

HOUSE CONCURRENT RESOLUTION

1 WHEREAS, The Supreme Court of Texas has rulemaking authority
2 in matters of practice and procedure in civil actions; and

3 WHEREAS, The Court of Criminal Appeals of Texas has
4 rulemaking authority in matters of post-trial, appellate, and
5 review procedure in criminal cases; and

6 WHEREAS, Certain counties in this state lie within the
7 jurisdiction of more than one court of appeals district and
8 appellate proceedings involving cases filed in courts within such
9 counties may be filed in or assigned to one of a number of courts of
10 appeals; and

11 WHEREAS, Cases pending in a court of appeals are on occasion
12 transferred to another court of appeals for docket equalization;
13 now, therefore, be it

14 RESOLVED, That the 79th Legislature of the State of Texas
15 hereby urge the Supreme Court of Texas and the Court of Criminal
16 Appeals of Texas to adopt rules providing for the random assignment
17 of cases pending in or appealed from counties lying within the
18 jurisdiction of more than one court of appeals district to a court
19 of appeals for appellate proceedings; and, be it further

20 RESOLVED, That the 79th Legislature of the State of Texas
21 hereby urge the Supreme Court of Texas to adopt rules for
22 determining which court of appeals' precedent will be applied in
23 cases that are transferred from one court of appeals to another
24 court of appeals if there is a conflict between the precedent of the

1 two courts of appeals; and, be it further

2 RESOLVED, That the secretary of state forward an official
3 copy of this resolution to the chief justice of the Supreme Court of
4 Texas and to the presiding judge of the Court of Criminal Appeals of
5 Texas.

Crabb

David Sustant

President of the Senate

Jim Cusick

Speaker of the House

I certify that H.C.R. No. 88 was adopted by the House on April 18, 2005, by a non-record vote.

Robert Haney
Chief Clerk of the House

I certify that H.C.R. No. 88 was adopted by the Senate on May 25, 2005, by a viva-voce vote.

Letsy Spaw
Secretary of the Senate

APPROVED: 18 JUNE '05

Date

RICK PERRY

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:20 AM O'CLOCK

Roger Williams
Secretary of State