

BILL ANALYSIS

H.B. 2473
By: Kolkhorst
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

When the legislature created courts of appeals, it centered them in communities with common interests, rather than in a central location, as it did with the Texas Supreme Court. With the creation of the Fourteenth Court of Appeals in 1967, there are 14 intermediate courts of appeals.

Intermediate appellate courts provide the public with convenient access to this part of the Texas court system. They provide the primary review and oversight of the state's trial courts in their respective jurisdictions. For example, the Houston Courts of Appeals decided over 2000 cases in 2008 from the ten counties in its community of interest. The Texas Supreme Court heard fewer than 100 cases.

Historically, not every court of appeals has had enough work for its panel of justices. To alleviate the lack of work for the smaller appellate courts, the legislature requires the larger courts to transfer cases to equalize the workloads across the 14 courts of appeals.

The problem with transferring cases to courts with an inadequate volume of cases is that a case arising in East Texas could be transferred and heard by a court of appeals in West Texas, far from the litigants, and by judges whom the litigants did not elect. This contrasts with the legislature's desire that Texans should have convenient access to the courts of appeals, as well as the parties' and their lawyers' expectation to elect the judges who hear their cases.

Due to the high volume of appeals historically filed in the two Houston Courts of Appeals, both courts have been required to transfer cases to equalize the workload with that of smaller appellate courts. In 2003, Brazos County was removed from the Houston Courts of Appeals' appellate district in an effort to reduce the number of cases that the Houston Courts transferred to other appellate courts. Again, in 2005, the Houston Courts of Appeals lost Walker County and two other counties in an effort to reduce the number of cases transferred.

After only a few years, it is apparent that this attempt to reduce the total number of transfers has failed. As a direct result of the loss of four counties, the Houston Courts of Appeals have become transferee courts, that is, smaller courts of appeals are now transferring cases to both Houston Courts of Appeals. For example, appeals from Walker County can be assigned to the Waco Court of Appeals, but then transferred back to one of the Houston Courts of Appeals or even to Amarillo, also a perennial transferee court.

Walker County is part of the Houston Courts of Appeals' community of interest. It is 60 miles from Houston, is less than one hour from the courthouse, and is a part of the Houston media market. Many in the Walker County legal community want to return to the Houston Courts of Appeals.

H.B. 2473 removes Walker County from the Tenth Court of Appeals District and adds it to the First and Fourteenth Courts of Appeals Districts.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2473 amends the Government Code to add Walker County to the First and Fourteenth Courts of Appeals Districts and to remove it from the Tenth Court of Appeals District.

EFFECTIVE DATE

September 1, 2009.