

SUBJECT: Creating an additional judicial district in Williamson County

COMMITTEE: Judiciary — favorable, without amendment

VOTE: 7 ayes — Hartnett, Hughes, Alonzo, Gonzales, Hopson, Solis, Straus
0 nays
2 absent — Keel, Van Arsdale

WITNESSES: For — John Bradley, Williamson County; Bill Stubblefield; (*Registered, but did not testify*: Jana K. McCown, Williamson County District Attorney)
Against — None

BACKGROUND: Williamson County has four district courts. The 413th Judicial District was added in 1999.

Under Government Code, sec. 24.311, the governor is to appoint a qualified person to serve as judge of a newly created district court until the next general election. Election Code, secs. 201.027 and 202.003 determine the timing of when an official appointed to fill a vacancy in an elective office must face the voters.

DIGEST: HB 835 would create the 425th Judicial District, composed of Williamson County, as of January 1, 2007. Notwithstanding Election Code, secs. 201.027 and 202.003, the initial vacancy of the judicial office would be filled by appointment of the governor under Government Code, sec. 24.311.

The bill would take effect September 1, 2006.

SUPPORTERS SAY: HB 835 would promote judicial efficiency by creating a new district court for Williamson County, where overloaded dockets currently are denying parties the right to obtain timely justice.

Williamson County has experienced massive population growth in the last five years. From 2000 to 2003, the county experienced a population increase of 21.5 percent, according to the U.S. Census Bureau. The rapidly growing population has had an significant impact on the four district courts. The workload in these courts has increased significantly, causing long docket delays and forcing judges to work exceedingly long hours. Adding another district court would be a cost effective way to relieve existing Williamson County courts of overcrowded dockets while speeding up the administration of justice.

Adding another court would decrease the necessity of using visiting judges. The visiting judge fund was cut substantially in 2003, and because neither the House nor Senate version of the general appropriations bill would increase funding of the program in fiscal 2006-07 to its former level, it is unlikely that Williamson County could rely on the use of visiting judges in the future. Moreover, there is no space for a visiting judge; all the available courtrooms are currently occupied by the district judges. It would be a waste of money to build a new courtroom just to accommodate a visiting judge.

Finally, requiring the governor to fill the vacancy in the newly created court would eliminate the possibility of a wholesale turnover of judges in the same election year. As written, the bill would stagger possible judicial turnover over two election cycles.

**OPPONENTS
SAY:**

By fiscal 2008, this bill would cost the state slightly more than \$129,000 a year, money that should be directed toward more pressing state budget needs. If Williamson County needs help to reduce its dockets, it should rely on visiting judges already paid for by money appropriated to the visiting judge fund.

**OTHER
OPPONENTS
SAY:**

The voters of Williamson County should have the opportunity to fill this newly created court rather than the governor. The new court would not be created until January 1, 2007, giving plenty of time for candidates to file and run in the 2006 election to choose the new judge to fill this position.

NOTES:

According to the fiscal note, creating a new court in Williamson County would cost the state \$75,634 in fiscal 2007, and \$129,659 per year

thereafter. This cost represents the salary and benefits of the district judge.
The county would pay all other costs.