R. Willett, Justice



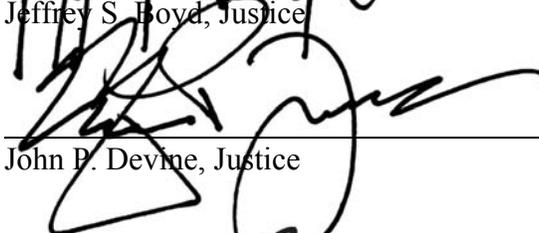
Eva M. Guzman, Justice



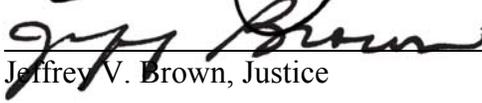
Debra H. Lehrmann, Justice



Jeffrey S. Boyd, Justice



John P. Devine, Justice



Jeffrey V. Brown, Justice

Rule 14. Special Three-Judge District Court

14.1 Applicability

This rule applies to cases filed in a district court in this state in which the state or a state officer or agency is a defendant in a claim that:

- (a) challenges the finances or operations of this state's public school system; or
- (b) involves the apportionment of districts for the house of representatives, the senate, the State Board of Education, or the United States Congress, or state judicial districts.

14.2 Procedure for Initiating the Creation of a Special Three-Judge District Court

- (a) The attorney general may petition the Chief Justice to convene a special three-judge district court in any case to which this rule applies. The petition must be submitted to the Supreme Court clerk for presentation to the Chief Justice. A copy must be filed in the district court in which the case is pending and served on all parties to the case.
- (b) The petition must:
 - (1) list all parties and counsel and complete contact information for all counsel;
 - (2) state the cause number and style of the case, the district court in which it is pending, and the name of the judge to whom it is assigned;
 - (3) state concisely whether the case falls under Rule 14.1(a) or (b);
 - (4) summarize the dispute and all claims asserted against the state or a state officer or agency;
 - (5) include a certificate of service that complies with Texas Rule of Appellate Procedure 9.5; and
 - (6) include as appendices the live pleadings on file and a copy of the district court's docket sheet for the case.
- (c) Any party may submit a response to the petition within seven days of the date that the petition is filed in the district court. The Chief Justice may shorten the time for submitting a response.
- (d) The filing of a petition under this rule stays all proceedings in the district court until the Chief Justice acts on the petition.

14.3 Action on Petition; Composition of the Special Three-Judge District Court

- (a) If a petition establishes the applicability of this rule, the Chief Justice will grant the petition, order the creation of a special three-judge district court, and appoint three persons to serve on the court.
- (b) The special three-judge district court will be composed of:
 - (1) the district judge of the judicial district to which the original case was assigned;
 - (2) one district judge of a judicial district other than a judicial district in the same county as the judicial district to which the original case was assigned; and
 - (3) one justice of a court of appeals who serves a court of appeals district:
 - (A) different from the district in which the original case was assigned; and
 - (B) different from the district in which the district judge appointed under (b)(2) sits.
- (c) The Chief Justice will designate the presiding judge of the special three-judge district court.
- (d) A judge or justice appointed under (b)(2) or (3) must have been elected to that office and may not be serving an appointed term of office.

14.4 Location of Special Three-Judge District Court; Governing Rules

- (a) A special three-judge district court convened under this rule must conduct the trial and all hearings in the district in which the case was filed and may use the courtroom, other facilities, and administrative support of the original district court.
- (b) Except as provided by this rule or Chapter 22A, Government Code, the Texas Rules of Civil Procedure and all other statutes and rules applicable to civil litigation in a district court in this state apply to proceedings before a special three-judge district court.

14.5 Actions by Judge or Justice Serving on a Special Three-Judge District Court

- (a) With the unanimous consent of the three judges sitting on a special three-judge district court, a judge or justice of the court may:
 - (1) independently conduct pretrial proceedings; and
 - (2) sign interlocutory orders before trial.

- (b) A judge or justice of a special three-judge district court may not independently order a temporary restraining order, temporary injunction, or an order that finally disposes of a claim before the court.
- (c) Any independent action taken by one judge or justice of a special three-judge district court related to a claim before the court may be reviewed by the entire court at any time before final judgment.

14.6 Transfer and Consolidation of Related Cases

- (a) “Related case” means any case in which the state or a state officer or agency is a defendant that arises from the same nucleus of operative facts as the case before a special three-judge district court, regardless of the legal claims or causes of action asserted in the related case.
- (b) On the motion of any party to a case assigned to a special three-judge district court, the special three-judge district court must transfer a related case to itself and consolidate the related case with the case before the court. The special three-judge district court may transfer a related case without the consent of the parties to the related case or of the court in which the related case is pending.
- (c) The motion must be in writing and include:
 - (1) the cause number, style, court, and name of the judge of the court in which the related case is pending;
 - (2) a list of parties and counsel in the related case and complete contact information for all counsel;
 - (3) a demonstration that the related case arises from the same nucleus of operative facts as the case before the special three-judge district court;
 - (4) the live pleadings on file in the related case; and
 - (5) a certificate of service on all parties to the case pending before the special three-judge district court and to the related case.
- (d) After a motion to transfer and consolidate a related case is filed, the special three-judge district court or the court in the related case may stay the proceedings in the case before it until the special three-judge district court has ruled on the motion.

14.7 Appeals and Original Proceedings

An appeal from an appealable interlocutory order or from a final judgment of a special three-judge district court is to the Supreme Court under Texas Rule of Appellate Procedure 57. An original appellate proceeding seeking extraordinary relief from an action taken by the special

three-judge district court must be filed directly in the Supreme Court under Texas Rule of Appellate Procedure 52.