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Ramon Garcia, County Judge of Hidalgo County
A. C. Cuellar Jr., Hidalgo County Commissioner
Eduardo "Eddie" Cantu, Hidalgo County Commissioner
Joe M. Flores, Hidalgo County Commissioner
Joseph Palacios, Hidalgo County Commissioner

VIA HAND DELIVERY

Re: House Bill 474 relating to the Thirteenth Court of Appeals District and to the creation of the Fifteenth Court of Appeals District; authorizing fees

Dear Judge Garcia and County Commissioners:

I respectfully urge you to vote against the House Bill 474 which proposes to create a new appellate court by splitting the twenty-county district encompassing the Thirteenth Court of Appeals into two separate appellate court districts.

Background

The Thirteenth Court of Appeals is one of fourteen intermediate appellate courts in the State of Texas. The court serves a geographical region encompassing twenty counties: Aransas, Bee, Calhoun, Cameron, De Witt, Goliad, Gonzales, Hidalgo, Jackson, Kennedy, Kleberg, Lavaca, Live Oak, Matagorda, Nueces, Refugio, San Patricio, Victoria, Wharton, and Willacy. House Bill 474 proposes to create a new appellate court, the Fifteenth Court of Appeals, and transfer Cameron, Hidalgo, and Willacy Counties to that court.

The Thirteenth Court of Appeals maintains offices in both Corpus Christi and Edinburg through Hidalgo and Nueces Counties. Its six justices sit in either location to handle the business of the court. There is no duplication or overlap between the staffing for the two offices. Although the court transacts business through both locations, the court is structured as a unified whole. The court is budgeted as if it were based in one location and is funded similarly to the Third Court of Appeals in Austin, which is the only other six-justice appellate court in the state.

Financial Impact

House Bill 474 provides no additional funding for the creation of a new appellate court. Last legislative session, the costs to create a Fifteenth Court of Appeals was estimated by the Legislative Budget Board at more than \$400,000 annually according to the Fiscal Note presented to the Committee on Judiciary and Civil Jurisprudence due to the additional salaried positions and equipment required to create a new appellate court.

The passage of House Bill 474 would result in two appellate courts that are underfunded, by hundreds of thousands of dollars, in comparison to all other appellate courts in Texas. Three-justice courts of appeals were funded for Fiscal Year 2015 at approximately \$1.4 million annually. This court's budget for 2016, \$2.7 million, split in two as suggested by the proponents of House Bill 474, would result in an annual funding of \$1.35 million for each of the resulting three-justice courts. This would result in two courts which are funded at lower amounts than the other similarly sized appellate courts in the state. Underfunding the courts will negatively impact their productivity.

Based on comparing the current budgets of the state's appellate courts, it costs more to run a three-justice court than a six-justice court because there are economies of scale with a larger court in terms of personnel, equipment, and other operating expenses. Accordingly, it would be inefficient and costly to replace a six-justice court with two three-justice courts.

Efficiency

For the past six years, the Thirteenth Court has consistently met or exceeded its performance measures. The creation of an additional appellate court in the Thirteenth Court's district would not improve efficiency.

The Thirteenth Court is a "transferee" court which accepts transfers of appellate causes from other appellate courts pursuant to the Texas Supreme Court's docket equalization authority, and adding an additional court in the district served by the Thirteenth Court would add a court where none is needed. Piecemeal redistricting, such as that proposed by House Bill 474 will not benefit the appellate court system without a systematic and uniform approach regarding the State's appellate needs in its entire geographic region. In this regard, the Council of Chief Justices does not recommend redistricting at this time.

Minority Impact

The Thirteenth Court of Appeals has six justices who preside over a twenty-county Hispanic-majority region where the voters have elected to fill five of the six judicial positions with candidates from a protected racial minority (Hispanic candidates). House Bill 474 seeks to pack the minority voters from the twenty-county district into only three counties where those Hispanic voters who have currently elected five Hispanic justices would be reconfigured as a Hispanic super-majority where they would only have the opportunity to vote on three judicial positions. Thus, House Bill 474 violates the constitutional protections established by the United States Supreme Court. See *Voinovich v. Quilter*, 507 U.S. 146, 152–54 (1993); *Johnson v. De Grandy*, 512 U.S. 997, 1007 (1994); see also *League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 495 (2006) (Roberts, J., concurring and dissenting in part).

Conclusion

In sum, the Thirteenth Court serves as one cohesive and integrated court which operates efficiently and economically for all of the counties in its geographic region. Splitting the court would not benefit the State of Texas but would instead increase economic costs, increase the disproportionality of appellate court filings on a state-wide basis, and unconstitutionally dilute minority votes.

Please do not hesitate to contact me if you have any questions or require any further information to make an informed decision regarding the proposed bill.

Best regards,

Rogelio Valdez, Chief Justice
Thirteenth Court of Appeals