

# OFFICE OF COURT ADMINISTRATION

## CHAPTER 72, GOVERNMENT CODE

### SUBCHAPTER A. GENERAL PROVISIONS

#### Sec. 72.001. Definitions.

In this chapter:

- (1) "Court" means any tribunal forming a part of the judiciary.
- (2) "Director" means the administrative director of the courts appointed as provided by this chapter.
- (3) "Office" means the Office of Court Administration of the Texas Judicial System.
- (4) "Trial court" means any tribunal forming a part of the judiciary, except the supreme court, the court of criminal appeals, and the courts of appeals, but does not include the commissioners court of a county.

#### Sec. 72.002. Effect on Jurisdiction or Judicial Discretion.

This chapter or a rule adopted by the supreme court under Section 74.024 does not authorize:

- (1) a judge to act in a case over which his court would not have potential jurisdiction under the Texas Constitution or other state law; or
- (2) an infringement of the judicial discretion of a judge in the trying of a case properly before his court.

### SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

#### Sec. 72.011. Office of Court Administration.

- (a) The office of court administration is an agency of the state and operates under the direction and supervision of the supreme court and the chief justice of the supreme court.
- (b) The office shall exercise the powers and perform the duties or functions imposed on the office by this chapter or the supreme court.

#### Sec. 72.012. Director.

- (a) The director shall:
  - (1) implement this chapter and direct the operations of the office of court administration; and
  - (2) as an additional duty of his office, serve as the executive director of the Texas Judicial Council.
- (b) The director shall devote full time to his official duties.

### SUBCHAPTER C. POWERS AND DUTIES

#### Sec. 72.021. Budget; Expenditures.

- (a) The director shall prepare and submit an estimated budget for the appropriation of funds necessary for the maintenance and operation of the judicial system.
- (b) The director shall study and recommend expenditures and savings of funds appropriated for the maintenance and operation of the judicial system.

#### Sec. 72.022. Personnel.

- (a) The director, with the approval of the chief justice of the supreme court, shall employ the personnel needed to administer the office, including personnel needed for the Texas Judicial Council.
- (b) The office shall provide staff functions necessary for the efficient operation of the Texas Judicial Council.
- (c) This chapter does not limit the authority of a court to appoint clerical personnel.

#### Sec. 72.023. Consultation and Assistance.

- (a) The director shall assist the justices and judges in discharging their administrative duties.
- (b) The director shall consult with the regional presiding judges and local administrative judges and assist them in discharging duties imposed by law or by a rule adopted by the supreme court.
- (c) The director, to provide for the efficient administration of justice, shall consult with and assist:
  - (1) court clerks;
  - (2) other court officers or employees; and
  - (3) clerks or other officers or employees of offices related to and serving a court.
- (d) The director, to provide for uniform administration of the courts and efficient administration of justice, shall consult with and make recommendations to administrators and coordinators of the courts.

#### Sec. 72.024. Methods; Recommendations.

- (a) The director shall examine the judicial dockets, practices, and procedures of the courts and the administrative and business methods or systems used in the office of a clerk of a court or in an office related to and serving a court.
- (b) The director shall recommend:
  - (1) a necessary improvement to a method or system;
  - (2) a form or other document used to record judicial business; or
  - (3) any other change that will promote the efficient administration of justice.
- (c) The director shall recommend to the supreme court appropriate means to implement this chapter.

#### Sec. 72.025. Annual Report.

- (a) The director shall prepare an annual report of the activities of the office.
- (b) The report must be published in the annual report of the Texas Judicial Council.

#### Sec. 72.026. Rules.

The director, under the supervision of the chief justice, shall implement a rule of administration or other rules adopted by the supreme court for the efficient administration of justice.

#### Sec. 72.027. Additional Duties.

The supreme court or the chief justice of the supreme court may assign the director duties in addition to those imposed by this chapter.

