

SUBJECT: Creating an additional judicial district in Collin County

COMMITTEE: Judiciary — committee substitute recommended

VOTE: 5 ayes — Hartnett, Homer, Hopson, Alonzo, Gonzales
0 nays
4 absent — R. Cook, Goolsby, Hughes, Krusee

WITNESSES: For — Keith Self, Commissioners Court of Collin County
Against — None

BACKGROUND: Collin County is served by eight district courts: the 199th, 219th, 296th, 366th, 380th, 401st, 416th, 417th. The 417th, a district court that gives preferences to juvenile matters, was created in 2003.

DIGEST: CSHB 818 would amend Government Code, ch. 24 by creating the 429th Judicial District. The 429th Judicial District would consist of Collin County. Notwithstanding provisions for appointment of a judge in Government Code, sec. 24.311, the initial vacancy of the office of the judge of the 429th Judicial District would be filled by election. The judgeship would be filled by the primary and general elections in 2008. A vacancy after the initial vacancy would be filled as provided by Texas Constitution, Art. 5, sec. 28.

The bill would take effect October 1, 2008.

SUPPORTERS SAY: Collin County has been experiencing massive growth along with the rest of the Dallas/Ft. Worth metroplex. A new district court is needed to help deal with this growth. The judges of the eight current district courts are overworked and additional courts will be needed to prevent the backlogs that often accompany population growth.

Adding a district court would decrease the need to use visiting judges. The visiting judge fund was cut substantially in 2003, and because it has not

been fully funded, Collin County cannot rely on visiting judges to address future case backlogs.

HB 818 would require that the initial judge of the 429th Judicial District be filled by election rather than by appointment of the governor, which the Legislature often has done in the past. Allowing for an election to fill the initial vacancy would ensure that local voters selected their own judge rather than granting the advantages of incumbency to an appointed judge in the first election.

Creating new courts as needed has worked well in Texas because it allows the Legislature to focus resources where they are most urgently needed. Reapportioning jurisdiction of the trial courts would be an incredibly complex and difficult task. Adding courts where they are needed is a much simpler process.

**OPPONENTS
SAY:**

By fiscal 2009, this bill would cost the state nearly \$160,000 a year in all funds, money that should be directed toward more pressing state budget needs. If Collin County needs help to reduce its dockets, it should rely on visiting judges already paid for by money appropriated to the visiting judge fund. Using visiting judges results in substantial savings to the state because most visiting judges are retired judges whose average annual compensation is \$120,000, or about 75 percent of the salary and benefits of a district judge.

HB 818 would deviate from the practice for other new district courts by not allowing the governor to appoint the initial judge. Appointment of the initial judge is important because it ensures that a judge is selected based on professional qualifications. A qualified judge is essential to help train new court employees and establish policies and practices. In this way, a court is prepared for whomever the people select in the first election. If the local population was unhappy with the governor's choice or preferred someone else, they could vote the judge out at the first election.

**OTHER
OPPONENTS
SAY:**

Collin County's current population and expected growth rate justify the creation of more than one judicial district. CSHB 818 would not establish enough judicial infrastructure to address adequately Collin County's population growth.

The current method of court creation is piecemeal. While the ad hoc creation and adjustment of judicial districts is the prevailing mechanism

for change, it does little to balance the caseloads among all the trial courts. A more equitable approach would be a comprehensive statewide reapportionment of the jurisdiction of the trial courts based on caseload.

NOTES:

According to the Legislative Budget Board, creating a new judicial district in Collin County would cost the state \$131,853 in fiscal 2009, including \$84,978 in general revenue-related funds, and \$158,223 each fiscal year thereafter to pay the judge's salary and operating costs. Collin County would have \$122,222 in start up costs. The annual cost for the new judicial district would be \$654,418 to cover salaries and benefits for court staff and operating and maintenance costs.

The bill as filed would have created a second judicial district as well. The committee substitute creates only one new court for Collin County.