

---

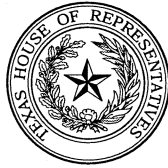
**HOUSE COMMITTEE ON REDISTRICTING  
TEXAS HOUSE OF REPRESENTATIVES  
INTERIM REPORT 2006**

**A REPORT TO THE  
HOUSE OF REPRESENTATIVES  
80TH TEXAS LEGISLATURE**

**JOE CRABB  
CHAIRMAN**

**COMMITTEE CLERK  
SUZANNA CHAPMAN**

---



Committee On  
Redistricting

July 18, 2006

Joe Crabb  
Chairman

P.O. Box 2910  
Austin, Texas 78768-2910

The Honorable Tom Craddick  
Speaker, Texas House of Representatives  
Members of the Texas House of Representatives  
Texas State Capitol, Rm. 2W.13  
Austin, Texas 78701

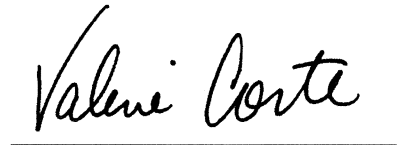
Dear Mr. Speaker and Fellow Members:

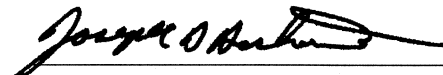
The Committee on Redistricting of the Seventy-Ninth Legislature hereby submits its interim report including recommendations for consideration by the Eightieth Legislature.

Respectfully submitted,

  
Joe Crabb, Chairman

  
Robby Cook, Vice-Chairman

  
Valerie Corte, Temporary  
Acting Representative

  
Joe Deshotel

  
Ismael "Kino" Flores

Robby Cook  
Vice-Chairman

---

Chuck Hopson  
Charles "Chuck" Hopson

Jim Jackson  
Jim Jackson

Phil King  
Phil King

Mike Krusee  
Mike Krusee

Ruth Jones McClendon  
Ruth Jones McClendon

Geanie M. Morrison  
Geanie Morrison

Rob Orr  
Rob Orr

Eddie Rodriguez  
Eddie Rodriguez

Robert E. Talton  
Robert Talton

G. E. "Buddy" West  
G. E. "Buddy" West

---

---

**TABLE OF CONTENTS**

INTRODUCTION..... 1  
INTERIM STUDY CHARGES ..... 2  
BACKGROUND..... 3  
THE 79TH LEGISLATURE ..... 6  
SUMMARY OF PUBLIC TESTIMONY ..... 6  
ISSUES ADDRESSED IN PUBLIC TESTIMONY ..... 7  
PROPOSED REAPPORTIONMENT PLANS ..... 8  
ASSESSING JUDICIAL BURDEN ..... 9  
TEXAS DISTRICT COURTS: DESCRIPTIVE STATISTICS..... 12  
POPULATION GROWTH ..... 14  
THE VISITING JUDGE PROGRAM..... 16  
COMMITTEE RECOMMENDATIONS..... 17  
CONCLUSION ..... 18  
APPENDIX ..... 19  
ENDNOTES..... 42

---

---

## INTRODUCTION

At the beginning of the 79th Legislature, the Honorable Tom Craddick, Speaker of the Texas House of Representatives, appointed fifteen members to the House Committee on Redistricting. Pursuant to House Rule 3, Section 29, the Committee has jurisdiction over all matters pertaining to:

- (1) legislative districts, both house and senate, and any changes or amendments;
- (2) congressional districts, their creation, and any changes or amendments;
- (3) establishing districts for the election of judicial officers or of governing bodies or representatives of political subdivisions or state agencies as required by law; and
- (4) preparations for the redistricting process.

The Committee membership includes: Chairman Joe Crabb, Vice-Chairman Robby Cook, Representative Frank Corte Jr., Representative Joe Deshotel, Representative Ismael "Kino" Flores, Representative Charles "Chuck" Hopson, Representative Jim Jackson, Representative Phil King, Representative Mike Krusee, Representative Ruth Jones McClendon, Representative Geanie Morrison, Representative Rob Orr, Representative Eddie Rodriguez, Representative Robert Talton, and Representative G. E. "Buddy" West.

Frank Corte Jr. was called to active military service prior to the submission of this report for publication. During his time of active military service, Valerie Corte was named Temporary Acting Representative in accordance with Article 16, Section 72(f) of the Texas Constitution, taking on all official duties of his office including membership on the House Committee on Redistricting. Included in the Appendix of this report is a letter from the House Parliamentarian, Denise Davis, verifying Valerie Corte's membership on the Committee at the time this report was submitted for publication.

During the interim, Speaker Craddick issued the following charge to the Committee:

- (1) Consider modifications to the districts of state district courts.

The Committee held a public hearing in Austin to take invited and public testimony on the interim charge. The hearing took place on May 4, 2006. Written testimony was also received and considered by the Committee during June and July of 2006. All items of written testimony received by the Committee were submitted by or on behalf of professionals working in the judicial system.

The Committee issues the following findings and recommendations for the consideration of the 80th Legislature.

---

**HOUSE COMMITTEE ON REDISTRICTING**

**INTERIM STUDY CHARGES**

- (1) Consider modifications to the districts of state district courts.

---

## BACKGROUND

Reapportionment of the state district courts should "best promote the efficiency and promptness of the administration of justice in the state by equalizing as nearly as possible the judicial burdens of the district courts of the various judicial districts."<sup>1</sup> While the debate concerning how best to equalize the workload of district courts requires detailed discussions of demographic change, limited resources, and administrative and political realities, it should be remembered that such an enterprise is above all concerned with the provision of more equitable and more accessible justice to Texans.

Article 5, Section 7a of the Texas Constitution, adopted in 1985, creates a cyclical process for the reapportionment of the state judicial districts. In the legislative session following the decennial U.S. Census, if the districts are not comprehensively reapportioned by the Legislature, the Constitution instructs the Judicial Districts Board to develop a plan for the reapportionment of districts by no later than the first Monday in June of the third year following the year in which the census was taken. If no such plan is filed by the Judicial Districts Board by August 31st of that year, the Constitution requires that the task become the responsibility of the Legislative Redistricting Board. The Legislative Redistricting Board must act within 150 days, and the action it takes carries the power of law.

Two cycles of this process since 1985 have failed to achieve a comprehensive reapportionment of the state's judicial districts. In fact, state-wide redistricting of the judicial districts below the Court of Appeals has not occurred in Texas since 1876.<sup>2</sup> A brief overview of the efforts made to interpret and achieve these goals over the past two decades reveals that ad hoc creation and adjustment of judicial districts remains the prevailing mechanism for change.

In preparation for a constitutionally mandated state-wide reapportionment of judicial districts following the 1990 Census, efforts to assess and restructure a complex trial court system gained momentum. In a report submitted to the Texas Supreme Court and the Texas Judicial Council, the Citizen's Commission on the Texas Judicial System stated that "Texas has no uniform judicial framework to guarantee the just, prompt and efficient disposition of a litigant's complaint." The Commission summarized the complexity by stating that "No one person understands or can hope to understand all of the nuances and intricacies of Texas' thousands of trial courts." The Commission presented recommendations for a complete restructuring of the district courts, with the ambitious goal of creating one district court with general jurisdiction for every 30,000 people and removing all overlapping jurisdiction with county courts.

In 1993, the House Committee on Judicial Affairs passed out of committee a bill for a statewide reapportionment of the district courts; however, HB 449 was not set on a house calendar by Calendars Committee. Instead, the 73rd Legislature made only a modest adjustment to the judicial districts of the state's district courts, creating the 385th Judicial District to be composed of Midland County.<sup>3</sup>

In June of 1993, the task of drawing a plan for the reapportionment of judicial districts fell to the Judicial District Board, which submitted two proposals to the Secretary of State on August 31,

---

1993, for consideration and enactment by the Legislature.<sup>4</sup> The proposal supported by a majority of the members of the Judicial District Board, commonly referred to as "Plan A," was modest in contrast to the recommendations of a "Plan B," authored by former Chief Justice Thomas R. Phillips and Judge William E. Moody. These two members called for a more comprehensive restructuring of the trial courts. Neither plan was introduced by any member of the 74th Legislature.

Instead, the 74th Legislature passed HB 3235, which adjusted the 9th, 83rd, 210th, and the 354th Judicial Districts, and created ten new state district courts: Judicial District 410 in Montgomery County, Judicial District 392 in Henderson County, Judicial District 378 in Ellis County, Judicial District 380 in Collin County, Judicial District 381 in Starr County, Judicial Districts 354 and 382 in Rockwall County, Judicial District 383 in El Paso County, Judicial District 411 composed of Polk, San Jacinto, and Trinity Counties, and Judicial District 394 composed of Brewster, Culberson, Hudspeth, Jeff Davis, and Presidio Counties. The 75th Legislature passed SB 20, which would have created fifteen new state district courts, but this bill was vetoed by the Governor.

The 76th Legislature passed HB 400, which created twenty-two new state district courts, mostly in the most populated counties in the state. These additional state district courts included Judicial Districts 379, 386, 399, 407, and 408 in Bexar County, Judicial Districts 388 and 409 in El Paso County, Judicial Districts 387 and 400 in Fort Bend County, Judicial Districts 389 and 398 in Hidalgo County, Judicial Districts 390 and 403 in Travis County, Judicial District 391 in Tom Green County, Judicial District 393 in Denton County, Judicial District 395 in Williamson County, Judicial District 396 in Tarrant County, Judicial District 401 in Collin County, Judicial District 402 in Wood County, Judicial District 404 in Cameron County, Judicial District 405 in Galveston County, and Judicial District 406 Webb County. Many of these courts are instructed in statute to give preference to certain types of cases, such as family law or criminal law cases. Also adjusted by the 76th Legislature were the pre-existing 83rd, 33rd, and 198th multi-county Judicial Districts.