# TEXAS JUDICIAL COUNCIL

## CHAPTER 71, GOVERNMENT CODE

### SUBCHAPTER A. GENERAL PROVISIONS

#### Sec. 71.001. Definitions.

In this chapter:

- (1) "Council" means the Texas Judicial Council.
- (2) "President" means the president of the council.

#### Sec. 71.002. Sunset Provisions.

The council is subject to the Texas Sunset Act (Chapter 325). Unless continued in existence as provided by that Act, the council is abolished and this chapter expires effective September 1, 2001.

### SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

#### Sec. 71.011. Number and Classes of Members.

The Texas Judicial Council is an agency of the state composed of 10 ex officio and nine appointive members.

#### Sec. 71.012. Ex Officio Members.

- (a) The ex officio members are:
  - (1) the chief justice of the supreme court;
  - (2) the presiding judge of the court of criminal appeals;
  - (3) the chairman of the Senate Jurisprudence Committee;
  - (4) the immediate past chairman of the Senate Jurisprudence Committee;
  - (5) the chairman of the House Judiciary Committee;
  - (6) the immediate past chairman of the House Judiciary Committee;
  - (7) two justices of the courts of appeals designated by the governor;
  - (8) two presiding judges of the administrative judicial districts designated by the governor.
- (b) If the chairman of the Senate Jurisprudence Committee or House Judiciary Committee is reappointed as chairman, his immediate predecessor shall continue to serve on the council as immediate past chairman.
- (c) The justices and judges to be named by the governor under Subsection (a) may be either active justices and judges or retired justices and judges of the same grade who are legally eligible for assignment to part-time judicial duties.

# TEXAS JUDICIAL COUNCIL

## CHAPTER 71, GOVERNMENT CODE

### SUBCHAPTER C. POWERS AND DUTIES

(d) Ex officio members have the same powers and duties under this chapter as the citizen members of the council.

#### Sec. 71.013. Terms of Ex Officio Members; Delegation of Functions.

(a) The chief justice of the supreme court and the presiding judge of the court of criminal appeals are members of the council as long as they hold those offices.

(b) Justices of the courts of appeals and presiding judges of the administrative judicial districts are members of the council for staggered terms of four years with one justice's and one judge's term expiring on February 1 of each odd-number year.

(c) A legislative member whose membership in the legislature ceases continues as a member of the council for his full term on the council. If a legislative membership is vacant, the presiding officer of the appropriate house of the legislature shall name a person to fill the vacancy for the unexpired term.

(d) A vacancy in a judicial membership must be filled for the unexpired term in the same manner as the original appointment.

(e) A judicial or legislative member of the council serves until his successor is chosen and has qualified.

(f) The chief justice of the supreme court and the presiding judge of the court of criminal appeals may each designate a member of his court to act in his stead under this chapter. The designated person serves at the will of the official who chose him for service.

#### Sec. 71.014. Citizen Members.

(a) The governor shall appoint the nine citizen members on the council.

(b) A citizen member must be a resident citizen of the state. Seven of the nine citizen members must be members of the State Bar of Texas and two must be persons who are not licensed to practice law, including at least one who is by profession a journalist.

#### Sec. 71.015. Terms of Citizen Members.

(a) Citizen members serve for staggered terms of six years with three members' terms expiring on June 30 of each odd-numbered year.

(b) A vacancy in citizen membership is filled for the unexpired term by appointment by the governor.

(c) A citizen member serves on the council until his successor is appointed and has qualified.

#### Sec. 71.016. Meetings.

(a) The council shall meet at least once in each calendar year and may meet at other times as ordered by the council or under its authority.

(b) The council may meet at a place and time designated by it or under its authority.

#### Sec. 71.017. Quorum.

Five members of the council constitute a quorum.

#### Sec. 71.018. Officers; Committees.

(a) The council may elect members to serve as president and as the other officers of the council that it considers advisable. It may elect a secretary who is not a member.

(b) The council may prescribe the duties of an officer of the council.

(c) The council may appoint committees from its membership. It may prescribe the duties of and delegate powers under this chapter to a committee except as otherwise limited by this chapter.

