



434th DISTRICT COURT
Fort Bend County, Texas

James H. Shoemake
Presiding Judge

February 5, 2015

The Honorable Robert E. Hebert
401 Jackson St.
Richmond, Texas 77469

RE; Creation of Additional District Courts for Fort Bend County

Dear Judge Hebert,

The undersigned is providing information herein in support of the creation of a General Jurisdiction District Court with Family Law preference for Fort Bend County.

JURISDICTION

The six District Courts in Fort Bend County are General Jurisdiction Courts with 328th and 387th District Courts designated to concentrate on Family Law cases. It is the recommendation of the undersigned that one additional District Court with general jurisdiction designated to concentrate on Family Law matters be created.

STATISTICS

Attached hereto is a chart prepared for your consideration. This chart is comparison of the ten (10) most populous counties in Texas. Comparison is made to the case load of each county restricted to family law cases as compiled from the latest release from the office of Court Administration. A comparison is made of the population per court in Fort Bend to the various counties listed in such chart. Also enclosed are copies of pages 36, 73 and 74 from the Fiscal 2013 Annual Statistical Report for the Texas Judiciary from the Office of Court Administration regarding family law cases.

As you are aware, Fort Bend County is one of the fastest growing counties in the United States. As the comparison chart shows, with the creation of an additional Family District Court, the population per court will still exceed that of all but three of the counties listed and that is not taking into account the population growth into 2020.

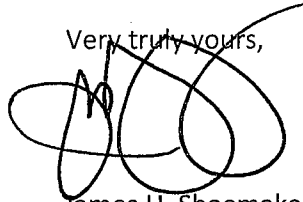
COSTS

The cost of operation of the District Courts is primarily borne by Fort Bend County. The State provides the District Judge's salary and benefits are supplemented by Fort Bend County. All other costs are incurred by the County. The annual budgeted amounts for the current Family District Courts are \$649,707.00 and \$ 577, 151.00. Fort Bend County furnishes the courtroom and the expense of operation along with bailiffs. Fort Bend County is paying the Associated Judge's salary and benefits, which includes insurance, and Fort Bend County incurs all other costs. The creation of an additional Family District Court will not significantly affect the current cost to Fort Bend County of operating the current Family District Courts.

The additional Family District Court will be completely new cost to the County that it is not now bearing. The Family District Court will cost the County the same as the current Family District Courts.

It is hoped that the above information will prove helpful and if any additional information is needed, please feel free to contact the undersigned.

Very truly yours,

A handwritten signature in black ink, appearing to be 'JH Shoemake', written over the typed name.

James H. Shoemake

434th Administrative District Court Judge

RESOLUTION OF THE BOARD OF DISTRICT JUDGES OF FORT BEND COUNTY
REQUESTING THE STATE LEGISLATURE CREAT AN ADDITIONAL GENERAL
JURISDICTION DISTRICT COURT GIVING PREFERENCE TO FAMILY LAW MATTERS

On this the 26th day of January, 2015, at a called meeting of the Board of District Judges of Fort Bend County, Texas, upon motion of Judge Ronald R. Page, seconded by Judge Brenda G. Mullinix, duly put and carried.

WHEREAS, the Board of District Judges of Fort Bend County, Texas has found that the case load and public need and necessity requires that an additional Judicial District Court giving preference to Family Law matters be created for Fort Bend County by the 84th Legislature sitting in Austin, Travis County, Texas; and

WHEREAS, the Board of District Judges of Fort Bend County, Texas has found that the best interest of the County would be served by establishing a new Judicial District Court with general jurisdiction the same as the existing 328th and 387th Judicial District Courts having an effective date as established by the Legislature upon the creation of said Court.

NOW, THEREFORE, BE IT RESOLVED that the Board of District Judges of Fort Bend County, Texas does hereby request the 84th Legislature create an additional Judicial District Court for Fort Bend County in the current legislative year, the said Judicial District Court with general jurisdiction but giving preference to Family Law matters to be established to conduct business on the date as established by the Legislature upon the creation of said Court.