In preparation for the reapportionment cycle following the 2000 Census, the 76th Legislature attached a rider to the Appropriations Act which mandated the Office of Court Administration and the Texas Judicial Council to "conduct a pilot project to develop and implement performance measures for the individual district courts of the state." There continues to be an ongoing debate over how best to quantify the judicial burden of district courts in such a way that allows state-wide comparison, while adequately accounting for regional variance. The use of a "weighted case-load" indicator has been advocated repeatedly; however, this data is not yet available. Instead, a variety of quantitative and qualitative factors, to be discussed later in this report, are used in combination for assessment of judicial burden. In their dissenting proposal "Plan B," Phillips and Moody described the current criteria used for assessing the work-loads of district courts to be, "at once both under- and over-inclusive and too complex for practical application."<sup>5</sup>

Despite a wealth of research occurring about how (and how not) to assess the judicial work load of district courts, state-wide redistricting was again set aside by the 77th Legislature. HB 715 was passed during this session to expand the jurisdiction in the 404th District to include Willacy



---

County. In 2002, the Senate Committee on Jurisprudence, then chaired by Senator Royce West, completed a study of the state's judicial districts during the interim prior to the convening of the 78th Legislature. The Committee considered factors such as caseloads, population, and geographic distribution of courts in an attempt to assess judicial burden. District judges across the state were surveyed, public testimony was taken, and collaboration occurred between the Legislative Districts Board, the Office of Court Administration, the Legislative Council, among others.<sup>6</sup> The Committee's efforts were a serious attempt by members of the Legislature to develop a comprehensive reapportionment proposal.

However, faced with the lack of consensus, the limitations of quantifiable data, and the political and administrative complexity of the state district courts, the final recommendation made by the Committee to the 78th Legislature took a cautionary tone: "The Legislature should not adopt a judicial reapportionment plan unless it assures as best possible that there has been an accurate assessment of judicial burden on the various district courts across the state..."<sup>7</sup> It may be said generally that there have not been significant changes to the judicial districts of the trial courts in the state, to the data available for assessment of judicial burden, or to the political and practical realities involved in judicial redistricting of the state's district courts since the publication of the 2002 interim report by the Senate Committee on Jurisprudence.

The 78th Legislature passed SB 979 and SB 520 to adjust the 274th and 83rd Judicial Districts, and SB 1551 to create nine additional district courts. These new state district courts included Judicial District 413 in Johnson County, Judicial District 414 in McLennan County, Judicial District 415 in Parker County, Judicial District 416 in Collin County, Judicial District 417 in Collin County, Judicial District 419 in Travis County, Judicial District 420 in Nacogdoches County, Judicial District 421 in Caldwell County, and Judicial District 422 in Kaufman County. It should be noted that adjustments made to the state appellate districts are not considered in this report.

Although the 78th Legislature did not enact a state-wide reapportionment of judicial regions, the Judicial Districts Board did not file a plan with the Secretary of State by August 31, 2003, citing budgetary constraints.<sup>8</sup> On January 26, 2004, the Legislative Redistricting Board met and adopted the incremental changes to the judicial districts made by the 78th Legislature, with no further action taken.<sup>9</sup>

---

## THE 79TH LEGISLATURE

In its regular session, the 79th Legislature passed SB 1189, which created three new districts effective September 1, 2005: Judicial District 412 in Brazoria County, Judicial District 424 composed of Blanco, Burnet, Llano, and San Saba Counties, and Judicial District 428 in Hays County. In addition, six new districts were created to take effect January 1, 2007. These include Judicial District 425 in Williamson County, Judicial District 426 in Bell County, Judicial District 427 in Travis County, Judicial District 430 in Hidalgo County, Judicial District 433 in Comal County, and Judicial District 434 in Fort Bend County. Five judicial districts (103, 107, 138, 357, and 404) composed of both Cameron and Willacy counties were altered so that they would be composed of Cameron County only. Two Criminal District Courts, No. 6 and 7, were also created in Dallas County.

The 79th Legislature also passed SB 729, which ordered a weighted case-load study of the Texas judiciary to be completed by the Office of Court Administration. Funds were not appropriated for the cost of the study. It has not yet been implemented.

### SUMMARY OF PUBLIC TESTIMONY

The Committee heard testimony on the interim charge during a scheduled public hearing on May 4, 2006, which took place in Austin, Texas. Those who testified on the interim charge were:

Terry Flenniken, *21st and 335th District Court*  
Jay Harvey, *Texas Trial Lawyers Association*  
Lisa Hobbs, *Supreme Court of Texas*  
Robert Kepple, *Texas District and County Attorneys Association*  
David Peeples, *4th Administrative Judicial Region*  
Carl Reynolds, *Office of Court Administration, Texas Judicial Council*  
B. B. Schraub, *3rd Administrative Judicial Region*  
Olen Underwood, *2nd Administrative Judicial Region*

Written testimony on the interim charge, included in the Appendix of this report, was submitted to the committee by:

Stephen Ables, *6th Administrative Region*  
Leslie Bochniak, *4th Administrative Judicial Region*  
Wallace B. Jefferson, *Supreme Court of Texas*  
Robert Kepple, *Texas District and County Attorneys Association*  
Kelly G. Moore, *9th Administrative Judicial Region*  
John Ovard, *First Administrative Judicial Region*  
Dean Rucker, *7th Administrative Judicial Region*  
B. B. Schraub, *3rd Administrative Judicial Region*  
Olen Underwood, *2nd Administrative Judicial Region*  
Thomas Wilder, *Tarrant County District Clerk*

---

## ISSUES ADDRESSED IN PUBLIC TESTIMONY

There were no requests or recommendations submitted to the Committee for a comprehensive, state-wide plan for reapportionment of the state districts of the district courts. In fact, a majority of the testimony received by the Committee recommended that no alterations be made to the judicial districts currently in existence. Presiding Judges from six of the nine Administrative Judicial Regions submitted testimony to the Committee stating that they would not recommend any reapportionment of current district lines for the district courts falling within their regions. There is not a Presiding Judge currently overseeing the Fifth Judicial Region, and so requests for public testimony were sent by email from the staff of this Committee to the district judges in the Fifth Judicial Region. There was no testimony submitted representing the district courts of the Fifth and Eighth Regions.

Judge Olen Underwood of the Second Administrative Region recommended a "piecemeal approach" to redistricting, and he highlighted counties within his judicial region that may require adjustment of district lines and additional courts due to population growth. These recommendations are discussed in detail in the following section. Judge Terry Flenniken provided additional testimony on population growth in the counties composing the 21st and 335th District Courts, which include Bastrop, Lee, Burleson, and Washington Counties. He suggested various ways in which an additional court might be introduced in the coming years to meet the growing population, particularly of Bastrop County. Vice-Chairman Robby Cook, who represents Bastrop County, concurred with his testimony.

Chief Justice Wallace B. Jefferson submitted written testimony expressing his intent as Chairman of the Judicial Districts Board to reconvene the Board in the fall of this year in accordance with its constitutional mandate. His testimony reminded the Committee that the Legislature did not fund the Judicial Districts Board, which resulted in the Board's inability to reconvene following the 2000 census. Both Chief Justice Jefferson and Carl Reynolds of the Office of Court Administration discussed the need for funding from the Legislature to complete a weighted caseload study that would provide more sophisticated quantitative indicators of the work-load of district courts across the state. The weighted case-load study was called for by the 79th Legislature, but funds were not appropriated for the project.

Rob Kepple, the Executive Director of the Texas District and County Attorneys Association, reminded the Committee members that the districts of some district attorneys are linked by statute to judicial districts of the state district courts. Testimony was also provided by Jay Hays, representing the Texas Trial Lawyers Association, who emphasized the importance of efficient courts. His testimony highlighted the efficiency provided by courts with specific subject matter jurisdiction in metropolitan areas, such as courts specifically designated to handle family law cases.

In addition to a consensus against state-wide or "wholesale" redistricting and specific recommendations for a "piecemeal" approach within the Second Administrative Region, several topics were recurring in both the oral and written testimony that relate to any plan to reapportion the districts of the state district courts. These topics include the importance of population growth

---

as a predictor for new courts, how best to assess and compare the judicial burdens of the state district courts in order to ensure an effective and efficient system of justice, and the usefulness of the Visiting Judge Program as a cost-effective and flexible tool for accommodating discrepancies that arise across districts. Each of these topics will be discussed in turn, following consideration of Judge Underwood's proposed reapportionment plan.

### **PROPOSED REAPPORTIONMENT PLANS**

Judge Underwood described in oral and written testimony how the population growth in counties surrounding Harris County, particularly Montgomery County, have created pressure for the creation of new courts. It is the opinion of the Presiding Judge that court creation accompanied by the reapportionment of current districts might provide a solution that would improve the administration of justice in this region. His recommendations and justifications given in oral and written testimony are summarized below, and a copy of his written testimony is included in the Appendix.

Currently, the 278th and the 12th Judicial Districts are composed of Grimes, Walker, Leon, and Madison Counties. Judge Underwood explained in oral testimony that Walker, Leon, and Madison Counties fall along the I-45 transportation corridor, thus making these well-situated for a multi-county district with low transportation costs. He recommends that the 12th Judicial District be reapportioned to contain Grimes, Walker, and Madison Counties, and that the 278th Judicial District be reapportioned to contain Walker, Madison, and Leon Counties. Judge Underwood testified that these changes would also aid in case disposition and improve the electoral process for these districts, in addition to lowering time lost and expenses due to travel.

Judge Underwood also testified that Montgomery County is experiencing rapid population growth and will likely request one or more new trial courts in the coming session. Currently, Montgomery County is served by four courts (221st, 284th, 359th, and 410th Districts), and in addition it shares the 9th District Court with Waller County. Waller County also shares the 155th District Court with Fayette and Austin Counties. According to Judge Underwood's testimony, the 80th Legislature will likely be requested to reapportion the 9th District such that it is solely composed of Montgomery County, in response to burgeoning needs of the county. However, this change would place too heavy a burden on the 155th District Court, as Waller County is well-served by sharing two courts but would be too large for sharing only one court.

Judge Underwood suggested two alternative proposals to the Committee for addressing these issues. One alternative would be to create for Waller County what he calls an "impact court" that would be contained within the 155th Judicial Region. In this context, an impact court refers to a second, temporary court within an already established district that is overpopulated, but not quite ready for its own court. Funding would be requested for a visiting judge to serve under the supervision of the judge for that district, and the visiting judge would have jurisdiction over cases filed in one of the counties for the larger multi-county district, in this case those filed in Waller County.

A second alternative would be to create a new judicial district composed of Grimes and Waller

---

Counties. Judge Underwood presented evidence that both Grimes County, if removed from the 12th District and sharing the 278th District Court, and Waller County, if removed from the 9th District and sharing the 155th District, would still have judicial burdens justifying an additional court shared by the two counties.

