

SUBJECT: Creating a family law district court in Cameron 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 — Judge Migdalia Lopez, Judiciary of Cameron County; Lisa Taylor, Cameron County Bar Association.
Against — None

BACKGROUND: Cameron County is served by six district courts: the 103rd, the 107th, 138th, 197th, 357th, and 404th. The 404th Judicial District was added in 1999.

DIGEST: HB 1342 would amend Government Code, ch. 24, to create the 444th Judicial District, composed of Cameron County, as of January 1, 2008.
At least 50 percent of the cases heard by the 444th Judicial District would have to be family law matters.
This bill would take effect January 1, 2008.

SUPPORTERS SAY: HB 1342 would promote judicial efficiency by creating a new district court for Cameron County, where overloaded dockets currently are denying parties the right to obtain timely justice.
Cameron County is experiencing massive population growth, which is expected to continue increasing in the near future. The rapidly growing population has had a significant impact on the existing six district courts. The work load in these courts has increased and is expected to continue to grow, causing long docket delays and forcing judges to work long hours. Adding a district court would be an effective way to help relieve Cameron

County of overcrowded dockets while speeding up the administration of justice.

While Cameron County is doing an acceptable job of clearing its dockets, it could be clearing them faster with an additional court. Also, because of the growth Cameron County is experiencing, the number of cases in the backlog is expected to grow. A new District Court would help the county prevent even longer delays in the future.

The judges of the existing district courts have agreed that a district court that has at least half its caseload consisting of family law issues would be the best method for all the courts to clear their dockets. A new court would allow the existing district courts to work through the existing criminal backlog and allow the county to work through the backlog of family law cases that have been waiting too long for a hearing.

Adding a 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 restored, Cameron County cannot continue to rely on the availability of visiting judges to address current and future case backlogs.

Creating district 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 district courts would be an incredibly complex and difficult task. Adding courts where needed is a much simpler process.

**OPPONENTS
SAY:**

Cameron County already does a good job of clearing its dockets and does not necessarily need a new district court. When a court has a backlog index of 1.0, it means that the court disposed of the equivalent of the pending caseload in a year. A court should have a minimum goal of achieving a civil backlog index of 1.0 or less, according to the National Center for State Courts. Cameron County disposes of about 9,000 cases annually out of 7,300 cases filed. This gives the county a backlog index of 0.8, which is well within the desired range.

By fiscal 2010, this bill would cost the state slightly less than \$160,000 a year, money that should be directed toward more pressing state budget needs. If Cameron 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 also is less costly to the state than

establishing a new court. Most visiting judges are retired judges whose average compensation is \$120,000, or about 75 percent of the salary and benefits of a district judge.

OTHER
OPPONENTS
SAY:

The current method of district court creation is piecemeal. While the ad hoc creation and adjustment of judicial districts is the prevailing mechanism of change, it does little to balance the case loads among all the district courts. A more equitable approach would be a comprehensive statewide reapportionment of the jurisdiction of the district courts based on case load.

NOTES:

The committee substitute altered the bill as filed by including the requirement that at least 50 percent of the cases heard by the 444th District Court must be family law matters.

According to the fiscal note, creating a new district court in Cameron County would cost the state nothing in fiscal 2008, \$92,297 in fiscal 2009, and \$158,223 each year thereafter. The cost to Cameron County would be \$318,372 annually in operating expenses. Cameron County expects no start-up costs because facilities and employees are already in place.

The companion bill, SB 615 by Lucio, has been referred to the Senate Jurisprudence Committee.

A related bill, HB 1343 by Oliveira, et al., which would add a criminal district court in Cameron County, also is on today's General State Calendar.