FILED

2015 FEB -5 PM 3: 14

Annie Roberson Elliott

CLERK DISTRICT COURT
FORT BEND CO. TX

PASSED AND APPROVED this the 26th day of January, 2015

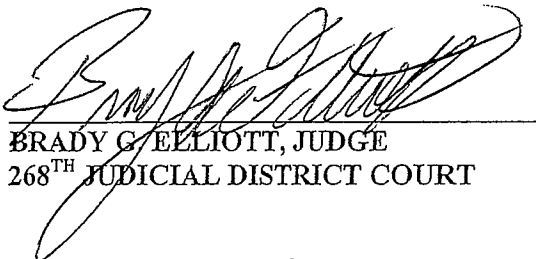
FORT BEND COUNTY BOARD OF DISTRICT JUDGES



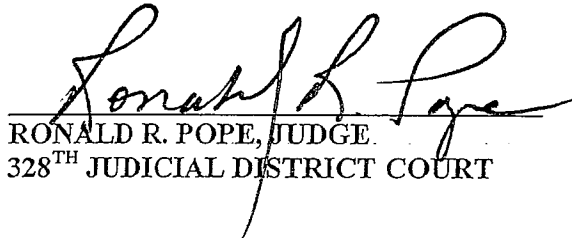
JAMES SHOEMAKE
434 JUDICIAL DISTRICT COURT
ADMINISTRATIVE JUDGE



THOMAS R. CULVER, III, JUDGE
240TH JUDICIAL DISTRICT COURT



BRADY G. ELLIOTT, JUDGE
268TH JUDICIAL DISTRICT COURT



RONALD R. POPE, JUDGE
328TH JUDICIAL DISTRICT COURT



BRENDA G. MULLINIX, JUDGE
387TH JUDICIAL DISTRICT COURT



MAGGIE PEREZ-JARAMILLO, JUDGE
400TH JUDICIAL DISTRICT COURT

I, Annie Rebecca Elliott, District Clerk of Fort Bend
County, Texas, do hereby certify that the foregoing
is a true, correct and full copy of the instrument
herein set out as appears of record in the District
Court of Fort Bend County, Texas.

This 5 day of February 20 15



ANNIE REBECCA ELLIOTT, DISTRICT CLERK



ANNETTE Z. PRIHODA

FAMILY DISTRICT COURT CASES BY TEN LARGEST COUNTIES*

AS OF AUGUST 31, 2014

(Counties listed by Population Order)

County	2013 Population	Number Of Courts	Population Per Court 9/1/13	Active Pending	Added	Disposed	Active Pending 8/30/14
Harris	4,336,853	10*	433,685	34,052	53,326	52,719	36,471
Dallas	2,480,331	7*	354,333	47,560	36,444	34,535	49,370
Tarrant	1,911,541	7*	273,077	15,634	28,856	29,112	15,480
Bexar	1,817,610	24**	75,734	25,590	28,113	25,403	28,245
Travis	1,120,954	10***	112,095	10,643	12,783	12,581	10,169
Collin	854,778	9**	94,975	5,550	8,821	8,841	5,581
El Paso	827,718	4****	206,930	12,990	14,512	13,762	13,334
Hidalgo	815,996	11**	74,181	7,446	7,081	5,414	8,937
Denton	728,799	7**	104,114	6,432	7,226	7,564	6,098
Fort Bend	652,365	2*	326,182	5,499	7,229	6,706	5,903

*Associate Judges assigned to Courts

** no associate judges and all Courts have family cases

*** all courts have family cases plus 4 associate judges

**** one court handles only protective orders and there are 3 associate judges

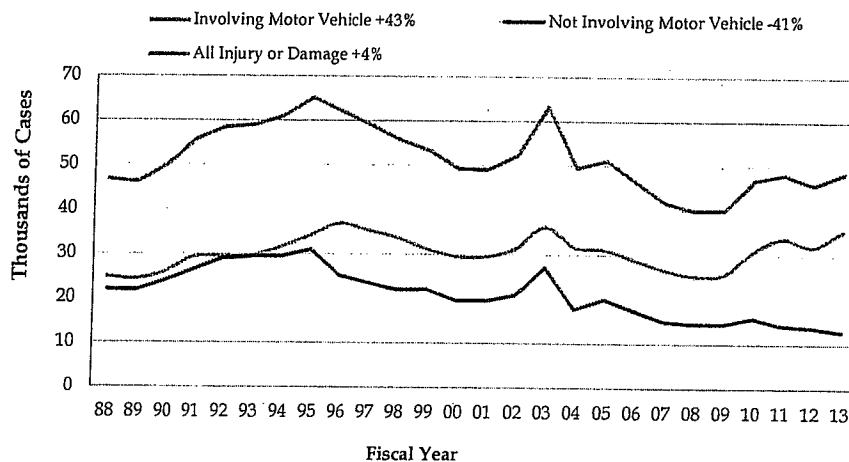
Trends in Texas District and County-Level Courts

