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OPINION COMMITTEE

# OFFICE OF COURT ADMINISTRATION

RQ-0509-JC

JERRY L. BENEDICT  
Administrative Director

February 7, 2002

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I.D. # 42438

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OFFICE OF THE ATTORNEY GENERAL  
EXECUTIVE ADMINISTRATION

✓ SG

The Honorable John Cornyn  
Attorney General of Texas  
P.O. Box 12548  
Austin, Texas 78711-2548

Re: Whether Section 201.112, Texas Family Code, applies to both full-time and part-time Title IV-D Court masters

Whether a part-time Title IV-D court master may engage in the practice of law

Dear Attorney General Cornyn:

I respectfully request your opinion regarding the interpretation of Texas Family Code Section 201.112, which reads:

## Sec. 201.112. Limitation on Law Practice by Master

A master may not engage in the private practice of law.

My question is whether Sec. 201.112 applies to both full-time and part-time masters.

The masters referred to in Sec. 201.112 are the child support masters appointed by the presiding judges of the State's nine administrative judicial regions under Subchapter B, Chapter 201, Texas Family Code. The Office of Court Administration pays the court masters' salaries. The masters hear all the Title IV-D cases for the courts in the areas in which they are assigned to serve.

Sec. 201.112 was part of Senate Bill 368 which was enacted by the 76<sup>th</sup> Legislature. Senate Bill 368 contained many of the Sunset Commission's recommendations regarding child support collection/enforcement. However, Sec. 201.112 was not included in the original bill. It was added to Senate Bill 368 by the House Committee on Juvenile Justice and Family Issues. I am unaware of any documentation indicating why this amendment was added.


The Sunset Commission's recommendations were based on two reports: the October 1998 review of the Office of the Attorney General's Child Support Division prepared by David M. Griffith and Associates, and a workgroup's review of the Griffith report. Neither report discusses the recommended restriction on the practice of law. I am not aware of any other documents that discussed this provision.

Senate Bill 368 also added Sec. 201.1065, Texas Family Code, which required the Office of Court Administration and the presiding judges to develop a plan to improve the efficiency of the masters. Sec. 201.1065(b)(4) requires that the plan ensure accountability of the masters for complying with statutes regarding a minimum 40-hour workweek and working hours under Chapter 658, Texas Government Code.

Understandably it would be difficult for a full-time master to work a 40-hour week and engage in the private practice of law. However, not all masters are employed on a full-time basis. It would be possible for a part-time master to comply with the minimum hourly requirements of a part-time court master's job and to also maintain other employment, such as the practice of law.

At least one part-time master has expressed an interest in engaging in the practice of law. We would appreciate your opinion regarding whether this is permissible under Sec. 201.112, Texas Family Code.

Sincerely,



Jerry L. Benedict  
Administrative Director

JLB:lmo

cc: Presiding Judges, Administrative Judicial Regions