

- SUBJECT:** Revising court of appeals districts
- COMMITTEE:** Redistricting — committee substitute recommended
- VOTE:** 9 ayes — Crabb, R. Cook, Corte, Deshotel, Hopson, Jackson, Morrison, Orr, Talton, West
- 0 nays
- 6 absent — Flores, P. King, Krusee, McClendon, Rodriguez
- WITNESSES:** For — None
- Against — None
- On — Phil Johnson, 7th Court of Appeals - Amarillo and Council of Chief Justices
- BACKGROUND:** Government Code, sec. 22.201 defines the composition of the 14 court of appeals districts. Most Texas counties are located entirely in one appeals court district, but 22 counties are under the concurrent jurisdiction of two districts. The First and Fourteenth districts, both headquartered in Houston, have the same boundaries and include the same 13 counties. Other sections of Government Code, ch. 22 allow commissioners courts in certain counties to assess court cost fees to defray the costs of appeals courts that hold concurrent jurisdiction.
- DIGEST:** CSHB 1077 would amend Government Code, sec. 22.201 to reduce the number of counties in concurrent jurisdictions from 22 to 15. The bill would affect the composition of the First, Fifth, Ninth, Tenth, Twelfth, and Fourteenth districts.
- The bill would remove Burleson and Walker counties from the First and Fourteenth districts and place them in Tenth district. It would remove Trinity County from the First and Fourteenth districts and place it in the Twelfth district. Hopkins and Panola counties would be removed from the Twelfth district and placed solely in the Sixth district. Angelina County would move from the Ninth district to the Twelfth district. Finally, Kaufman County would be removed from the Twelfth district and placed

solely in the Fifth district, and Van Zandt County would be removed from the Fifth district and located solely in the Twelfth district.

The bill would prohibit Burleson, Trinity, Walker, and Van Zandt counties from imposing court cost fees on cases filed on or after September 1, 2005, and would require these counties to transfer any fee money collected to the appeals court districts in which these counties originally were located. It also would require Burleson, Trinity, and Walker counties to reimburse Harris County for costs incurred to support the First and Fourteenth courts of appeal between March 1, 2005, and September 1, 2005.

The bill would take effect September 1, 2005, and apply only to appeals filed on or after that date.

**SUPPORTERS
SAY:**

CSHB 1077 would eliminate problems caused by forum-shopping and choice-of-law questions in several counties. When a county resides in more than one court of appeals district, it can encourage parties to race to appeal in order to pick the appellate court that may be more favorable to their case. Choice-of-law problems arise when the two courts of appeal have made different rulings on a particular issue. In such cases, counties may be under two sets of conflicting rules, which has created problems for local judges when trying to issue rulings.

The bill also would ease the often overburdened dockets of the First and Fourteenth courts of appeal by moving three counties out of each jurisdiction. The six counties transferred would move to districts with lighter dockets, which would not overburden those courts.

The bill would benefit the residents of counties subject to redistricting. As it is, about 10 percent of cases in the First and Fourteenth districts must be transferred to other jurisdictions because of heavy docket loads. By reducing caseloads, the need to transfer cases also would decrease, helping to ensure that parties have their cases heard before the judges they elected.

The bill has broad support in the judicial community. It reflects, in part, the proposal recommended by the Council of Chief Justices, which comprises the 14 chief justices of the courts of appeal. There was unanimous support for the proposal among all 14 justices.

OPPONENTS
SAY:

This bill would not do enough to ease problems with concurrent jurisdiction in other counties. If the Legislature wishes to tackle this issue, it should conduct wholesale redistricting that would solve the problem in every affected county.

NOTES:

The committee substitute deleted sections in the original bill that would have instructed the Texas Supreme Court to determine which legal precedent would apply for a case transferred from the one court of appeals to another. The substitute also deleted two sections concerning the method of assigning cases from certain counties to the Fifth, Sixth, and Twelfth courts of appeal.