Injury and Damage Cases — Overall, new filings of injury and damage cases fluctuated over the last 25 years. The number of cases filed in 2013 was only 4 percent higher than the number filed in 1988. Within this category, cases of injury or damage involving a motor vehicle increased 43 percent (from 24,823 to 35,573 cases), while cases of injury or damage not involving a motor vehicle declined 41 percent (from 21,960 to 12,953 cases) to the lowest number since at least 1980 (the first year that statistics began to be collected for this case type). Multiple legislative changes during these years impacted the volume of cases filed. A wave of new filings hit the courts at the end of fiscal year 2003 as litigants attempted to get their cases filed before the Medical Malpractice and Tort Reform Act went into effect on September 1, 2003.¹ Since then, injury or damage cases not involving a motor vehicle continued a general decline. Injury or damage cases involving a motor vehicle also declined from 2003 to 2009, but increased four of the last five years.

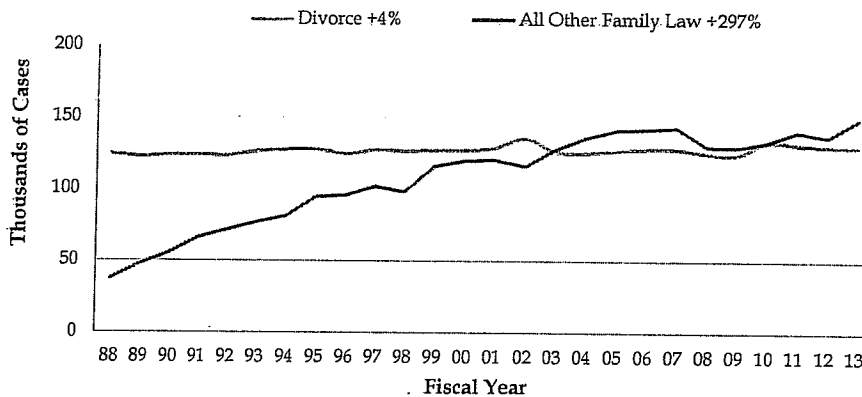
Family Law Cases — Although the number of divorce cases filed in district and county-level courts remained relatively steady with only a 4 percent increase over the past two decades, the number of cases involving “all other family law matters” grew by 297 percent (from 37,513 cases in 1988 to 149,057 cases in 2013).

One factor that may be driving the general increase in “all other family law matters” is the increase in child support cases. The Texas Office of the Attorney General’s Child Support Division reports that child support cases with court orders rose 454 percent from 211,085 in 1991 to 1,170,093 in 2013. This statistic does not include privately arranged child support cases; however, it does indicate the large growth in this type of case.

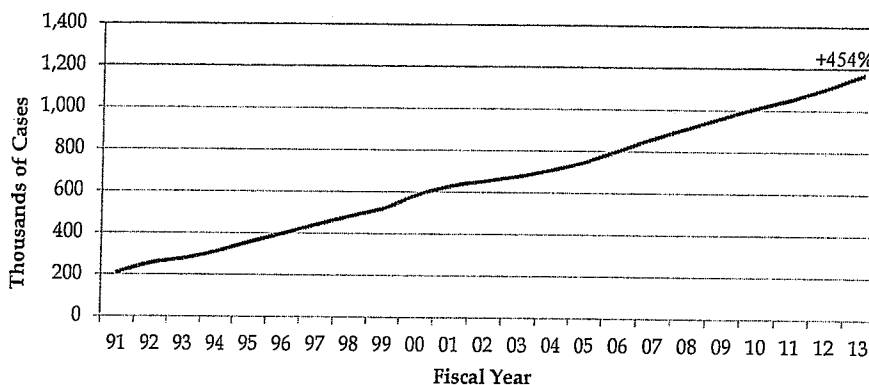
New Injury or Damage Cases Filed in District and County-Level Courts



New Divorce and All Other Family Law Cases Filed in the District and County-Level Courts



