

SUBJECT: Creating a judicial district in El Paso County

COMMITTEE: Judiciary — favorable, without amendment

VOTE: 6 ayes — Hartnett, Alonzo, R. Cook, Gonzales, Goolsby, Hughes
0 nays
3 absent — Homer, Hopson, Krusee

WITNESSES: For — Judge Patrick M. Garcia, El Paso Council of Judges; (*Registered, but did not testify*: Ballard Shapleigh; Office of the District Attorney, El Paso County)
Against — None

BACKGROUND: El Paso County is served by 15 district courts: The 34th, 41st, 65th, 120th, 168th, 171st, 205th, 210th, 243rd, 327th, 346th, 383rd, 384th, 388th, and 409th. The 409th was added in 1999.

DIGEST: HB 1554 would amend the Government Code, ch. 24, to create the 448th Judicial District, composed of El Paso County, as of September 1, 2007.
The bill would take effect on September 1, 2007.

SUPPORTERS SAY: HB 1554 would help to create civic infrastructure necessary to support the additional 50,000 to 60,000 people expected to move to El Paso as a result of expected military build-up at Ft. Bliss caused by base realignment. A new district court is critical to efforts to properly plan for this massive increase in population and would be an effective way to help prevent the overcrowded dockets common to Texas' growing and larger counties.
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 funded, El Paso County cannot rely on visiting judges to address 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 they are needed is a much simpler process.

OPPONENTS
SAY:

By fiscal 2009, 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 El Paso 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:

El Paso County would be better served by even more district courts. The expected increase in population expected from growth at Ft. Bliss pales in comparison to expected future growth stemming from El Paso's location on the border. Creating only one additional district court would not address adequately the growth El Paso can expect in the coming years.

The current method of district 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 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 district court in El Paso County would cost the state \$145,038 in fiscal 2008 and \$158,223 each fiscal year thereafter to pay the judge's salary. The cost to El Paso County would be \$447,378 in fiscal year 2008 and \$457,410 for fiscal year 2009. These funds would cover operating expenses, equipment purchases, salaries and benefits for a bailiff, a certified court reporter, a court coordinator, two attorneys, a court clerk, and a salary supplement for the district judge.

The companion bill, SB 1240 by Shapleigh, has been referred to the Senate Jurisprudence Committee.