An additional plan was discussed by Judge Flenniken, representing the 21st and 335th District Courts, who suggested that population growth in Bastrop County will require the creation of a new court in this region. Currently the 21st and 335th Judicial Regions are multi-county rural districts composed of Bastrop, Burleson, Lee, and Washington Counties. The two judges share the same court circuit, and Judge Flenniken testified that increasing demands with population growth have required the use of visiting judges, and it is likely to only be a short time before an additional court is needed. One option would be to introduce a third court with coterminous jurisdiction over these four counties, with a judge who would share the same court circuit. Another option would be for Bastrop to receive its own court, removing it from the 21st and 335th Districts. A third alternative suggested by Judge Flenniken was to maintain Bastrop in the 21st and 335th Districts, while adding an additional court for Bastrop County with a future-looking goal of absorbing the increase in population that is anticipated in the region.

### **ASSESSING JUDICIAL BURDEN**

The 77th Legislature required the Texas Judicial Council to "prepare a report on current district court locations, populations served, docket activity, and other appropriate variables that would inform a legislative determination on the need for creating additional district courts." This mandate was included in a rider to SB1, and it also requested that the Council collect statistics regarding the use of visiting judges and the efficiency of the trial courts.<sup>10</sup> In their final report, the Texas Judicial Council Committee on District Courts discussed at length a broad array of indicators considered important to an assessment of need for new judicial resources and the efficient use of current resources. For the purpose of this report, these indicators are discussed briefly with emphasis placed on the Committee's recommendation that a weighted case-load study be funded by the legislature, which would provide a more accurate assessment of a court's work-load and efficiency than currently available data does.

The Committee listed the data that is currently available for district comparison, which includes "Case Related Indicators" such as case filings, active pending cases, number of dispositions, manner of disposition, and case processing time. This data is the same as used in this report, collected annually by the Office of Court Administration. In addition, the Committee listed "Non-Case Related Criteria" for assessing judicial burden, including the use of outside judicial assistance, population size or growth, the number of attorneys in the region, travel time considerations, and county attributes such as available staff, equipment, and facilities.<sup>11</sup>

In a 1997 report *Examining the Work of State Courts*, A National Perspective from the Court Statistics Project, these criteria are discussed as focusing too heavily on case-load measures which overlook the disparity that exists across types of cases, a complaint voiced often by professionals working in the judicial system:

---

[R]aw, unadjusted case filing numbers offer only minimal guidance as to the amount of judicial work generated by those case filings. Not all cases are the same. Different types of cases require different amounts of time from judges and court staff. Consequently, there is a real need to shift the focus of what courts do from caseload measures to workload measures. This reorientation will offer firmer ground on which courts can seek to gain a sufficient number of judges, judicial officers, and staff and appropriately allocate those resources to areas where they are most needed.<sup>12</sup>

The National Center for State Courts (NCSC) recommends the implementation of a weighted case-load study, similar to that already implemented by twenty-five other states by 2002, which uses sampling and accounts for complexity of cases and different time and staff requirements of such cases.<sup>13</sup> Such a study would need to be updated so that the state had up-to-date data for future assessment of the judiciary. This kind of data would provide comparable figures of workloads of district courts across the state; however, the Committee cautioned in their recommendation that a qualitative assessment should supplement a quantitative methodology. The Committee cited the existence of multi-county districts, overlapping jurisdiction, exchange of bench systems, available court staff, court budget, and court facilities and equipment as factors that would not be accounted for by the weighted case-load study.<sup>14</sup>

Until such a study is implemented in the state, reapportionment must occur using the available data and guidelines. The Judicial Districts Board used the following extensive list of criteria to assess the judicial burdens of courts in 1993 as they drafted the majority "Plan A" and minority "Plan B" reports that were submitted for consideration by the 74th Legislature. Quoting from the minority report submitted by Phillips and Moody, these criteria were as follows:

... In determining the reapportionment that best promotes the efficiency and promptness of the administration of justice, the board shall consider:

- (1) the numbers and types of cases filed in the district courts of the counties to be affected by the reapportionment;
- (2) the numbers and types of cases disposed of by dismissal or judgment in the district courts of those counties;
- (3) the numbers and types of cases pending in the district courts of those counties;
- (4) the number of district courts in those counties;
- (5) the area to be covered by a judicial district; and
- (6) the actual growth or decline of a population and district court case load in the counties to be affected.

Further relevant "presumptive guidelines" which the Board shall use in proposing reapportionment of district courts include:

- (1) After a proposed change in district court boundaries, caseload should be more evenly distributed. A proposed district court's number of cases filed should not vary significantly from the statewide average of cases filed per district judge

---

unless good cause exists.

(2) Caseload growth trend should be examined so that an imbalance in growth rates when a judicial district boundary is changed will not necessitate a reallocation of manpower or alteration of judicial district boundaries again in the near future.

(3) An existing or proposed judicial district served by a single district court judge should not contain more than four counties unless there exists good cause to waive this guideline.

(4) The overlapping of judicial districts shall be avoided unless there exists good cause to waive this guideline.

(d) Other factors to be examined by the Board in each proposed redistricting, if available, include:

(1) growth, age, nature, and projections of population of the affected counties;

(2) number of attorneys within an existing or proposed judicial districts;

(3) the availability of retired judges to serve in the particular area of the state affected;

(4) the existence and jurisdiction of county courts at law in the counties affected by proposed redistricting;

(5) the geographic size of a proposed judicial district, including travel times between courthouses;

(6) the presence of state facilities and institutions in the counties of the proposed judicial district;

(7) law enforcement activities in a proposed judicial district, of additional resources for prosecutors and local law enforcement;

(8) the nature and complexity of cases before the courts in the affected counties;

(9) the conditions of the economy of a proposed judicial district, whether strong or weak.<sup>15</sup>

Having considered the length of this list, the complexity of issues involved, and the difficulty in quantifying and prioritizing from this list of indicators, it is not surprising that Phillips and Moody make a reduction of these criteria and emphasized what they considered to be the most important factors to be considered in a reapportionment plan: population and case filings, although they remove tax cases and prosecutions of unapprehended defendants, which they consider to skew the data.<sup>16</sup>

It is important to have the most accurate measure possible, so that any plan to reapportion can make the most efficient allocation of resources. A weighted case-load study would likely provide a more accurate measure of the work-load of courts than can be created efficiently using the available data. However, assessing judicial burden is only the first step. There must be the will to reallocate resources so areas with growing needs and heavier work-loads receive more resources, while resources in regions without pressing population growth retain only what is necessary for effective justice. A court system must not be settled and established, but flexible enough to accommodate the demographic trends revealed through statistical assessment.

---

## TEXAS DISTRICT COURTS: DESCRIPTIVE STATISTICS

District Courts are granted general jurisdiction by Article V, Section 8 of the Texas Constitution, although this jurisdiction excludes any matters for which exclusive, appellate, or original jurisdiction are given by law to another court. Broadly speaking, district courts maintain original jurisdiction in juvenile matters, felony criminal matters, and in civil actions concerning matters over 500 dollars, divorce, title to land, and contested elections. As of September 1, 2005, there are 432 state district courts in Texas, each with its own elected judge, and this number does not include the six additional districts that will take effect in January 2007. There are twelve district courts that are designated as criminal district courts, and others are designated in Section 24 of the Government Code to give preference to certain areas of law.<sup>17</sup>

The most current statistics for the state district courts are those published by the Office of Court Administration for Fiscal Year 2005. The numbers reported in this section, however, are based on the courts already operating prior to September 1, 2005, and they represent averages taken over the timeframe of 2001-2005. The Office of Court Administration collects annually from each judicial district the number of cases added, including civil, criminal, and juvenile cases, and the number of cases disposed within a given year, which are used in combination to calculate an annual "clearance rate," a ratio of additional case filings to cases disposed by a court.

	State-wide Minimum	State-wide Maximum	State-wide Mean	State-wide Median
<b>Cases Added per Court</b>	5	2,771	1,974	434
<b>Cases Disposed per Court</b>	5	2,645	1,868	416
<b>Clearance Rate per Court</b>	63.2%	233.3%	94.6%	97.5%

Figure 1: State-Wide Averages for Case Filings and Disposition Rates of State District Courts, 2001-2005  
(Office of Court Administration, *Texas Judicial System Annual Reports, 2001-2005*)

Figure 1 displays state-wide summary statistics assessing court dockets of the state district courts. While these figures do not in themselves provide a sufficient proxy for the work-load of a single district court, the size of the range of values for each measure as well as the distance of the mean and median values of cases filed and disposed show that a huge disparity exists across the state's primary trial courts. Figures 2, 3, and 4 provide county-level data indicating which counties report the lowest and highest levels of case filings, dispositions, and clearance rates, and how far these extremes are from the state-wide average.



	Highest	Difference from Mean	Lowest	Difference from Mean
Loving County			5	(1,863)
Borden County			7	(1,861)
McMullen County			8	(1,860)
Terrell County			9	(1,859)
King County			13	(1,855)
Dallas County	2,271	403		
Bell County	2,334	466		
Harris County	2,359	491		
Jefferson County	2,382	514		
Bexar County	2,645	777		

**Figure 2: Counties Reporting the Highest and Lowest Additional Case Filings, Averaged Annual Figures from 2001-2005<sup>18</sup>**

	Highest	Difference from Mean	Lowest	Difference from Mean
Loving County			5	(1,863)
Borden County			7	(1,861)
McMullen County			8	(1,860)
Terrell County			9	(1,859)
King County			13	(1,855)
Dallas County	2,271	403		
Bell County	2,334	466		
Harris County	2,359	491		
Jefferson County	2,382	514		
Bexar County	2,645	777		

**Figure 3: Counties Reporting the Highest and Lowest Number of Cases Disposed, Averaged Annual Figures from 2001-2005<sup>19</sup>**

	Highest	Difference from Mean	Lowest	Difference from Mean
Hudspeth County			63.2%	-31.4%
Armstrong County			63.4%	-31.2%
Bandera County			71.5%	-23.1%
Camp County			73.2%	-21.4%
La Salle County			73.9%	-20.7%
Baylor County	126.0%	31.4%		
Glasscock County	126.3%	31.7%		
Stonewall County	132.7%	38.1%		
Throckmorton County	150.9%	56.3%		
King County	233.3%	138.7%		

**Figure 4: Counties Reporting the Highest and Lowest Clearance Rate. The Clearance Rate is a ratio of cases disposed to cases filed by a court in a given year, with a high percentage indicating a greater number of dispositions to additional case filings. Averaged Annual Figures from 2001-2005.<sup>20</sup>**

---

## POPULATION GROWTH

Another interesting, although also incomplete, view of the distribution of judicial work-load is to see how the most populous counties and those that are the fastest growing in the state fare in comparison with one another. Figure 5, displayed on the following page, provides summary figures which are an average of the judicial districts operating with coterminous jurisdiction in a specified county. Counties with lower clearance rates for similar docket size indicate counties where the administration may be more efficient, better serving Texans.

