

SUBJECT: Creating twelve new district courts

COMMITTEE: Judicial Affairs — committee substitute recommended

VOTE: 7 ayes — Thompson, Hartnett, Clark, Crabb, Luna, Shields, Solis
0 nays
2 absent — Garcia, Zbranek

SENATE VOTE: On final passage, April 24 — voice vote

WITNESSES: None

BACKGROUND
:

The 396 district courts are the state's primary trial courts. They exercise original jurisdiction over felony criminal prosecutions, suits for divorce, suits over title to land, election contests, defamation suits, and civil suits with an amount in controversy of at least \$200. The district courts hear contested matters involved in probate cases and have general supervisory control over commissioners courts. In addition, district courts have general original jurisdiction over all causes of action for which a remedy or jurisdiction is not provided by law or by the Constitution and have the power to issue all writs necessary to enforce their jurisdiction.

A single county may be served by one or more district courts, whose judges are elected countywide; in multi-county districts, judges are elected at-large. One judge serves each court, although the state Constitution allows the Legislature to establish multi-judge courts. District court judges are elected in partisan elections in even-numbered years to four-year terms.

All election changes, including the creation of new courts, must be reviewed and precleared by the U.S. Department of Justice under sec. 5 of the federal Voting Right Act.

HB 3235 by Hightower, enacted in 1995, created nine new district courts: the 378th district court serving Ellis county; the 380th district court serving Collin county; the 381st district court serving Starr county; the 382nd court serving Rockwall county; the 383rd and 384th district courts serving El

Paso county; the 392nd district court serving Henderson county; the 394th district court serving Brewster, Culberson, Hudspeth, Jeff Davis, and Presidio counties; and the 411th district court serving Polk, San Jacinto and Trinity counties. HB 3235 also reapportioned several courts, moving jurisdictions among several multicounty courts.

DIGEST: CSSB 20 would establish 12 new district courts by January 1, 1999. The courts to be established would be

effective September 1, 1997:

- the 379th district court, serving Bexar county and giving preference to criminal cases;
- the 393rd district court, serving Bexar county and giving preference to juvenile matters;
- the 395th district court, serving Fort Bend county and giving preference to civil matters;
- the 396th district court, serving Tarrant county and giving preference to criminal cases;

effective January 1, 1999:

- the 397th district court, serving Harris county and giving preference to juvenile matters;
- the 398th district court, serving Galveston county and giving preference to family law cases;
- the 399th district court, serving Travis county;
- the 400th district court, serving Nueces county and giving preference to juvenile matters;
- the 401st district court, serving Tom Green county;
- the 402nd district court, serving Webb county and giving preference to family violence and family law cases;
- the 403rd district court, serving Fort Bend county and giving preference to family law cases; and

- the 404th district court, serving Cameron county and giving preference to juvenile matters.

CSSB 20 would also add Milam county to the jurisdiction of the 82nd district court, currently serving Falls and Robertson counties, effective January 1, 1999. Effective January 1, 2001, Falls and Robertson counties would be added to the jurisdiction of the 20th district court, currently serving Milam county.

**SUPPORTERS
SAY:**

CSSB 20 would help to relieve docket overcrowding and more evenly distribute the population served by the district courts in these areas. Based on population estimates for January 1, 1996, by the State Data Center, the average district court should serve a population of 47,723 people.

According to data from the Office of Court Administration, there were 704,170 new cases filed in Texas district courts during fiscal 1996. In that same period 696,635 cases were disposed of by those courts. As of August 31, 1996, there were 750,820 cases pending in district courts. The most significant growth has been in family law, juvenile and criminal cases.

Bexar County currently has 19 district courts serving a population of 1,309,550 or 68,923 persons per court. In the most recent fiscal year, 52,429 new cases were added and 49,067 cases were disposed of, adding 3,362 cases to the backlog of 41,714 cases in the Bexar County district courts.

Cameron County currently has five district courts which all serve both Cameron and Willacy counties. Cameron County's population is 304,660; the population of Willacy county is 19,465 or 64,825 persons served by each of these courts. In the most recent fiscal year, 13,168 new cases were added and 12,401 were disposed of, adding 787 cases to the backlog of 7,074 cases in these courts. Willacy County cases added an additional 98 cases to a 1,037-case backlog in these five courts.

