

SUBJECT: Creating three new county courts at law in Bexar County

COMMITTEE: Judicial Affairs — favorable, without amendment

VOTE: 7 ayes — Thompson, Clark, Crabb, Garcia, Luna, Shields, Solis

0 nays

2 absent — Hartnett, Zbranek

WITNESSES: For — Shay Gebhardt

Against — None

BACKGROUND : County courts at law are statutory county courts created by the Legislature with jurisdiction over certain criminal and civil cases. Bexar County currently has nine county courts at law.

All election changes, including the creation of new courts, must be reviewed and precleared by the U.S. Department of Justice under sec. 5 of the federal Voting Right Act.

DIGEST: HB 359 would create three new county courts at law in Bexar County. One would give preference to civil cases; the other two would give preference to criminal cases and appeals from the municipal and justice courts.

All three new courts would have six terms of court beginning on the first Mondays in January, March, May, July, September and November. A special judge could be appointed if the judge of one of the new courts were absent, disabled or disqualified. The criminal district attorney would attend the new county courts at law as required by their judges. With approval of the commissioners court, the judges of the new courts could appoint a court coordinator or administrative assistant for their courts. The court reporter's fee in the new courts would be taxed as costs in civil cases.

HB 359 would take effect and the three new county courts at law would be created on September 1, 1997.

**SUPPORTERS
SAY:**

HB 359 would relieve docket overcrowding in Bexar County courts at law. Rapid population growth and rising crime rates have resulted in ever-increasing civil and criminal caseloads in those courts. In 1990, the population of Bexar County was 988,800, the ratio of criminal county courts at law to population was one for every 123,600 citizens, and the ratio for the civil courts was one for every 494,400 citizens. By 1994, the population of Bexar County had grown to 1,185,394, and the ratio of criminal and civil courts to population had increased to one to 148,174 and one to 592,697 respectively. Projections indicate that the population of Bexar County will continue to grow. The new courts must be created now in order to facilitate case disposition before the number of pending cases becomes unmanageable.

The number of pending criminal and civil cases in county courts has already been growing due to such factors as reduction of several felonies to misdemeanors, new ability of prosecutors to request jury trials, and an increase in the civil jurisdiction of county courts to disputes involving amounts up to \$100,000. Over the past few years, backlogged criminal cases have been generated at an average rate of 770 per year. Sometimes criminal trials in the county courts are being set six months in advance when the American Bar Association guideline for the disposition of a criminal misdemeanor case is only 90 days. During the past six years, the civil case backlog has increased an average of 2,086 cases per year. In both criminal and civil cases, the county courts at law are currently operating under such a tremendous caseload that fair administration of justice is inhibited in the quest for expediency.

The creation of the new courts would have no fiscal implication to the state. The costs of creating and administering the three new courts would be borne by Bexar County, which has requested them.

In 1995, a federal court issued a ruling approving under the federal Voting Rights Act some new county courts created by the Legislature in 1993. Previously, the Department of Justice (DOJ) had refused to approve those courts because it found that Texas' system of electing judges in at-large, countywide elections was discriminatory. The federal court considered the DOJ's arguments and nonetheless ruled that the new courts and the type of election used for their judges did not dilute minority voting. Because the

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new courts that would be created by HB 359 would use the same election system approved by the court, Bexar County should have no problem receiving preclearance for these new courts.

OPPONENTS
SAY:

Creating additional courts that use at-large elections would further exacerbate the problems of moving Texas to a new process of judicial selection that would help facilitate the election of minority judges by eliminating countywide election of district and county court at law judges in urban counties.