A majority of those testifying agreed with Phillips and Moody, that population growth is the single most important consideration in predicting where need will arise within the judicial system in the coming years. Judge Underwood described the situation facing the state district courts not as a litigation explosion, but a population explosion. With population increases in counties surrounding urban areas, increases in case filings in all areas of jurisdiction are seen: criminal, civil and juvenile cases, especially in the area of family law which accounts for approximately sixty percent of civil cases handled by the state's district courts.

Approximately half of the cases filed during the 2005 fiscal year were filed in the five largest counties - Harris, Dallas, Tarrant, Bexar, and Travis.<sup>21</sup> As urban sprawl continues, we see that the fastest growing counties in the state are those bordering metropolitan areas. While new courts have been created in the past two decades, there has been less attention to where courts might be reorganized in regions with population outflows in order to free up resources for elsewhere in the state. This is politically difficult, to be sure, but it cannot be considered good use of state funding to over-spend in regions based on status-quo considerations at the cost of preparing for future needs of Texans in a growing urban economy.

**Figure 5: State District Courts in the Most Populated and Fastest Growing Counties  
Averaged Annual Figures from 2001-2005<sup>22</sup>**

10 Most Populous Counties, Ascending order	Cases Added	Difference from Mean
Fort Bend County	1,935	(39)
Denton County	1,819	(155)
Collin County	1,914	(60)
Hidalgo County	1,969	(5)
El Paso County	1,939	(35)
Travis County	2,323	349
Bexar County	2,771	797
Tarrant County	1,944	(30)
Dallas County	2,357	383
Harris County	2,718	744

10 Fastest Growing Counties (population per court), Ascending order	Cases Added	Difference from Mean
Kendall County	426	(1,548)
Ellis County	1,870	(104)
Hidalgo County	1,969	(5)
Lampasas County	562	(1,412)
Rains County	291	(1,683)
Hays County	1,128	(846)
Denton County	1,819	(155)
Montgomery County	1,575	(399)
Fort Bend County	1,935	(39)
Williamson County	1,421	(553)

10 Most Populous Counties, Ascending order	Cases Disposed	Difference from Mean
Fort Bend County	1,774	(94)
Denton County	1,712	(156)
Collin County	1,841	(27)
Hidalgo County	1,774	(94)
El Paso County	1,853	(15)
Travis County	2,183	315
Bexar County	2,645	777
Tarrant County	1,910	42
Dallas County	2,271	403
Harris County	2,359	491

10 Fastest Growing Counties (population per court), Ascending order	Cases Disposed	Difference from Mean
Kendall County	415	(1,453)
Ellis County	2,076	208
Hidalgo County	1,774	(94)
Lampasas County	613	(1,255)
Rains County	291	(1,578)
Hays County	1,087	(781)
Denton County	1,712	(156)
Montgomery County	1,788	(80)
Fort Bend County	1,774	(94)
Williamson County	1,220	(648)

10 Most Populous Counties, Ascending order	Clearance Rate	Difference from Mean
Fort Bend County	91.7%	-2.9%
Denton County	94.1%	-0.5%
Collin County	96.2%	1.6%
Hidalgo County	90.1%	-4.5%
El Paso County	95.6%	1.0%
Travis County	94.0%	-0.6%
Bexar County	95.4%	0.8%
Tarrant County	98.2%	3.6%
Dallas County	96.4%	1.8%
Harris County	86.8%	-7.8%

10 Fastest Growing Counties (population per court), Ascending order	Clearance Rate	Difference from Mean
Kendall County	97.5%	2.9%
Ellis County	111.0%	16.4%
Hidalgo County	90.1%	-4.5%
Lampasas County	109.0%	14.4%
Rains County	99.7%	5.1%
Hays County	96.4%	1.8%
Denton County	94.1%	-0.5%
Montgomery County	113.5%	18.9%
Fort Bend County	91.7%	-2.9%
Williamson County	85.9%	-8.7%

## THE VISITING JUDGE PROGRAM

Testimony received by the committee highlighted the usefulness of the Visiting Judge Program, which allows the use of retired and former judges to meet current demands of heavy dockets and judicial vacancies. Judge Ovard, Presiding Judge of the First Administrative Region, testified that the use of visiting judges can be a more flexible tool than redistricting in meeting immediate court needs. Often times, he asserted, a visiting judge is a more cost effective solution for areas that do not have the population demands to require an entire new court, but that are overburdened with current resources.

Judge Underwood also addressed the value of the Visiting Judge Program, and he suggested that the reduction in state funding for the program has caused case loads to accumulate across the state. According to figures provided by the Legislative Budget Board, funding for the program was reduced by 67 percent between the 2003-2004 and 2004-2005 biennium.<sup>23</sup> Figure 6 displays annual data from the Comptroller of Public Accounts showing the number of days served by visiting judges and the amount of state expenditures for each year from 2002 to the present.

	2002	2003	2004	2005	2006	Totals
<b>Days Served</b>	20,497.00	21,173.00	8,485.50	8,736.50	6,384.50	65,276.50
<b>Cost to State (in Dollars)</b>	7,381,299.92	7,632,925.00	3,093,981.00	3,247,742.00	2,704,823.00	24,060,769.00

Figure 6: Visiting Judge Program State-wide Summary

Judge Underwood testified that we have not yet seen the full effects of these cuts. His testimony is supported the Office of Court Administration's Statistical Report for the Texas Judiciary for Fiscal Year 2005, which shows that the overall case clearance rate for the district courts fell to the lowest rate in the past decade at 92 percent, and the highest number of cases pending at the end of the fiscal year. Hill County, which is served by the 66th Judicial Region, had the highest number of cases pending at 4,909. The 66th District utilized a visiting judge on 95 days in the calendar year in 2002, and this was reduced, following budget cuts, to 13 days in 2006.

---

## COMMITTEE RECOMMENDATIONS

Without adequate data for assessing the status of the current system, any attempt to redistrict can only be based on speculation. Indeed, the Committee is not convinced that the current district court system requires drastic change; therefore, the Committee does not recommend a large-scale redistricting effort at this time.

Given the available data and the complexity of the system, Legislators depend upon feedback from citizens and individuals working in the judicial system to accurately assess local needs. Judge Underwood and Judge Flenniken presented testimony and supportive evidence to the Committee, and the Committee concurs with their opinions that there exists a need for adjustments to current judicial districts within the Second Administrative Region in response to population growth.

In the interest of promoting the efficiency and promptness of the administration of justice in the state, the Committee makes the following recommendations:

**Recommendation 1:** The Legislature should provide funding to the Office of Court Administration and the Legislative Council for the completion of a weighted case-load study, passed without the appropriation of funds by the 79th Legislature. In addition, a qualitative assessment of the judicial districts should be implemented and reported in a parsimonious form that facilitates comparison.

**Recommendation 2:** The Legislature should request that the Office of Court Administration present practical recommendations for how communication between the district courts, the administrative regions, and the Office of Court Administration might be improved and the results shared with this Committee when appropriate.

**Recommendation 3:** The Legislature should create a new judicial district composed of Bastrop County.

**Recommendation 4:** The 12th Judicial District should be reapportioned to contain Grimes, Walker, and Madison Counties, and the 278th Judicial District should be reapportioned to contain Walker, Madison, and Leon Counties.

**Recommendation 5:** Waller County should be removed from the 9th District Court. The 9th District should be composed solely of Montgomery County. The Legislature should create a new judicial district composed of Grimes and Waller Counties in conjunction with the reapportionment of the 9th District.

---

## CONCLUSION

A review of efforts over the past two decades to assess and equalize the judicial burdens of district courts reveals three critical obstacles that hinder any reapportionment of judicial districts of the state district courts: a lack of information, a lack of citizen involvement, and a lack of political will.

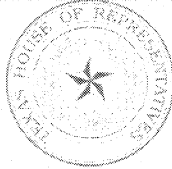
The Legislature should seriously consider the importance of a well-run judiciary for the future of this state. Funding for the judiciary should be targeted to improve the administration of justice through continuing to attract judges of the highest caliber, insuring adequate support staff and facilities, and addressing inefficiencies in the system that hinder their constituents' equal treatment and access to justice.

Citizens are largely removed from discussions of judicial reapportionment; instead it remains a conversation between professionals working in the judicial system and legislators. Members of the 80th Legislature should consider surveying their own constituents in the coming year to assess the level of satisfaction that their constituents have with the judicial system.

Finally, the issue of political will must be addressed. Judicial reapportionment is a monumental task, but the functioning of the courts is arguably the most important government function since liberty, life, and property are at risk.

---

## APPENDIX



### HOUSE OF REPRESENTATIVES

**DENISE DAVIS**  
*House Parliamentarian*  
*Special Counsel*

State Capitol, Room 3W.7  
(512) 463-2003

July 28, 2006

Representative Joe Crabb  
Chairman, Redistricting Committee  
Texas House of Representatives

Dear Chairman Crabb:

Your staff has inquired as to the appropriateness of Temporary Acting Representative Valerie Corte signing your interim committee report.

On April 18, 2006, the House adopted HR 35 and approved Representative Frank Corte, Jr.'s, selection of Valerie Ryder Corte to serve as temporary acting representative for House District 122. Under the terms of the resolution:

Temporary Acting Representative Valerie Ryder Corte has all the powers, privileges, and duties of the office and is entitled to the same compensation, payable in the same manner and from the same source, as Representative Frank Corte, Jr., the member of the house whom Temporary Acting Representative Valerie Ryder Corte is temporarily replacing.

On the date of the adoption of the House Resolution, Representative Frank Corte had been assigned the following duties as a state representative as a member of the following legislative committees: Defense Affairs & State-Federal Relations; Energy Resources; and Redistricting. Under the terms of the House Resolution, Temporary Acting Representative Valerie Corte continued in these assignments.

This House Resolution and these actions comply with Article 16, Section 72 (f), Texas Constitution regarding temporary acting representatives which states:

(f) A temporary acting officer has all the powers, privileges, and duties of the office and is entitled to the same compensation, payable in the same manner and from the same source, as the officer who is temporarily replaced.

If you have any further questions, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Denise Davis".