Child Support Cases With Orders



1. Medical Malpractice and Tort Reform Act, 78th Legislature, R.S., Chap. 204, 2003 Tex. Sess. Law Serv. 847.

Family Law Cases

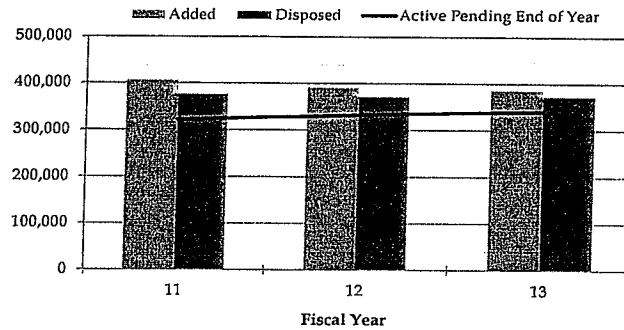
Cases Added — In 2013, more than 386,000 family law cases were filed in the district and statutory county courts, a decrease of 1.2 percent from the previous year. Family law cases accounted for 52.9 percent of all civil cases filed in the district and county-level courts.

Divorce cases (involving cases with or without children) accounted for the largest share of all family law cases added during the year (34.5 percent), followed closely by child support cases filed by the state's Title IV-D agency (the Texas Attorney General's Office). Post-judgment matters accounted for approximately 10 percent of the total family law caseload.

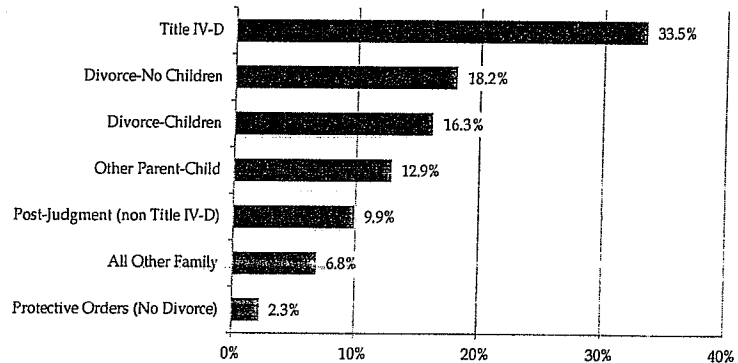
Clearance Rates — In 2013, district courts disposed of or placed on inactive pending status 383,069 family law cases, a number slightly lower than the previous year. Due to dispositions outpacing filings, the clearance rate rose to 96.7 percent, compared to 95.5 percent the previous year.

Manner of Disposition — A total of 372,488 family law cases were disposed of during the fiscal year, an increase of 0.3 percent from 2012. The largest share of cases was disposed of by bench trial (31.0 percent), while the next largest share was settled by agreed judgment (30.0 percent). Overall, only 0.1 percent of family law cases were settled by a jury or directed verdict. The case categories with the highest jury trial rates were child protection and post-judgment custody cases (0.3 percent each).

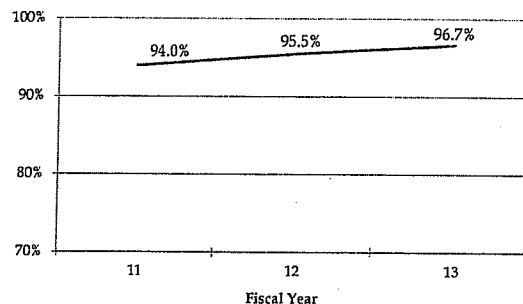
Family Cases



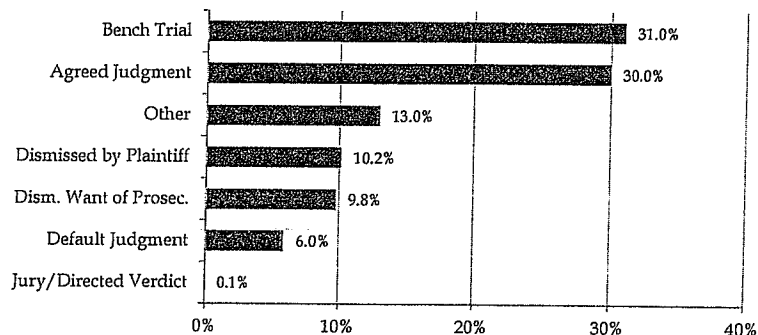
Family Cases Added in Fiscal Year 2013
(386,122 Cases)



