

Tex. Gov't Code § 25.0022

Section 25.0022 - Administration Of Statutory Probate Courts

- (a) "Statutory probate court" has the meaning assigned by Chapter 22, Estates Code.
- (b) The judges of the statutory probate courts shall elect from their number a presiding judge of the statutory probate courts. The presiding judge serves a four-year term from the date of qualification as the presiding judge.
- (c) The presiding judge may perform the acts necessary to carry out this section and to improve the management of the statutory probate courts and the administration of justice.
- (d) The presiding judge shall:
- (1) ensure the promulgation of local rules of administration in accordance with policies and guidelines set by the supreme court;
 - (2) advise local statutory probate court judges on case flow management practices and auxiliary court services;
 - (3) perform a duty of a local administrative statutory probate court judge if the local administrative judge does not perform that duty;
 - (4) appoint an assistant presiding judge of the statutory probate courts;
 - (5) call and preside over annual meetings of the judges of the statutory probate courts at a time and place in the state as designated by the presiding judge;
 - (6) call and convene other meetings of the judges of the statutory probate courts as considered necessary by the presiding judge to promote the orderly and efficient administration of justice in the statutory probate courts;
 - (7) study available statistics reflecting the condition of the dockets of the probate courts in the state to determine the need for the assignment of judges under this section;
 - (8) compare local rules of court to achieve uniformity of rules to the extent practical and consistent with local conditions; and
 - (9) assign or order the clerk who serves the statutory probate courts to randomly assign a judge or former or retired judge of a statutory probate court to hear a case under Section 01(a) or 25.00255, as applicable ; and.
 - (10) require the local administrative judge for statutory probate courts in a county to ensure that all statutory probate courts in the county comply with Chapter 37.
- (e) In addition to all other compensation, expenses, and perquisites authorized by law, the presiding judge shall be paid for performing the duties of a presiding judge an annual salary equal to the maximum salary authorized by Section 74.051(b) for a presiding judge of an administrative judicial region. The presiding judge is entitled to receive reasonable expenses incurred in administering those duties. The state shall pay \$5,000 of the salary in

equal monthly installments from amounts deposited in the judicial fund and appropriated for that purpose, and the remainder of the salary and expenses is paid by the counties that have statutory probate courts, apportioned according to the number of statutory probate courts in the county.

(f) Each county pays annually to the presiding judge, from fees collected pursuant to Section 118.052(2)(A)(vi), Local Government Code, the amount of the salary apportioned to it as provided by this section and the other expenses authorized by this section. The presiding judge shall place each county's payment of salary and other expenses in an administrative fund, from which the salary and other expenses are paid. The salary shall be paid in equal monthly installments.

(g) The assistant presiding judge may assign probate judges as provided by this section and perform the office of presiding judge:

(1) on the death or resignation of the presiding judge and until a successor presiding judge is elected; or

(2) when the presiding judge is unable to perform the duties of the office because of absence, disqualification, disabling illness, or other incapacity.

(h) Subject to Section 25.002201, a judge or a former or retired judge of a statutory probate court may be assigned by the presiding judge of the statutory probate courts to hold court in a statutory probate court, a county court, or any statutory court exercising probate jurisdiction when:

(1) a statutory probate judge requests assignment of another judge to the judge's court;

(2) a statutory probate judge is absent, disabled, or disqualified for any reason;

(3) a statutory probate judge is present or is trying cases as authorized by the constitution and laws of this state and the condition of the court's docket makes it necessary to appoint an additional judge;

(4) the office of a statutory probate judge is vacant;

(5) the presiding judge of an administrative judicial district requests the assignment of a statutory probate judge to hear a probate matter in a county court or statutory county court;

(6) the statutory probate judge is recused or disqualified as described by Section 25.002201(a) ;

(7) a county court judge requests the assignment of a statutory probate judge to hear a probate matter in the county court; or

(8) a local administrative statutory probate court judge requests the assignment of a statutory probate judge to hear a matter in a statutory probate court.

(i) A judge assigned under this section has the jurisdiction, powers, and duties given by Sections 32.001, 32.002, 32.003, 32.005, 32.006, 32.007, 34.001, 1022.001, 1022.002,

1022.003, 1022.005, 1022.006, and 1022.007, Estates Code, to statutory probate court judges by general law.

(j) Except as otherwise provided by this section, the salary, compensation, and expenses of a judge assigned under this section are paid in accordance with state law.

(k) The daily compensation of a former or retired judge for purposes of this section is set at an amount equal to the daily compensation of a judge of a statutory probate court in the county in which the former or retired judge is assigned. A former or retired judge assigned to a county that does not have a statutory probate court shall be paid an amount equal to the daily compensation of a judge of a statutory probate court in the county where the assigned judge was last elected.

(l) An assigned judge is entitled to receive reasonable and necessary expenses for travel, lodging, and food. The assigned judge shall furnish the presiding judge, for certification, an accounting of those expenses with a statement of the number of days the judge served.

(m) The presiding judge shall certify to the county judge in the county in which the assigned judge served:

(1) the expenses approved under Subsection (l); and

(2) a determination of the assigned judge's salary.

(n) A judge who has jurisdiction over a suit pending in one county may, unless a party objects, conduct any of the judicial proceedings except the trial on the merits in a different county.

(o) The county in which the assigned judge served shall pay out of the general fund of the county:

(1) expenses certified under Subsection (m) to the assigned judge; and

(2) the salary certified under Subsection (m) to the county in which the assigned judge serves, or, if the assigned judge is a former or retired judge, to the assigned judge.