Denise Davis  
House Parliamentarian  
Texas House of Representatives

**Written Testimony Submitted to the Committee, Compiled Alphabetically:**



DISTRICT CLERKS:

BANDERA COUNTY · TAMMY KNEUPER  
830/796-4606  
GILLESPIE COUNTY · BARBARA MEYER  
830/997-6517  
KENDALL COUNTY · SHIRLEY STEHLING  
830/249-9343  
KERR COUNTY · LINDA UECKER  
830/792-2281

STEPHEN B. ABLES  
DISTRICT JUDGE  
216TH JUDICIAL DISTRICT COURT  
KERR COUNTY COURTHOUSE  
700 MAIN STREET  
KERRVILLE, TEXAS 78029

COURT COORDINATOR: BECKY L. HENDERSON  
KERR COUNTY COURTHOUSE  
700 MAIN STREET  
KERRVILLE, TEXAS 78028  
830/792-2290

COURT REPORTER: CINDY E. SNIDER  
P. O. BOX 33251  
KERRVILLE, TEXAS 78029-3251  
830/257-5063

June 28, 2006

Honorable Joe Crabb  
Texas House of Representatives  
Committee on Redistricting  
ATTN: Suzanna Chapman  
P. O. Box 2910  
Austin, Texas 78768-2910

Re: Judicial Redistricting

Dear Rep. Crabb:

Thank you for the opportunity to provide information for your Committee. As Presiding Judge of the Sixth Judicial Region, I preside over counties stretching from just west of San Antonio to El Paso.

There is one area in my Region that needs attention and ironically it is my Judicial District, the 216<sup>th</sup>. The 216<sup>th</sup> is comprised of Kerr, Kendall, Gillespie and Bandera Counties. These four counties are four of the fastest growing counties in the state, with a current collective population in excess of 115,000. I will be working with the Representatives and Senator for my four counties and we may present a Bill to create a new District Court for two of the counties.

My only true urban county, El Paso County, has generally addressed over crowded dockets by adding Associate Judges and County Courts at Law. I see no pressing need for a new District Court.

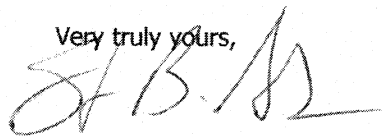
The primary need for all my counties is an increased visiting Judge budget. All of my Judges need occasional help with their dockets and the visiting Judge program is the most efficient and economical method of providing assistance.



---

Thank you for your concern about the work load of the Courts of Texas. I really appreciate your Support.

Very truly yours,

A handwritten signature in black ink, appearing to read "S. B. Ables", written in a cursive style.

Stephen B. Ables  
Presiding Judge  
Sixth Administrative Region



FOURTH ADMINISTRATIVE JUDICIAL REGION

BEXAR COUNTY COURTHOUSE  
SAN ANTONIO, TEXAS 78205

DAVID PEEPLES, PRESIDING JUDGE

TELEPHONE (210) 335-2132

June 28, 2006

LESLIE BOCHNIAK, ADMINISTRATIVE ASSISTANT

TELEPHONE (210) 335-3954

FACSIMILE (210) 335-3955

Rep. Joe Crabb  
COMMITTEE ON REDISTRICTING  
P.O. 2910  
Austin, Texas 78768-2910  
c/o Suzanna Chapman

Dear Senator

Judge Peeples is out of the state for several weeks and he asked that I detail our region's court districts in this letter and forward it to you. Below I will list each district court, along with the counties they encompass and judges that sit in them.

Bexar County has thirteen civil courts, nine criminal courts and two juvenile courts. The courts consists of the 37<sup>th</sup> Civil District Court, David Berchelmann, Jr., presiding judge; 45<sup>th</sup> Civil District Court, Barbara Nellermeoe, presiding judge; 73<sup>rd</sup> Civil District Court, Andy Mireles, presiding judge; 131<sup>st</sup> Civil District Court, John Gabriel, presiding judge; 144<sup>th</sup> Criminal District Court, Mark Luitjen, presiding judge; 150<sup>th</sup> Civil District Court, Janet Littlejohn, presiding judge; 166<sup>th</sup> Civil District Court, Martha Tanner, presiding judge; 175<sup>th</sup> Criminal District Court, Mary Roman, presiding judge; 186<sup>th</sup> Criminal District Court, Tessa Herr, presiding judge; 187<sup>th</sup> Criminal District Court, Raymond Angelini, presiding judge; 224<sup>th</sup> Civil District Court, Rene Diaz, presiding judge; 225<sup>th</sup> Civil District Court, John Specia, presiding judge; 226<sup>th</sup> Criminal District Court, Sid Harle, presiding judge; 227<sup>th</sup> Criminal District Court, Philip Kazen, presiding judge; 285<sup>th</sup> Civil District Court, Mike Peden, presiding judge; 289<sup>th</sup> Juvenile District Court, Carmen Kelsey, presiding judge; 290<sup>th</sup> Criminal District Court, Sharon MacRae, presiding judge; 379<sup>th</sup> Criminal District Court, Bert Richardson, presiding judge; 386<sup>th</sup> Juvenile District Court, Laura Parker, presiding judge; 399<sup>th</sup> Criminal District Court, Juanita Vasquez Gardner, presiding judge; 407<sup>th</sup> Civil District Court, Karen Pozza, presiding judge; and the 408<sup>th</sup> Civil District Court, Richard Price, presiding judge.

Our Webb County District has four judges. 49<sup>th</sup> District Court, Manuel Flores, presiding judge; 111<sup>th</sup> District Court, Raul Vasquez, presiding judge; 341<sup>st</sup> District Court, Elma T. Salinas Ender, presiding judge; and the 406<sup>th</sup> District Court, Oscar Hale, presiding judge.

ARANSAS • ATASCOSA • BEE • BEXAR • CALHOUN • DE WITT • DIMITT • FRIO • GOLIAD • JACKSON • KARNES • LA SALLE  
LIVE OAK • MAVERICK • Mc MULLEN • REFUGIO • SAN PATRICIO • VICTORIA • WEBB • WILSON • ZAPATA • ZAVALA

Page 2

The 49<sup>th</sup> District Court also serves Zapata County, Manuel Flores, presiding judge.

The 36<sup>th</sup> District Court, Michael E. Welborn, presiding judge; 156<sup>th</sup> District Court, Joel Johnson, presiding judge; and the 343<sup>rd</sup> District Court, Janna Whatley, presiding judge, serves Aransas, Bee, Live Oak, McMullen and San Patricio Counties.

The 24<sup>th</sup> District Court, Joseph P. Kelly, presiding judge; 135<sup>th</sup> District Court, K. Stephen Williams, presiding judge; 267<sup>th</sup> District Court, Juergen (Skipper) Koetter, presiding judge; and the 377<sup>th</sup> District Court, Robert Cheshire, presiding judge, serves Victoria County. The 24<sup>th</sup>, 135<sup>th</sup> and the 267<sup>th</sup> courts also serve Calhoun, DeWitt, Goliad, Jackson and Refugio Counties.

The 81<sup>st</sup> District Court, Donna Rayes, presiding judge and the 218<sup>th</sup> District Courts, Stella Saxon, presiding judge serves, Atascosa, Frio, Karnes, LaSalle and Wilson Counties.

The 293<sup>rd</sup> District Court, Cynthia Muniz, presiding judge and the 365<sup>th</sup>, Amado Abascal, presiding judge serves, Dimmit, Maverick and Zavala Counties.

Judge Peoples said that he has not received any complaints regarding these districts and things seem to be working efficiently. He recommends no changes at this time.

Sincerely,



Leslie Bochniak  
Administrative Assistant  
4<sup>th</sup> Region of Texas



## The Supreme Court of Texas

CHIEF JUSTICE  
WALLACE R. JEFFERSON

201 West 14th Street Post Office Box 12248 Austin TX 78711  
Telephone: 512/463-1312 Facsimile: 512/463-1365

CLERK  
ANDREW WEBER

GENERAL COUNSEL  
LISA MORRIS

ADMIN. ASSISTANT  
NADINE SCHNEIDER

PUBLIC INFORMATION OFFICER  
OSLER MCCARTHY

JUSTICES  
NATHAN L. HECHT  
HARRIET O'NEILL  
DALE WAINWRIGHT  
SCOTT A. BRISTER  
DAVID M. MEDINA  
PAUL W. GREEN  
PHIL JOHNSON  
DON R. WILLETT

May 4, 2006

Honorable Joe Crabb  
Chair, Redistricting Committee  
Texas House of Representatives  
P.O. Box 2910  
Austin, TX 78768-2910

Dear Representative Crabb,

Thank you for inviting me to testify at your hearing on your interim charge to consider modifications to the districts of state district courts. I regret that my schedule did not allow me to present this testimony in person.

The Texas Constitution mandates that the judicial districts across the state be reapportioned in the year following each federal decennial census and seeks to ensure that it is done by charging multiple entities with the responsibility of doing so. The Legislature bears the initial and the ultimate burden to redistrict. However, should the Legislature not discharge its responsibility, the Constitution charges the Judicial Districts Board to issue an apportionment order. The order must be approved by both legislative chambers before becoming effective and binding. If the Board does not issue an order, the burden again falls to the Legislature. Specifically, the Legislative Redistricting Board "shall make a statewide reapportionment of the judicial districts" within a certain time frame.

I currently chair the Judicial Districts Board, in my capacity as Chief Justice of Texas. The Presiding Judge of the Court of Criminal Appeals, the presiding judges of the nine Administrative Judicial Regions, and an attorney appointed by the Governor, with the advice and consent of the senate, also serve on the Board. In addition to post-census reapportionment, the Board is charged with meeting at least once in each interim between regular sessions to review "the necessity of and appropriate locations for new judicial districts" so that the Board can advise the Legislature of its findings. I intend to call a meeting of the Judicial Districts Board this fall to consider that charge and will subsequently submit any recommendations to the Legislature.

In preparing for that meeting, I have reviewed the history of judicial redistricting in some detail. The Legislature has not comprehensively reapportioned the districts since 1876, despite the various constitutional and statutory provisions that mandate regular reapportionment of the judicial districts and despite significant study and effort by both members of the Legislature and the Judiciary.

In studying this issue, I have come to several conclusions. First, there are clear political impediments to statewide judicial redistricting that have effectively precluded redistricting, particularly because there are no consequences for failing to do so. Textual mandates, apparently, are not enough.

Statewide judicial redistricting will never be a reality until the Legislature adopts this committee's past recommendation that it "should invest the necessary effort to obtain a thorough analysis of how the [trial] courts . . . might be made into a more logical and efficient system." See House Committee on Redistricting: Interim Report to the 79th Legislature (December 2004). We know from prior studies on judicial redistricting that the "necessary effort" includes a tremendous amount of staff work, detailed surveys, and public statewide hearings to solicit input from the citizens, judges and attorneys affected by reapportionment. In addition, a true picture would not emerge without consulting experts in the field, such as statisticians and demographers.