Family Case Clearance Rate



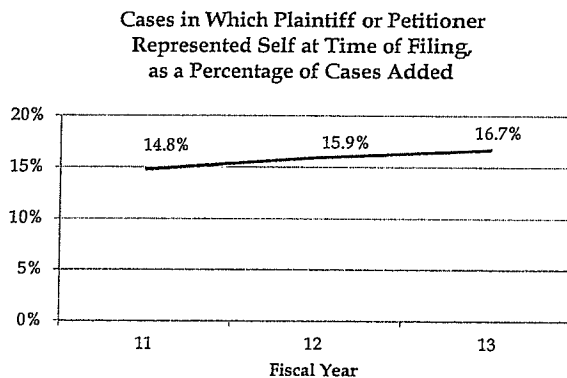
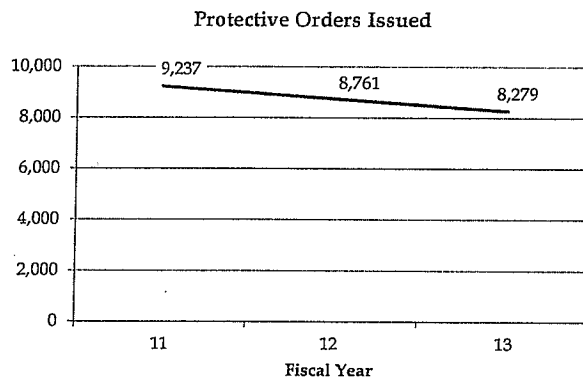
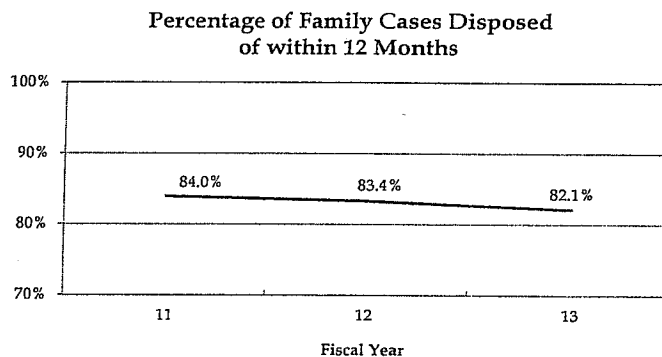
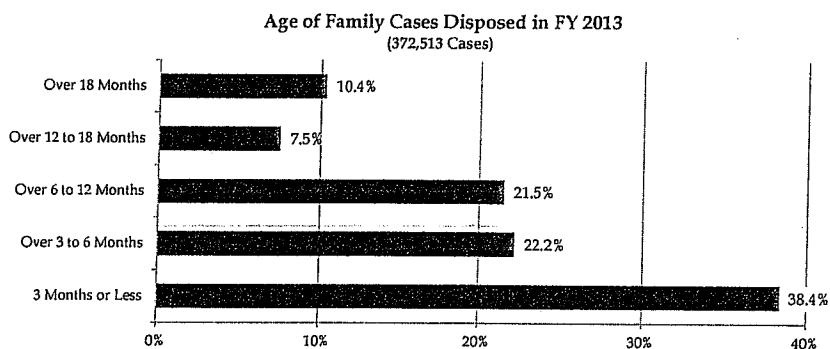
Disposition of Family Cases in FY 2013
(372,488 Cases)



Age of Cases Disposed — In 2013, nearly 40 percent of family law cases were disposed of within three months, and 82.1 percent of family law cases were disposed of within 12 months. The percentage of cases disposed of within 12 months declined slightly each year since 2011.

Protective Orders Issued — In 2013, district and statutory county courts issued 8,279 protective orders in family law cases. This represented a decline of 5.5 percent from the number reported in 2012.

Self-Represented Litigants — In 2013, district and statutory county courts reported 64,486 family law cases (or 16.7 percent of new or post-judgment family law cases filed) in which the petitioner was self-represented at the time of filing. This percentage has increased slightly each year since 2011.



By: _____

_____B. No. _____

A BILL TO BE ENTITLED AN ACT

Relating to the creation of a Family District Court for Fort Bend County.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 2, Chapter 24, Government Code is amended to read as follows:

Section 24_____. _____ Judicial District (Fort Bend County)

(a) The _____ Judicial District is composed of Fort Bend County.

(b) The _____ District Court shall give preference to Family Law Matters.

SECTION 2. The importance of this legislation and crowded condition of the calendars in both houses creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and this Act take effect and be in force from and after its passage, and it is co enacted.