

SUBJECT: Changing the term of office of a district-court judge from four to six years

COMMITTEE: Judiciary and Civil Jurisprudence — committee substitute recommended

VOTE: 8 ayes — Jackson, Lewis, Castro, S. Davis, Raymond, Scott, Thompson

3 nays — Bohac, Hartnett, Madden

1 absent — Woolley

WITNESSES: For — (*Registered, but did not testify*: Mike Hull, Texans for Lawsuit Reform; Lee Parsley, Texas Civil Justice League)

Against — (*Registered, but did not testify*: Ed Heimlich, Informed Citizens)

BACKGROUND: Tex. Const., Art. 5, sec. 7 requires that district court judges serve a four-year term. Tex. Const., Art. 5, sec. 28 requires that a vacancy in a district court be filled by the governor until the next general election for state officers. That election fills the office for the remainder of the unexpired term.

DIGEST: CSHJR 61 would extend the term of a district judge from four years to six. This would apply only to district judge terms that began on or after January 1, 2012. A vacancy in a district court still would be filled by the governor until the next general election for state officers, but that election would fill the office for a full term.

The proposal would be presented to the voters at an election on Tuesday, November 8, 2011. The ballot proposal would read: “The constitutional amendment to increase the term of a district judge to six years and to provide that a person elected to fill a vacancy in the office of judge of a district court serves a full term.”

SUPPORTERS SAY: CSHJR 61 would help to reduce the influence of money and politics in the state’s trial courts by reducing the frequency of elections for district-court judges. Constant fundraising and campaigning raise conflict and recusal issues and distort public perception of the courts. Longer terms would

allow judges to focus on their roles in the courtroom and to spend less time raising money on the campaign trail. Further, longer terms would lead to less concern by judges about their decisions' vulnerability to distortion by campaign opponents.

The amendment would increase job security and make the role of a district-court judge more desirable to the best legal talent in the state. In recent elections, many judges have been turned out of office in partisan swings because of straight-ticket voting. These turnouts affect both parties and occur so frequently that running for judicial office sometimes is seen as a dangerous career move rather than something to aspire to .

District-court judges' terms should mirror those of Texas appellate-court judges who are elected to six-year terms. There should be uniformity in the judicial branch, and the longer terms for appellate-court judges have worked very well. District-court judges still would be accountable to the voters at election time. Decreasing the frequency of elections would encourage a higher voter turnout.

Texas has some of the shortest terms for elected trial-court judges in the country. Extending their terms to six years would move Texas closer to the practice of other states.

The constitutional amendment also would reduce the frequency of campaigns by allowing appointed district-court judges to serve a full term before entering a second election. Under current law, an appointed judge first serves out the remaining years of an unexpired term and then seeks a full term in the next election. Depending on the timing of a vacancy, this could lead to back-to-back elections.

**OPPONENTS
SAY:**

Extending terms reduces accountability. Texas elects its judges, and four-year terms hold district-court judges appropriately accountable to the electorate. Six years is too long. CSHJR 61 is a solution looking for a problem. The current system works well, and there is no compelling reason to amend the Texas constitution to change it.