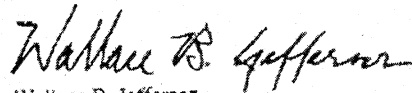
As Chief Justice Phillips repeatedly emphasized during his tenure on the Court, the Legislature has never funded the Judicial Districts Board, upon whose advice the Legislature principally relies to discharge its duty to redistrict, even though the Legislature is constitutionally charged with doing so. See Tex. Const., art. V, § 7a(e) ("The legislature shall provide for the necessary expenses of the board."). This fiscal default has forced the Judiciary to request an emergency deficiency grant from the Governor's office, but ultimately the absence of an appropriation from the Legislature resulted in the Board's inability to convene during the last census.

We have heard the pleas of legislative committees to collect more accurate data on the true nature of each court's judicial burden, see Senate Committee on Jurisprudence: Interim Report to the 78th Legislature (November 2002), and hope, with proper funding, to adhere to the mandates of the full Legislature, see S.B. 729, 79<sup>th</sup> Leg. 2005) (relating to a weighted caseload study of the district courts). But such mandates cannot remain unfunded. We simply cannot complete this complex task without necessary fiscal resources. Currently, the Legislature has defaulted on that obligation and the Board's work cannot proceed until that default is remedied.

Finally, the Legislature's investment in this area should extend beyond funding a mandated caseload study. The judiciary constantly struggles to gather accurate data from the 921 district and county-level courts across the state and to analyze that data to inform decision makers on various policy initiatives. The Judiciary and the State would greatly benefit from financial support to develop a statewide case management system. The benefit would extend not only to tracking criminals and collecting fees, but would also ensure that the state's children, who may otherwise be lost in the byzantine child welfare system, are promptly given permanent homes. In every legislative session, the Legislature relies on our data in setting state policy initiatives with respect to such diverse matters as disaster preparation and the impact of tort reform legislation. Each session that passes without a financial commitment to accurate judicial data collection places Texas many steps behind the rest of the nation.

Thank you for the opportunity to present this written testimony to this honorable committee.

Sincerely,



Wallace B. Jefferson  
Chief Justice



**TEXAS DISTRICT AND COUNTY ATTORNEYS ASSOCIATION**

1210 Nueces St., Austin, TX 78701 • 512/474-2436 (ph) • 512/478-4112 (fx) • www.tdcaa.com

July 7, 2006

The Honorable Joe Crabb  
Chairman, House Committee on Redistricting  
P.O. Box 2910  
Austin, Texas 78768

Dear Chairman Crabb:

I apologize for not writing sooner in response to your letter of June 14 requesting written comments on the interim charge to study the districts of state district courts. I've been out on vacation. I hope my letter is still timely.

As I testified at the committee hearing during the special session, district attorneys don't have any particular insights into the design of judicial district, but they do have an interest in how any legislative reforms may impact their existing their jurisdictions. Let me explain.

District attorney "districts" are outlined in statute in Chapter 43 of the Government Code. Many of the district attorney "districts" are described simply by referring back to the judicial district in which they prosecute. For instance, §43.151, GOV'T. CODE, provides that the voters of the 110<sup>th</sup> Judicial District (established in §24.212, GOV'T. CODE) will elect a district attorney.

Thus, if the Legislature redistricts the 110th Judicial District by amending Chapter 24 of the Government Code, it will have also made changes in the district attorney's jurisdiction. However, at this point our members would advise against doing any sort of "district attorney redistricting" because of the negative impact such redistricting would have on pending criminal cases.

It is possible to redistrict judges, who preside over the resolution and trials of cases, but much harder to wholesale change the jurisdiction of the prosecutors actually handling the cases. That would involve a huge upheaval -- hundreds, if not thousands, of witnesses, victims, and

2006 TDCAA OFFICERS:  
*President Tim Cole, Montague*

DIRECTORS:  
C. Scott Brumley, *Amarillo*  
Mike Little, *Liberty*  
Michael Fouts, *Haskell*  
Catherine Babbitt, *San Antonio*

INVESTIGATOR SECTION: *Chair Terry Vogel, Dumas*

*Chairman of the Board Susan Reed, San Antonio*  
*President Elect David Williams, San Saba*

Jesse Gonzalez, Jr., *Fort Stockton*  
Dan Heard, *Port Lavaca*  
Henry Garza, *Belton*  
Doug Lowe, *Palestine*

KEY PERSONNEL *Chair Cynthia Clark, Port Lavaca*

Not printed or mailed at state expense

*Secretary/Treasurer Bill Turner, Bryan*

Tony Hackebell, *Hondo*  
Joe Brown, *Sherman*  
Charles Rosenthal, *Houston*  
James Kuboviak, *Bryan*

EXECUTIVE DIRECTOR *Robert Kepple*

---

police officers would have to reestablish ties with a new prosecutor or prosecutors. Thousands of hours of case preparation would be wasted while prosecutors re-learned the cases. And there are bound to be plenty of mistakes made in such a transition.

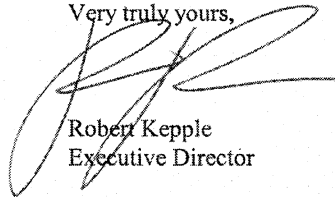
Since there is no requirement that the Legislature engage in district attorney redistricting, our suggestion is that existing prosecutor jurisdictions, as delineated over time by the Legislature, be preserved in the event of judicial redistricting. Indeed, when the legislature took a run at judicial redistricting in the 1990's, we drafted a companion bill that preserved the existing prosecutor jurisdiction. It is our suggestion that such a bill be prepared in the event that the Legislature considers a judicial redistricting measure.

The bill we propose, and have drafted in the past, amends Chapter 43 of the Government Code by "detaching" the jurisdiction of the district attorney from the judicial district, describing the DA's jurisdiction by county, and giving it a unique number. So, for instance, we would have 127 District Attorney Districts in Texas (because that is how many DA's we have). Each district would be described by a statute in Chapter 43 of the Government Code.

Of course, if we get to that point, we are more than willing to draft such a proposal. We may be a ways off, yet, but we will keep in close contact with you and your staff as you work on the judicial redistricting issue.

Thank you very much for your consideration and your hard work. If there is anything you need us to do, just let me know.

Very truly yours,



Robert Kepple  
Executive Director



## NINTH ADMINISTRATIVE JUDICIAL REGION

**Kelly G. Moore**  
Presiding Judge

**Jill Kingsley**  
Administrative Assistant

500 W. Main, Rm. 204W  
Brownfield, Texas 79316

Phone (806)637-1329  
Fax (806)637-8918

Email [Ninthregion@aol.com](mailto:Ninthregion@aol.com)

June 23, 2006

The Honorable Joe Crabb  
Chairman, Committee on Redistricting  
P.O. Box 2910  
Austin, Texas 78768-2910

Dear Chairman Crabb:

Thank you for your letter of June 14, 2006 requesting input regarding how to address your committee charge to consider modifications to the districts of state district courts.

Since my appointment as Presiding Judge of the Ninth Administrative Judicial Region in 2000, I have had extensive contact with the judges in my region as well as judges from around the state regarding the issue. My suggestions made later in this letter come not from personal opinion, but from a great deal of experience in determining the needs of the judges. I served as an advisory member of the Texas Judicial Council Committee on District Courts in 2002. I am sure you are aware of that Committee's report entitled "Addressing Judicial Workload in Texas' District Courts." I participated in public hearings conducted by the Senate Jurisprudence Committee in Lubbock, Texas in 2002. As you know, I am a member of the Judicial Districts Board and have received invaluable information through that endeavor. Finally, twice yearly I conduct a business meeting with all of the district court judges in the Ninth Administrative Judicial Region. At every meeting, the issues of docket control and management, and the need for redistricting within the region are specifically addressed.

The Ninth Administrative Judicial Region consists of judicial districts on both ends of the spectrum. The region contains single counties with multiple district courts, single counties with single district courts, and multiple counties served by a single district court. In short, our judges cover the scale from rural to urban, and all points in between. The Ninth Region consists of 45 counties covered by 27 district courts.

After a review of the data related to the Ninth Administrative Judicial Region and, more importantly, consultation with the judges of the region, it is my opinion that no changes are needed within the Ninth Region. I firmly believe that if there were areas of problem related to the size or



---

The Honorable Joe Crabb  
June 23, 2006  
Page Two

---

composition of any of the judicial districts within my region, I would be well aware of the problem. One thing I have found about judges is that they are not afraid to speak their mind.

From a purely objective standpoint, it appears that the courts of the region are well within acceptable standards for caseloads, disposition rates, etc. While there are several courts in the region that have less than the statewide average caseload, those are very often the same judges who have to travel from county to county, and the judges, more often than not, that have a disproportionate share of administrative responsibilities because of their rural character.

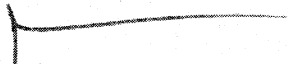
I have found a unique willingness among the judges in the region to work together. Those judges who have lower caseloads are ready, willing and able to assist judges with higher caseloads by hearing cases on an "as needed" basis. I believe very strongly that this willingness to work together contributes to the fact that no district courts have been requested in this region for many, many years.

It is also my opinion that changes to the districts would have to be crafted very carefully so as to not upset the prosecutorial scheme in the region. The region includes district attorneys, criminal district attorneys, and county attorneys who prosecute felony cases in the district courts. Changes in the judicial districts would often necessitate major changes in the prosecution area. The district courts also participate in the establishment of community supervision and correction departments, and juvenile probation offices. Many of these schemes would necessarily be changed by changes in the judicial districts. In short, any proposed changes in judicial districts would have to take into account the overall situation of the courts, the prosecution, and the boards, and should take into account the needs of the individual counties involved in the judicial districts.

Chairman Crabb, I have a strong self-interest to be sure that the courts in the region operate smoothly and efficiently. However, based upon the objective criteria, input from the judges and court staff and the fact that our courts seem to be operating so efficiently, I recommend no changes at this time.

Please feel free to call me if you need any additional information or have any additional questions. Again, I thank you for allowing me to participate in your endeavor.