(p) In addition to all compensation and expenses authorized by this section and other law, a judge who is assigned to a court outside the county of the judge's residence is entitled to receive \$25 for each day or fraction of a day served. The county in which the judge served shall pay the additional compensation from the county's general fund on certification by the presiding judge.

(q) When required to attend an annual or special meeting prescribed by this section, a judge is entitled to receive, in addition to all other compensation allowed by law, actual and necessary travel expenses incurred going to and returning from the place of the meeting and actual and necessary expenses while attending the meeting. On certification by the presiding judge, the judge's county of residence shall pay the expenses from the county's general fund.

(r) Chapter 74 and Subchapter I, Chapter 75, do not apply to the assignment under this section of statutory probate court judges.

(s) The presiding judge may appoint any special or standing committees of statutory probate court judges necessary or desirable for court management and administration.

(t) To be eligible for assignment under this section, a former or retired judge of a statutory probate court must:

(1) not have been removed from office;

(2) certify under oath to the presiding judge, on a form prescribed by the state board of regional judges, that:

(A) the judge has not been publicly reprimanded or censured by the State Commission on Judicial Conduct; and

(B) the judge:

(i) did not resign or retire from office after the State Commission on Judicial Conduct notified the judge of the commencement of a full investigation into an allegation or appearance of misconduct or disability of the judge as provided in Section 33.022 and before the final disposition of that investigation; or

(ii) if the judge did resign from office under circumstances described by Subparagraph (i), was not publicly reprimanded or censured as a result of the investigation;

(3) annually demonstrate that the judge has completed in the past state fiscal year the educational requirements for an active statutory probate court judge;

(4) have served as an active judge for at least 72 months in a district, statutory probate, statutory county, or appellate court; and

(5) have developed substantial experience in the judge's area of specialty.

(t-1) The service requirement in Subsection (t)(4) is 72 months instead of 96 months.

(u) In addition to the eligibility requirements under Subsection (t), to be eligible for assignment under this section in the judge's county of residence, a former or retired judge of a statutory probate court must certify to the presiding judge a willingness not to:

(1) appear and plead as an attorney in any court in the judge's county of residence for a period of two years; and

(2) accept appointment as a guardian ad litem, guardian of the estate of an incapacitated person, or guardian of the person of an incapacitated person in any court in the judge's county of residence for a period of two years.

(v) A judge who is assigned under this section to a court in a county other than the county in which the judge serves is not an employee of the other county.

(w) A former or retired judge who is assigned under this section is not an employee of the county in which the assigned court is located.

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Amended by Acts 2021, Texas Acts of the 87th Leg. - Regular Session, ch. 472, Sec. 2.05, eff. 1/1/2022.

Amended by Acts 2019, Texas Acts of the 86th Leg.- Regular Session, ch. 606, Sec. 14.01, eff. 9/1/2019.

Amended by Acts 2017, Texas Acts of the 85th Leg. - Regular Session, ch. 324, Sec. 22.024, eff. 9/1/2017.

Amended by Acts 2015, Texas Acts of the 84th Leg. - Regular Session, ch. 1223, Sec. 2, eff. 9/1/2015.

Amended by Acts 2015, Texas Acts of the 84th Leg. - Regular Session, ch. 1031, Sec. 32, eff. 9/1/2015.

Amended By Acts 2011, 82nd Leg., 1st C.S., Ch. 3, Sec. 4.08, eff. 1/1/2012.

Amended By Acts 2011, 82nd Leg., R.S., Ch. 1085, Sec. 40, eff. 9/1/2011.

Amended By Acts 2011, 82nd Leg., R.S., Ch. 1338, Sec. 1.41, eff. 9/1/2011.

Amended By Acts 2009, 81st Leg., R.S., Ch. 1206, Sec. 1, eff. 9/1/2009.

Amended By Acts 2009, 81st Leg., R.S., Ch. 1263, Sec. 1, eff. 9/1/2009.

Amended By Acts 2009, 81st Leg., R.S., Ch. 1351, Sec. 12(d), eff. 9/1/2009.

Amended By Acts 2007, 80th Leg., R.S., Ch. 718, Sec. 2, eff. 9/1/2007.

Amended By Acts 2003, 78th Leg., ch. 1276, Sec. 9.002, eff. 9/1/2003.

Amended By Acts 2001, 77th Leg., ch. 65, Sec. 1, eff. 9/1/2001

Amended By Acts 2001, 77th Leg., ch. 440, Sec. 1, eff. 9/1/2001

Amended By Acts 2001, 77th Leg., ch. 468, Sec. 1, eff. 9/1/2001

Amended By Acts 2001, 77th Leg., ch. 820, Sec. 1, eff. 9/1/2001

Amended By Acts 1997, 75th Leg., ch. 1064, Sec. 1, eff. 9/1/1997

Amended By Acts 1997, 75th Leg., ch. 1435, Sec. 1, eff. 9/1/1997

Amended By Acts 1995, 74th Leg., ch. 298, Sec. 1, 7, eff. 9/1/1995

Amended By Acts 1993, 73rd Leg., ch. 691, Sec. 1, eff. 9/1/1993

Amended by Acts 1989, 71st Leg., ch. 2, Sec. 8.03(a), eff. 8/28/1989

Amended By Acts 1989, 71st Leg., ch. 1101, Sec. 1, eff. 8/28/1989

Added by Acts 1987, 70th Leg., ch. 148, Sec. 4.01, eff. 9/1/1987.
