

SUBJECT: Creating an additional judicial district in Montgomery County

COMMITTEE: Judiciary—favorable, without amendment

VOTE: 7 ayes — Hartnett, Homer, Hopson, Alonzo, R. Cook, Gonzales, Hughes
0 nays
2 absent — Goolsby, Krusee

WITNESSES: For — Judge Fred Edwards, 9th District Court
Against — None

BACKGROUND: Montgomery County is served by four district courts: the 221st, 284th, 359th, and 410th. The 359th Judicial District was added in 1985. It also shares the 9th District Court with Waller County.

DIGEST: HB 1125 would amend the Government Code, ch. 24, by creating the 418th Judicial District, composed of Montgomery County, as of September 1, 2007.

The 418th District Court would give preference to family law matters.

The bill would take effect September 1, 2007.

SUPPORTERS SAY: HB 1125 would promote judicial efficiency by creating a new district court for Montgomery County, where overloaded dockets currently are denying parties the right to obtain timely justice.

Montgomery County is experiencing massive population growth. The rapidly growing population has had a significant impact on the existing five district courts. The workload in these courts has increased significantly, causing long docket delays and forcing judges to work exceedingly long hours. Adding another district court would be a cost-effective way to help relieve Montgomery of overcrowded dockets while speeding up the administration of justice.

The judges of the existing district courts have agreed that a district court that gives preference to family law issues would be the best method for them to clear their dockets because it would:

- allow the existing district courts to work on the criminal case backlog; and
- allow the county to work through the back log of family law cases that have been waiting too long for a hearing.

Adding another court would decrease the necessity of using visiting judges. The visiting judge fund was cut substantially in 2003, and because it has not been fully restored, Montgomery County cannot continue to rely on visiting judges to address current and future case backlogs.

Creating district courts as needed has been an approach that has worked well in Texas because it allows the Legislature to focus resources where they are most urgently needed. Additionally, reapportioning jurisdiction of the district courts would be an incredibly complex and difficult task. Adding courts where they are needed is a much simpler process.

**OPPONENTS
SAY:**

By fiscal 2009, this bill would cost the state slightly less than \$160,000 a year, money that should be directed toward more pressing state budget needs. If Montgomery County needs help to reduce its dockets, it should rely on visiting judges already paid for by money appropriated to the visiting judge fund.

**OTHER
OPPONENTS
SAY:**

Montgomery County would be better served by even more district courts. The increase in population and case loads justifies the creation of up to three more district courts. Creating only one additional district court would not adequately relieve the large case backlog.

The current method of district court creation is piecemeal. While the ad hoc creation and adjustment of judicial districts is the prevailing mechanism for change, it does little to balance the case loads among all the district courts. A more equitable approach would be a comprehensive statewide reapportionment of the jurisdiction of the district courts based on case load.

NOTES:

According to the fiscal note, creating a new district court in Montgomery County would cost the state \$145,038 in fiscal 2008 and \$158,223 each fiscal year thereafter to pay the judge's salary. The cost to Montgomery County would be \$606,135 per fiscal year for court personnel, plus an additional \$205,143 in fiscal 2008 for start-up costs such as court space, furniture, equipment, technology, and new employee training.