Sincerely,



Kelly G. Moore  
KGM/cb



## First Administrative Judicial Region

**JOHN OVARD**

*Presiding Judge*

133 N. Industrial Blvd., LB 50  
Dallas, Texas 75207

*Administrative Assistant*  
**SANDY HUGHES**  
*Office Manager*  
**GEORGE COWART**

Telephone  
(214) 653-2943  
Fax (214) 653-2957  
www.firstadmin.com

June 27, 2006

Representative Joe Crabb  
Chairman, Committee on Redistricting  
P. O. Box 2910  
Austin, TX 78768-2910

Dear Chairman Crabb,

Thank you for your service as Chairman of the House Committee on Redistricting and for giving me the opportunity to respond to Speaker Craddick's charge to consider modifications to the districts of state district courts.

After careful analysis of the present districts, combined with continued communication with our region's district judges, I conclude that modifications are not necessary, nor would they improve the effectiveness of the present districts.

My conclusion, however, must recognize that justice is unjustifiably delayed for many Texans because the district courts, although within properly drawn districts, are under utilized. Many times present facilities and staff are idle due to the severe limits of state funds appropriated for assigned visiting judges. This program is the most cost effective and efficient flexible tool for coping with the complexities of Texas courts constantly having to adjust to rapidly increasing diverse population growth.

Please contact me anytime I can be of service. Your Committee is certainly serving all Texans as we continue to examine and improve our justice system.

Respectfully yours,

A handwritten signature in black ink that reads "John Ovard".

John Ovard

cc: Susan Chapman

ANDERSON BOWIE CAMP CASS CHEROKEE COLLIN DALLAS DELTA ELLIS FANNIN FRANKLIN GRAYSON GREGG HARRISON  
HENDERSON HOPKINS HOUSTON HUNT KAUFMAN LAMAR MARION MORRIS NACOGDOCHES PANOLA RAINS RED RIVER  
ROCKWALL RUSK SHELBY SMITH TITUS UPSHUR VAN ZANDT AND WOOD COUNTIES



**SEVENTH ADMINISTRATIVE JUDICIAL REGION OF TEXAS**

**DEAN RUCKER, PRESIDING JUDGE**

200 WEST WALL, SUITE 200  
MIDLAND, TEXAS 79701

Ana O'Bryant  
Administrative Assistant

Telephone: 432.688.4390  
Facsimile: 432.688.4924

July 3, 2006

The Honorable Joe Crabb  
Chairman  
Committee on Redistricting  
Post Office Box 2910  
Austin, Texas 78768-2910

Dear Chairman Crabb:

On behalf of the judges in the Seventh Administrative Judicial Region, I would like to thank you for providing me with the opportunity to respond to your letter of June 14, 2006 requesting input regarding the charge to consider modifications of judicial districts.

The Seventh Administrative Region consists of 40 counties, covering an expansive geographic area within West Texas. Within the Region, there are 26 district judges and 11 statutory county courts. Thirteen of the judicial districts are single county judicial districts, and thirteen of the judicial districts are multi-county judicial districts. Eleven of the multi-county judicial districts contain three or more counties.

Since my initial appointment as Presiding Judge in 1998, I have served as a member of the Judicial Districts Board. In that capacity, I participated in the most recent decennial review of judicial districts mandated by the Texas Constitution. I have met with the judges of the Seventh Administrative Judicial Region on the matter of redistricting at our twice yearly business meetings. Based upon these discussions, my experience and my knowledge of the Seventh Administrative Judicial Region, I believe changes to the judicial districts within the Seventh Region are neither warranted nor necessary.

The district courts within the Region are busy and they are well within acceptable standards for pending caseloads and dispositions. Many of the

July 3, 2006  
Page 2

district judges in the more rural areas of the Region are required to travel to multiple counties within their judicial districts on a regular basis. Having multiple counties within their judicial districts, they also bear increased administrative responsibilities for each of the counties within their judicial districts. Despite these demands on their time and limited resources, these judges attend to their judicial and administrative responsibilities promptly and efficiently. The public is well-served.

The citizens of West Texas could be adversely impacted if judicial redistricting caused the loss of one or more judicial districts from West Texas. The loss of a multi-county judicial district and the necessary inclusion of those counties with other multi-county judicial districts may work a hardship on the courts and the citizens within those counties who need ready access to the court. What limited resources are available to our judges to perform the duties of office would become even more strained. Resulting judicial districts may be so large geographically that travel within the judicial district could become unmanageable for the public. Courts must be readily available to the public.

Thank you again for the opportunity to speak on behalf of the Seventh Administrative Judicial Region and to participate in this process. If I may be of further assistance, please feel free to contact me.

Yours very truly,



Dean Rucker

cc: Judges of the Seventh Administrative Judicial Region



THIRD ADMINISTRATIVE JUDICIAL REGION

B. B. SCHRAUB, PRESIDING JUDGE

830-379-8556

FAX 830-372-0400

E-MAIL 3rdjudreg@co.guadalupe.tx.us

101 EAST COURT STREET, ROOM 302  
SEGUIN, TEXAS 78155-5742

ADMINISTRATIVE ASSISTANT  
DIANNE GRIEPENTROG

June 26, 2006

The Honorable Joe Crabb  
Chairman, Committee on Redistricting  
House of Representatives  
P.O. Box 2910  
Austin, Texas 78768-2910

Dear Chairman Crabb:

I am in receipt of your letter of June 14, 2006, in which you request written comments from the Regional Presiding Judges. These comments are to be considered at such time as your committee prepares its report for consideration by the House.

I have had an opportunity to discuss this matter briefly at one of our meetings, as well as private discussions with several of the Presiding Judges. As chair of the Council of Regional Presiding Judges, I am taking this opportunity to respond on behalf of all of us, to the request you set out in your letter of June 14<sup>th</sup>.

There have been a number of studies on the matter of redistricting the district courts of this state. All of them have been unable to come to a conclusion as to exactly how this is to be accomplished.

The Judicial District Board, after the 1990 census, met and worked diligently to come up with a redistricting plan. After much study, a report was prepared and filed with the Secretary of State. This report basically said there were no major changes warranted or called for. This report was never seriously considered by the Legislature.

After the 2000 census, Senator Royce West led an effort to make a meaningful redistricting of the district courts. His committee held a number of meetings, but it is my understanding that Senator West came to the conclusion that the job was one that time and funding restraints left little to be accomplished. He then took no further action in this area.

AUSTIN • BELL • BLANCO • BOSQUE • BURNET • CALDWELL • COLORADO • COMAL • COMANCHE • CORYELL • FALLS  
FAYETTE • GONZALES • GUADALUPE • HAMILTON • HAYS • HILL • LAMPASAS • LAVACA • LLANO  
McLENNAN • MILAM • NAVARRO • SAN SABA • TRAVIS • WILLIAMSON

---

The Honorable Joe Crabb  
June 26, 2006  
Page Two

There are a number of factors that are involved in a judicial redistricting of the district courts that present pitfalls and problems. A few of these are as follows:

1. A large number of District Attorneys in the state, outside of the large metropolitan areas, are designated as District Attorneys of a certain numbered district. If redistricting should result in a change in the make up of that district, there would need to be a resulting change in the District Attorney's district as well.
2. There are a number of Judicial Districts in the state who have established probation departments, community treatment facilities in criminal cases, and local public defender departments. If the Judicial District has created any of these types of facilities, some alteration or change in these ancillary departments and facilities will have to be addressed.
3. Any redistricting that should result in more than one current judge in a new district will result in a need for only one of these judges continuing service as a District Judge. This will leave one or more judges without a court in which he or she may preside. There is a likely chance that any judge who finds himself or herself in such a position will become an active opponent of any redistricting proposal.

I am sure there are other matters involved in considering judicial redistricting. These are ones that come to mind, and convey my thoughts as well as those expressed by some of the other Presiding Judges.

As always, we stand ready to work with you and your committee, as well as any other members of the Legislature who feel our participation offers a benefit.

Very truly yours,



B. B. Schraub

BBS/dg

Xc: Presiding Judges, Administrative Judicial Regions



THIRD ADMINISTRATIVE JUDICIAL REGION

B. B. SCHRAUB, PRESIDING JUDGE

830-379-8556

FAX 830-372-0400

E-MAIL 3rdjudreg@co.guadalupe.tx.us

101 EAST COURT STREET, ROOM 302  
SEGUIN, TEXAS 78156-5742

ADMINISTRATIVE ASSISTANT  
DIANNE GRIEPENTROG

June 27, 2006

The Honorable Joe Crabb  
Chairman, Committee on Redistricting  
P. O. Box 2910  
Austin, Texas 78768-2910

Dear Chairman Crabb:

I have written you a letter, dated June 26, 2006, in which I replied to your letter of June 14, 2006, on behalf of all of the Regional Presiding Judges. Since that time, I have visited with Ms. Suzanne Chapman on the telephone. I gather from these conversations that you would like to receive input from each of us individually. That is the purpose of this letter.

I have been privileged to serve as Presiding Judge of the Third Region since 1990. During that time I have had ongoing communication with the judges in the region. This has been through individual visits; as well as, discussion at our two annual meetings each year, and discussions with groups of judges from our most populous counties. We have also used the polling of our judges at different times to determine if any redistricting would prove beneficial. I have also studied the reports filed regularly by the Clerks of the Courts, which contain information about filings, dispositions and ongoing caseloads.

As a result, I am of the opinion that no changes are called for in the Third Administrative Judicial Region. If there was a need for such action, I am satisfied I would have been notified. There is one caveat to this, however. I have been approached about the need for new courts. Fortunately, the last two sessions have seen the creation of several new courts in our region. The creation of these new courts has taken care of our most pressing needs.

I hope this information will be of some help to you. If there is anything further that this office can help you with, please don't hesitate to call on us.

Very truly yours,

B. B. Schraub

BBS/dg

AUSTIN • BELL • BLANCO • BOSQUE • BURNET • CALDWELL • COLORADO • COMAL • COMANCHE • CORYELL • FALLS  
FAYETTE • GONZALES • GUADALUPE • HAMILTON • HAYS • HILL • LAMPASAS • LAVACA • LLANO  
McLENNAN • MILAM • NAVARRO • SAN SABA • TRAVIS • WILLIAMSON



**Second Administrative Judicial Region of Texas**  
**Olen Underwood**  
Presiding Judge

*Kassi Cranfill*  
Regional Administrator

*Nathan Jensen*  
Regional Assistant

June 27, 2006

Committee on Redistricting  
Representative Joe Crabb, Chairman  
P.O. Box 2910  
Austin, Texas 78768-2910

Dear Representative Crabb:

Thank you for your letter of June 14, 2006 concerning the interim study on the districts of state district courts.

Please be aware that the Second Administrative Judicial Region consists of thirty four (34) counties containing one hundred sixteen (116) district courts, as well as forty eight (48) statutory County Courts at Law.

