



The Supreme Court of Texas

CHIEF JUSTICE
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June 5, 2025

Chief Justice Tracy E. Christopher
Chair, Supreme Court Advisory Committee
14th Court of Appeals
301 Fannin, Room 245
Houston, Texas 77002

Re: Referral of Rules Issue

Dear Chief Justice Christopher:

The Supreme Court asks the Committee to study and make recommendations on the following matters that arise from legislation passed by the 89th Legislature. These matters require immediate attention and should be discussed at—and, where noted, completed by—the Committee’s June 27, 2025 meeting.

Business Court. HB 40 adds Section 25A.0041 of the Government Code to direct the Court to adopt rules that “establish procedures for the prompt, efficient, and final determination of business court jurisdiction on the filing of an action in the business court.” HB 40 also adds Section 25A.021 to provide for Court rules governing the transfer of certain civil actions commenced before September 1, 2024, to the business court. HB 40 may also necessitate conforming changes to Part III of the Texas Rules of Civil Procedure, including changes to address writs and disqualification or recusal and changes to the pleading requirements and removal process.

Bail Appeals. SB 9 directs the Court to adopt rules necessary to implement Article 44.01(f-1) of the Code of Criminal Procedure. Article 44.01(f-1) requires a court of appeals, in certain appeals where the state is challenging the sufficiency of bail, to (1) “conduct a de novo review of all issues presented;” (2) “expedite the appeal;” and (3) “issue an order not later than the 20th day after the date the appeal is filed.” SB 9 sets a rulemaking deadline of October 1, 2025. The Committee should draft

recommended amendments to the Texas Rules of Appellate Procedure. The Committee should complete its work at the June 27, 2025 meeting.

Summary Judgment. SB 293 adds Section 23.303 to the Government Code to impose deadlines on trial courts for considering and ruling on motions for summary judgment. The Committee should draft recommended amendments to Texas Rule of Civil Procedure 166a.

Procedural Rules for the State Commission on Judicial Conduct. In Misc. Dkt. No. 25-9019, the Court created the Conduct Commission Procedural Rules Task Force to rewrite the Procedural Rules for the State Commission on Judicial Conduct. The Task Force was specifically charged with, among other things, incorporating any necessary revisions to address bills passed by the 89th Legislature. SB 293 makes numerous changes to the Conduct Commission's operations. The Committee should review the Task Force's draft rules and be prepared to discuss them at the June 27, 2025 meeting. The Committee should complete its work at that meeting.

Texas Rule of Evidence 412. SB 535 disapproves of Texas Rule of Evidence 412 under Section 22.109(b) of the Government Code. The Committee should study whether the Court should adopt an alternative rule based on the language in SB 535 and draft an alternative rule. The Committee should complete its work at the June 27, 2025 meeting.

As always, the Court is grateful for the Committee's counsel and your leadership.

Sincerely,



Jane N. Bland
Justice

Attachments