

By: Gattis

H.J.R. No. 89

A JOINT RESOLUTION

1 proposing a constitutional amendment relating to requiring board  
2 certification for appellate judges and justices and to increasing  
3 the age and experience requirements and requiring board  
4 certification for district judges.

5 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 2, Article V, Texas Constitution, is  
7 amended by amending Subsection (b) and adding Subsection (b-1) to  
8 read as follows:

9 (b) No person shall be eligible to serve in the office of  
10 Chief Justice or Justice of the Supreme Court unless the person:

11 (1) is licensed to practice law in this state;

12 (2) [~~and~~] is, at the time of election, a citizen of the  
13 United States and of this state;

14 (3) [~~, and~~] has attained the age of thirty-five years;

15 (4) [~~, and~~] has been a practicing lawyer, or a lawyer  
16 and judge of a court of record together, at least ten years; and

17 (5) is board certified in at least one practice area,  
18 other than criminal law, recognized by the State Bar.

19 (b-1) Notwithstanding Subsection (b) of this section, a  
20 person serving as Chief Justice or Justice of the Supreme Court on  
21 November 6, 2007, is not required to comply with Subsection (b)(5)  
22 of this section.

23 SECTION 2. Section 4, Article V, Texas Constitution, is  
24 amended by amending Subsection (a) and adding Subsections (a-1) and

1 (a-2) to read as follows:

2 (a) The Court of Criminal Appeals shall consist of eight  
3 Judges and one Presiding Judge. Except as provided by Subsection  
4 (a-1) of this section, the [~~The~~] Judges shall have the same  
5 qualifications and receive the same salaries as the Associate  
6 Justices of the Supreme Court, and the Presiding Judge shall have  
7 the same qualifications and receive the same salary as the Chief  
8 Justice of the Supreme Court. The Presiding Judge and the Judges  
9 shall be elected by the qualified voters of the state at a general  
10 election and shall hold their offices for a term of six years.

11 (a-1) The Presiding Judge and the Judges shall be board  
12 certified in criminal law by the State Bar. Section 2(b)(5),  
13 Article V, of this constitution does not apply to the Presiding  
14 Judge and the Judges.

15 (a-2) Notwithstanding Subsection (a-1) of this section, a  
16 person serving as the Presiding Judge or a Judge of the Court of  
17 Criminal Appeals on November 6, 2007, is not required to comply with  
18 Subsection (a-1) of this section.

19 SECTION 3. Section 6, Article V, Texas Constitution, is  
20 amended by amending Subsection (a) and adding Subsections (a-1) and  
21 (a-2) to read as follows:

22 (a) The state shall be divided into courts of appeals  
23 districts, with each district having a Chief Justice, two or more  
24 other Justices, and such other officials as may be provided by law.  
25 Except as provided by Subsection (a-1) of this section, the [~~The~~]  
26 Justices shall have the qualifications prescribed for Justices of  
27 the Supreme Court. The Court of Appeals may sit in sections as

1 authorized by law. The concurrence of a majority of the judges  
2 sitting in a section is necessary to decide a case. Said Court of  
3 Appeals shall have appellate jurisdiction co-extensive with the  
4 limits of their respective districts, which shall extend to all  
5 cases of which the District Courts or County Courts have original or  
6 appellate jurisdiction, under such restrictions and regulations as  
7 may be prescribed by law. Provided, that the decision of said  
8 courts shall be conclusive on all questions of fact brought before  
9 them on appeal or error. Said courts shall have such other  
10 jurisdiction, original and appellate, as may be prescribed by law.

11 (a-1) The Justices must be board certified in at least one  
12 area of practice recognized by the State Bar, which may be criminal  
13 law.

14 (a-2) Notwithstanding Subsection (a-1) of this section, a  
15 person serving as the Chief Justice or a Justice of a Court of  
16 Appeals on November 6, 2007, is not required to comply with  
17 Subsection (a-1) of this section.

18 SECTION 4. Section 7, Article V, Texas Constitution, is  
19 amended to read as follows:

20 Sec. 7. (a) The State shall be divided into judicial  
21 districts, with each district having one or more Judges as may be  
22 provided by law or by this Constitution.

23 (b) Each district judge shall be elected by the qualified  
24 voters at a General Election. A person is not eligible to serve in  
25 the office of district judge unless the person:

26 (1) is [~~and shall be~~] a citizen of the United States  
27 and of this State;

1           (2) has attained the age of 35 years;

2           (3) [~~who~~] is licensed to practice law in this State  
3 and has been a practicing lawyer or a Judge of a Court in this State,  
4 or both combined, for at least seven [~~four (4)~~] years;

5           (4) [~~next preceding his election, who~~] has resided in  
6 the district in which the person [~~he~~] was elected for two [~~(2)~~]  
7 years next preceding the person's [~~his~~] election; [~~7~~] and

8           (5) is board certified in at least one practice area  
9 recognized by the State Bar.

10           (b-1) Notwithstanding Subsection (b) of this section, a  
11 person serving as a district judge on November 6, 2007, is not  
12 required to comply with Subsection (b)(5) of this section.

13           (c) A district judge shall:

14           (1) [~~who shall~~] reside in the [~~his~~] district during  
15 the judge's [~~his~~] term of office;

16           (2) [~~and~~] hold [~~his~~] office for the period of four  
17 [~~(4)~~] years; [~~7~~] and

18           (3) [~~who shall~~] receive for the judge's [~~his~~] services  
19 an annual salary to be fixed by the Legislature.

20           (d) The Court shall conduct its proceedings at the county  
21 seat of the county in which the case is pending, except as otherwise  
22 provided by law. The district judge [~~He~~] shall hold the regular  
23 terms of [~~his~~] Court at the County Seat of each County in the [~~his~~]  
24 district in such manner as may be prescribed by law.

25           (e) The Legislature shall have power by General or Special  
26 Laws to make such provisions concerning the terms or sessions of  
27 each Court as it may deem necessary. The Legislature shall also

1 provide for the holding of District Court when the Judge thereof is  
2 absent, or is from any cause disabled or disqualified from  
3 presiding.

4 SECTION 5. This proposed constitutional amendment shall be  
5 submitted to the voters at an election to be held November 6, 2007.  
6 The ballot shall be printed to permit voting for or against the  
7 proposition: "The constitutional amendment relating to requiring  
8 board certification for appellate judges and justices and to  
9 increasing the age and experience requirements and requiring board  
10 certification for district judges."