(d) The president may appoint committees for the duration of his presidency that he considers necessary for the organization of the council.

#### Sec. 71.019. Rules.

The council may adopt rules expedient for the administration of its functions.

#### Sec. 71.020. Expenses.

(a) A member of the council may not receive compensation for service on the council.

(b) A member is entitled to reimbursement for actual and necessary expenses incurred in performing the duties of the council and approved for payment as provided by this section.

(c) The council, its officers, and its committees are entitled to reimbursement for the actual and necessary clerical expenses incurred in performing functions under this chapter and approved for payment as provided by this section.

(d) Before any expenses incurred by the council, its members or officers, or its committees may be paid, the president of the council or the vice-president, if authorized by the president in writing to do so, must approve a verified and itemized account of the expenses.

#### Sec. 71.031. Continuous Study.

The council continuously shall study the organization, rules, procedures and practice, work accomplished, results, and uniformity of the discretionary powers of the state courts and methods for their improvement.

#### Sec. 71.032. Receipt of Advice on Remedies.

The council shall receive and consider advice from judges, public officials, members of the bar, and citizens concerning remedies for faults in the administration of justice.

#### Sec. 71.033. Methods for Improvement.

The council shall design methods for simplifying judicial procedure, expediting the transaction of judicial business, and correcting faults in or improving the administration of justice.

#### Sec. 71.034. Reports; Investigations.

(a) The council shall file a complete detailed report with the governor and the supreme court before December 2 of each year on council activities, information from the council's study, and council recommendations.

(b) The council may file a supplemental report on council activities, findings, or recommendations at a time it considers advisable.

(c) The council shall investigate and report on a matter concerning the administration of justice that the supreme court or the legislature refers to the council.

(d) The yearly or supplemental reports of the council are public information and may be given to the press when filed.

#### Sec. 71.035. Statistics; Enforcement by Mandamus.

(a) The council shall gather judicial statistics and other pertinent information from the several state judges and other court officials of this state.

(b) The council may require a state justice, judge, clerk, or other court official, as an official duty, to comply with reasonable requirements for supplying statistics pertaining to the amount and character of the civil and criminal business transacted by the court or other information on the conduct, operation, or business of his court or the office of the clerk of his court that is within the scope of the functions of the council. If the official does not supply the information within a reasonable time after the request, he is presumed to have willfully refused the request. The council may prescribe procedures and forms for supplying the statistics and other information.

(c) The duty provided by this section to supply information may be enforced by writ of mandamus in:

- (1) the district court of the county of residence of the respondent if the petition for mandamus is filed against a district clerk or a clerk, judge, or other official of a trial court other than a district court;
- (2) the court of appeals for the court of appeals district in which the respondent resides if the petition for mandamus is filed against a district judge or a clerk of a court of appeals; or
- (3) the supreme court in any other case.

(d) Except as provided by this subsection, the attorney general shall file and prosecute an action for mandamus on behalf of the council if requested to do so in writing by the council. To be valid, the written request must be signed by the president or by at least five members of the council. The attorney general may refuse to file an action if he certifies in writing that the action is without merit.

#### Sec. 71.036. Public Hearings.

(a) The council may appoint a committee of at least three members to hold a public hearing.

(b) The committee may:

- (1) order the production of books or other documents;
- (2) require a report from a state court, including a court that is not a court of record;
- (3) administer oaths; or
- (4) take testimony.

(c) An officer of the council, either prior to or while sitting at a hearing, or a member of the council sitting at a hearing may issue a subpoena or similar order to a prospective witness under his official signature.

(d) The subpoena or similar order may be served by registered or certified mail or by an adult person.

(e) If a witness fails to comply with a subpoena or similar order issued as provided by this section, the council or its committee holding the hearing may request in writing that a district judge of the county of residence of the witness enforce a subpoena or order as provided by this section, the district judge shall order compliance with the council's order by the same means that the judge may compel the appearance and testimony of witnesses in a trial in his own court.