Fort Bend County has three district courts, which serve a population of 295,480 or 98,493 persons served by each court. In fiscal 1996, 6,648 cases were added, and 6,704 cases were disposed of, but Fort Bend County courts still must deal with a backlog of 5,157 cases.

Galveston County has five district courts serving a population of 239,292 or 47,858 persons served by each court. In the most recent fiscal year, 10,383 cases were added and 11,229 cases were disposed of, but Galveston county courts still retain a backlog of 12,353 cases.

Harris County has 59 district courts serving a population of 3,087,153 or 52,324 persons per court. In fiscal 1996, 121,163 cases were added and 133,970 cases were disposed of in Harris County. However, Harris County also has the largest backlog of cases, currently 96,431.

Nueces County has seven district courts serving a population of 309,020 or 44,146 persons per court. One additional district court serves Nueces, Kennedy and Kleberg counties. In fiscal 1996, 12,587 cases were added and 12,975 cases were disposed of, leaving a backlog of 10,539 cases in the county. Kennedy and Kleberg combined have a backlog of 1,476 cases.

Tarrant County has 20 district courts and four criminal district courts serving a population of 1,288,261 or 64,413 persons per court. In the most recent fiscal year, 44,366 new cases were added and 41,370 were disposed of, adding 2,996 cases to a backlog of 35,957 cases.

Tom Green County is served by three courts. One serves Tom Green County exclusively, a second serves Concho, Runnels and Tom Green and a third serves Coke, Irion, Schleicher, Sterling and Tom Green. The population of Tom Green county is 104,398. In fiscal 1996 4,076 cases were added and 4,006 cases were disposed of in Tom Green County, leaving a backlog of 5,313 cases.

Travis County has 13 district courts serving a population of 678,500 or 52,192 persons per court. In fiscal 1996 29,093 new cases were filed and 26,299 were disposed of adding to a total backlog of 60,264 cases, the third largest county backlog in Texas.

Webb County is served by three courts. Two courts serve Webb county exclusively, one court serves both Webb and Zapata counties. The population of Webb county is 176,318; Zapata county has a population of 10,389. The three courts serve a population of 62,235 per court. In fiscal 1996, 4,814 new cases were filed in Webb county and 4,388 cases were

disposed of leaving a total backlog of 5,313 cases. Zapata county has a total backlog of 216 cases.

Falls, Milam and Robertson counties are served by two district courts, one devoted to Milam and another devoted to Falls and Robertson counties. The populations of these counties are: 18,176 in Falls, 23,415 in Milam and 15,085 in Robertson. The backlog of cases in Milam county is currently at 913 cases with 43 more cases added to the backlog in 1996. Falls and Robertson counties have a combined backlog of 2,232 cases.

There is an urgent need to help to alleviate the backlog of cases in these courts that cannot wait for a resolution to the political issue of judicial selection. Unless these courts are created now, even more courts will need to be created in the next legislative session in order to deal with an even greater backlog of cases.

OPPONENTS
SAY:

Until Texas reforms its system of electing judges, no new district courts should be created. A new district court costs the state over \$100,000 per year to operate. The state should not spend the money to create courts until it solves the problem of judicial selection.

The history of racial discrimination and minority vote dilution in Texas has made this state subject to section 5 of the federal Voting Rights Act. Section 5 requires Texas to preclear any changes in its elections system with the U.S. Justice Department to ensure that the ability of minority voters to elect candidates of their choice is not made worse. One of the standards for preclearance by the Justice Department is that within the area there must not be a dilution of the minority voting strength caused by the change proposed. If the Justice Department reviews the impact of creation of new courts on a statewide basis, there is no guarantee that the department will preclear any or all of these new courts.

NOTES:

The Senate-passed version of the bill would have created 11 new district courts: five in Bexar county, three in Travis county, and new courts for Cameron, El Paso and Fort Bend counties. All courts would have been created effective September 1, 1997. The Senate approved a floor amendment striking the creation of a new district court for Harris County.