Prior to the public hearing held during the special session all the judges within the region were contacted for input on and needs in this area. With few exceptions the district judges explained that no changes were needed.

The 278<sup>th</sup> and 12<sup>th</sup> District Courts, consisting of Grimes, Walker, Leon and Madison counties, would like to reconfigure both districts so the 12<sup>th</sup> would include Grimes, Walker and Madison while the 278<sup>th</sup> would include Leon, Walker and Madison. This should aid in case disposition, reduced travel expenses and improve the election process.

Waller and Montgomery Counties are a bit more complicated. Waller County is served by two multi-district courts consisting of the 9<sup>th</sup> (Waller and Montgomery Counties) and the 155<sup>th</sup> (Waller, Fayette and Austin Counties).

The 9<sup>th</sup> District Court desires to be reconfigured to include only Montgomery County. The population and resulting caseload requires Montgomery County to have additional judicial

*207 West Phillips, Third Floor \* Conroe, Texas 77301*  
*(936) 538-8170 \* Fax (936) 538-8167*  
*[www.co.montgomery.tx.us/dcours/2ndadmin](http://www.co.montgomery.tx.us/dcours/2ndadmin)*



---

resources and it is anticipated Montgomery County will be seeking at least one additional court (perhaps two) in addition to the reconfiguration of the 9<sup>th</sup> District.

The 9<sup>th</sup> District coming out of Waller County will result in an overload on the 155<sup>th</sup> as Waller County is too big for one court to handle, but not big enough to justify an additional court at this time. It might be feasible to provide an impact court supervised by the 155<sup>th</sup> to handle the increased workload anticipating 2007 or 2009 will show sufficient population growth justifying a new fulltime court.

While at the present no additional changes are known, it can be anticipated, in the near future all the counties surrounding Harris County, as well as Bastrop County being a suburb of Travis County, can look for increasing caseloads which will increase the need of more courts to insure the people have access to the justice system. Increasing law enforcement and District Attorney staff without a corresponding increase in court time can only lead to a reduction in the equality of justice.

This is an exciting time for all the citizens of Texas and working with your office is always a pleasure. Thank you for allowing me to take part in this necessary endeavor.

Sincerely,



Olen Underwood  
OU/nj



## Second Administrative Judicial Region of Texas

Olen Underwood

Presiding Judge

*Kassi Cranfill*  
Regional Administrator

*Nathan Jensen*  
Regional Assistant

July 11, 2006

Representative Joe Crabb  
Attn: Suzanna Chapman  
P.O. Box 2910  
Austin, Texas 78768-2910

Dear Ms. Chapman:

As a follow up to our conversation of July 10, 2006, please be aware there is an additional alternative to the problems with Grimes and Waller Counties.

As reflected in the attached statistics, another alternative is to remove the 9<sup>th</sup> District Court from Waller County, remove the 278<sup>th</sup> District Court from Grimes County, remove the 12<sup>th</sup> District Court from Leon County, and create a new court with jurisdiction in Grimes and Waller Counties.

As previously suggested the reconfiguration of the 12<sup>th</sup> and 278<sup>th</sup> District Courts will be a positive impact on those districts and the creation of a new court for Grimes and Waller Counties will result in better and needed service to the citizens of both counties.

From a review of the attached population figures it appears Waller and Grimes Counties could support a new court with jurisdiction split between these two counties. With a new court and the suggested reconfiguration, Waller and Grimes Counties would then be served by two part-time courts which is in line with the case load of these counties.

I have reviewed a proposal from Judge Fred Edwards of the 9<sup>th</sup> District Court concerning the needs of Montgomery County and have asked him to send you his remarks.

Thank you for your hard work in this area. I look forward to working with you on these important projects.

Sincerely,

A handwritten signature in cursive script that reads "Olen Underwood".

Olen Underwood  
OU/kc

207 West Phillips, Third Floor ★ Conroe, Texas 77301 ★ (936) 538-8170 ★ Fax (936) 538-8107

9<sup>TH</sup> AND 155<sup>TH</sup> DISTRICT COURTS  
JULY, 2006

CASES PENDING STATISTICS

	<u>CIVIL</u>	<u>CRIMINAL</u>	<u>TOTAL</u>
WALLER COUNTY	863	419	1,282

POPULATION STATISTICS

	<u>1980</u>	<u>2000</u>	<u>2005</u>	<u>% Increase Since 1980</u>
WALLER COUNTY	19,798	32,663	34,821	56.8%

12<sup>TH</sup> AND 278<sup>TH</sup> DISTRICT COURTS  
JULY, 2006

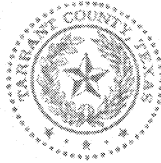
CASES PENDING STATISTICS

	<u>CIVIL</u>	<u>CRIMINAL</u>	<u>TOTAL</u>
GRIMES COUNTY	1000	394	1,394

POPULATION STATISTICS

	<u>1980</u>	<u>2000</u>	<u>2005</u>	<u>% Increase Since 1980</u>
GRIMES COUNTY	13,580	23,552	25,192	56.8%

\*The 278<sup>th</sup> District Court was created in 1981



## TARRANT COUNTY

THOMAS A. WILDER  
DISTRICT CLERK

June 21, 2006

Honorable Joe Crabb  
Chairman – Committee on Redistricting  
State of Texas  
P.O. Box 2910  
Austin, TX 78768-2910

Dear Mr. Chairman and Committee Members:

Please allow me to submit written testimony on the important matter before your study committee – Judicial Redistricting.

As the District Clerk for Tarrant County since 1995, I have had ample opportunity to work in the judicial process. Moreover, I spent many years as a politically active business owner and appointee of Governor Clements working on judicial appointments and judicial elections.

The system we have now for larger counties works well. District judges are elected countywide as they are here in Tarrant County. We have 26 elected judges who specialize in civil, family, and felony criminal cases by agreement.

We are now at 54,000 new cases filed every year and climbing. The system of electing judges countywide is fair due to the ability of over 900,000 registered voters to express their choice on election day. This allows for a broad sample of citizens to participate. Their "collective wisdom" is usually good as de Tocqueville wrote over 100 years ago.

Some of the proposals offered in the past for changing our current arrangement to one where district judges are elected from State Representative districts or Justice of the Peace precincts are not in the best interests of justice, in my opinion.

If smaller districts are used, there is a much greater possibility that one person with money could buy a judicial seat due to the smaller number of voters in the aforementioned political subdivisions.

Moreover, a group of special interest voters could have a greater impact on a relatively small political subdivision. As an elected official who has to run countywide, these influences are more heavily diluted in a larger political subdivision that would correspond to the size of a Texas

401 W. BELKNAP, FORT WORTH, TEXAS 76196-0402  
(817)884-1574

---


county. In addition, there are always those who would have grudges against a judge due to losing a case or for some personal reason who might have enough financial resources or personal influence to make a bigger impact in a political subdivision with much fewer votes than a countywide election. I drew some of these distinctions in my contribution to Professor Paul Benson's college textbook, Lone Star Politics, which is now in its third printing.

Regarding smaller counties where a district judge covers several counties, some of the same principles would apply. By having an area larger than one rural county to be elected from, a buffer is created to the potentially pernicious influences mentioned herein. Also, the rural counties that are served in the current way are usually contiguous and fairly homogenous in nature due to being rural instead of urban.

In summary, our current system has served us well over many years. The political tides ebb and flow over decades creating opportunities for both parties to have input on judicial elections. Although there may be some opportunity to adjust some districts, especially in rural areas where some counties have grown and deserve judges elected from one county instead of several, I urge you to retain the current system rather than risk violating the law of unintended consequences. I and both major parties continue to support electing judges, but if it were ever passed to have an appointed system with retention elections, then such retention elections would be even more likely to be influenced by the forces mentioned above due to low voter turnout if the judicial districts were smaller and contained fewer voters.

Thank you for the opportunity to testify, and please call if you have any questions.

Sincerely,



Thomas A. Wilder  
Tarrant County District Clerk  
[dclerk@tarrantcounty.com](mailto:dclerk@tarrantcounty.com)  
[www.tarrantcounty.com](http://www.tarrantcounty.com)

---

## ENDNOTES

- <sup>1</sup> Texas Government Code §24.945
- <sup>2</sup> *Interim Report to the 78<sup>th</sup> Legislature*, Senate Committee on Jurisprudence, November 2002, p. 25.
- <sup>3</sup> Texas Government Code §24.530
- <sup>4</sup> *Order of Statewide Reapportionment of Judicial Districts*, Judicial Districts Board Final Report, August 25, 1993; *Statement of Thomas R. Phillips and William E. Moody*, Judicial Districts Board Final Report, August 25, 1993.
- <sup>5</sup> *Statement of Thomas R. Phillips and William E. Moody*, p. 9.
- <sup>6</sup> *Interim Report to the 78<sup>th</sup> Legislature*, p. 26-36.
- <sup>7</sup> *Ibid.*, p. 8.
- <sup>8</sup> Letter from Chief Justice Thomas R. Phillips to the Honorable Geoffrey Conner, Office of the Secretary of State, September 10, 2003.
- <sup>9</sup> Proclamation of the Legislative Redistricting Board of Texas, issued January 26, 2004.
- <sup>10</sup> *Assessing Judicial Workload in Texas' District Courts*, Texas Judicial Council Committee on District Courts, 2002.
- <sup>11</sup> *Ibid.*, p. 5-6.
- <sup>12</sup> *Ibid.*, p. 7.
- <sup>13</sup> *Ibid.*, p. 6.
- <sup>14</sup> *Assessing Judicial Workload in Texas' District Courts*, p. 9.
- <sup>15</sup> *Statement of Thomas R. Phillips and William E. Moody*, p. 6-8.
- <sup>16</sup> *Ibid.*, p. 9-10.
- <sup>17</sup> *Annual Statistical Report for the Texas Judiciary, Fiscal Year 2005*, Office of Court Administration, p. 3,8.
- <sup>18</sup> *Annual Reports for the Texas Judicial System, Fiscal Years 2001-2005*, Office of Court Administration.
- <sup>19</sup> *Ibid.*
- <sup>20</sup> *Ibid.*
- <sup>21</sup> *Annual Statistical Report for the Texas Judiciary, Fiscal Year 2005*, p. 34.
- <sup>22</sup> *Annual Reports for the Texas Judicial System, Fiscal Years 2001-2005*, Office of Court Administration.
- <sup>23</sup> Memo from Tina Beck, Legislative Budget Board, July 14, 2004.