

SUBJECT: Local rules for Harris County justice of the peace courts

COMMITTEE: Judicial Affairs — favorable, without amendment

VOTE: 5 ayes — Thompson, Hartnett, Clark, Luna, Shields

1 nay — Crabb

3 absent — Garcia, Solis, Zbranek

WITNESSES: For — Tom Lawrence; Bob Wessels, Harris County Justices of the Peace; Rebecca Rentz, Harris County; Gary Freeman, Howard Wayland, John Williams and Patricia Ott, Justices of the Peace and Constables Association

Against — None

DIGEST: HB 3544 would allow justices of the peace in Harris County to adopt local rules consistent with Texas rules of criminal and civil procedure for practice and procedure in small claims and justice courts. Local rules would have to be adopted by a three-fourths majority of the votes of the justices of the peace. Each justice of the peace would be required to enter the local rules into court minutes and provide a copy of the rules to interested citizens.

A local rule could provide for assigning, docketing, transferring or hearing a case. A local rule could be adopted to allow misdemeanor and civil cases, except suits for forcible entry and detainer or involving real property, to be brought in any precinct in Harris County.

HB 3544 also would delete a requirement that special judges appointed in Harris County have the same qualifications as justices of the peace.

The bill would take effect September 1, 1997, and apply to special judges appointed and court actions taken on or after that date.

SUPPORTERS HB 3544 would help Harris County justice courts more efficiently serve

SAY: their constituents. The 16 justice courts in Harris County hear more than 500,000 cases each year, with about one-fifth being heard in Precinct Four. HB 3544 would speed up the court dockets by allowing justices to adopt rules more for evenly distributing caseloads. Any rules adopted would have to be consistent with the rules of criminal and civil procedure. This would ensure that the rights of all parties were protected by statute. Rather than being inconvenienced by the bill, citizens would be ensured a more speedy resolution of their cases, a goal well worth a short drive.

HB 3544 also would help Harris County justice courts serve citizens and attorneys in a more uniform manner. Many attorneys practice in front of more than one precinct and are exposed to different rules in every court. Uniform rules would make it easier for attorneys and citizens to work through the justice court process.

The bill would allow, not require, the justices in Harris County peace courts to agree to uniform rules. A three-quarters majority would have to agree for any rule to be adopted. This would ensure that the courts could stay responsive to the needs of their constituents.

OPPONENTS SAY: HB 3544 might ease the workload of some justice courts in Harris County but at the risk of inconveniencing citizens. The 16 precincts in Harris County are dispersed around the county, meaning that some residents could be forced to travel 40 or 50 miles to have their cases heard. Justice of the peace courts are courts of the people and should be accessible.

The bill also could cause Harris County to lose millions of dollars in revenue from an increased number of dismissed cases. Peace officers would be less likely to travel to outlying justice courts to testify in misdemeanor cases, and the county would not collect these fines.

OTHER OPPONENTS SAY: Justices of the peace are accountable to the citizens who elected them. HB 3544 would force justices to abide by rules set by a majority of the justices instead of rules consistent with constituent needs.