

SUBJECT: Creating a criminal district court in Cameron County

COMMITTEE: Judiciary — favorable, without amendment

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

WITNESSES: For — Judge Migdalia Lopez, Judiciary of Cameron County; (*Registered, but did not testify*: 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 the Government Code, ch. 24, to create the 445th Judicial District, composed of Cameron County, as of September 1, 2008.
The 445th District Court would give preference to criminal law matters.
This bill would take effect September 1, 2008.

SUPPORTERS SAY: HB 1342 would promote judicial efficiency by creating a new district court for Cameron County, where overloaded dockets 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 significantly and is expected to continue to grow, causing long docket delays and forcing judges to work long hours.
Cameron County's jail is located a significant distance from existing district courts, and the county is having trouble processing cases in a timely manner. This has caused delays in arraignment and sentencing,

which in turn has led to jail overcrowding. The 445th District Court would be located near the jail to expedite hearings and shorten turnaround times. Faster processing would relieve jail overcrowding as sentenced offenders would be sent to state prison facilities.

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

The judges of the existing district courts have agreed that a district court that gives preference to criminal matters would help all the courts to clear their dockets. A new court would allow the existing district courts to work through the existing backlog and allow the county to work through the backlog of civil cases that have been waiting too long for a hearing.

Adding another 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 will 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. Visiting judges are also 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:

According to the fiscal note, creating a new criminal district court in Cameron County would cost the state \$145,038 in fiscal year 2008 and \$158,223 each year thereafter in all funds to pay the judge's salary. The cost to Cameron County would be \$393,395 in annual operating expenses. The county would not face additional start-up costs because infrastructure is already in place and surplus supplies are available to fit the court offices.

The companion bill, SB 614 by Lucio, has been referred to the Senate Jurisprudence Committee.

HB 1342 by Oliveira, et al., which would create a new district court in Cameron County with a requirement that at least 50 percent of the cases heard be family law matters, also is on today's General State Calendar.