

- SUBJECT:** Creating a joint interim committee to study judicial selection
- COMMITTEE:** Judiciary and Civil Jurisprudence — committee substitute recommended
- VOTE:** 6 ayes — Smithee, Farrar, Raymond, Schofield, Sheets, S. Thompson
- 1 nay — Laubenberg
- 2 absent — Clardy, Hernandez
- WITNESSES:** For — Nick Lee, Clean Elections Texas; Guy Herman; (*Registered, but did not testify*: Grace Chimene, League of Women Voters of Texas; Joe Carrillo, San Antonio Police Officers Association; Jimmy Rodriguez, San Antonio Police Officers Association; Mike Hull, Texans for Lawsuit Reform; Craig McDonald, Texans for Public Justice; Todd Jagger; James Smith)
- Against — None
- BACKGROUND:** Under the Texas Constitution, art. 5, sec. 6, justices or judges for the lower appellate courts of Texas are selected by general election to six-year terms. Under sec. 15, district court judges are elected to four-year terms.
- Judges have been elected across the state for generations, and some have noted that people sometimes know little about the judges they are voting for other than their party affiliation. This often leads to the loss of highly qualified judges as political tides shift.
- DIGEST:** CSHB 2088 would create the Joint Interim Committee on Judicial Selection to study the methods by which county court judges, district judges, and appellate justices and judges are selected for office. The bill would require the study to consider:
- the fairness, effectiveness, and desirability of selecting judges and justices through partisan elections;
 - the fairness, effectiveness, and desirability of judicial selection

- methods proposed or adopted by other states; and
- the relative merits of alternative methods for selecting a judicial officer.

The alternative methods for selecting a judicial officer considered under the study would include:

- lifetime appointment;
- appointment for a term;
- appointment for a term, followed by a partisan election or a nonpartisan election; and
- partisan election for an open seat, followed by a nonpartisan retention election for incumbents.

The 12-member joint committee would consist of four senators appointed by the lieutenant governor; four members of the House of Representatives appointed by the speaker; and the chairs of the Senate State Affairs Committee, the Senate Criminal Justice Committee, the House Judiciary and Civil Jurisprudence Committee, and the House Criminal Jurisprudence Committee. The lieutenant governor and speaker would ensure that three members of the majority and minority party of each house were appointed to the joint interim committee. The lieutenant governor and speaker also would each designate a co-chair from among the committee members.

The committee would report its findings and recommendations to the lieutenant governor, the speaker of the House, and the governor by January 6, 2017. Recommendations would include specific constitutional and statutory changes that appeared necessary from the results of the committee's study.

Committee expenses would be paid from the contingent expense funds of the Senate and House equally. The Texas Legislative Council would be required to provide any necessary staff and resources to the committee. The committee would be abolished January 12, 2017.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.