

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 92.0016

CREATION OF THE CITIZENS' COMMISSION ON THE TEXAS JUDICIAL SYSTEM

ORDERED:

WHEREAS, the people of Texas, in Article V, Section 31 of the Constitution of the State of Texas, have made the Supreme Court of Texas "responsible for the efficient administration of the judicial branch. . . .;" and

WHEREAS, the Legislature of Texas has provided that the Supreme Court of Texas "has supervisory and administrative control over the judicial branch and is responsible for the orderly and efficient administration of justice," Tex. Govt. Code § 74.021; and

WHEREAS, the Supreme Court, pursuant to Tex. Govt. Code § 74.024(a), is authorized to "adopt rules of administration setting policies and guidelines necessary or desirable for the operation and management of the court system and for the efficient administration of justice;" and

WHEREAS, the Supreme Court, pursuant to Tex. Govt. Code § 74.022, is required to "assess the need for adding, consolidating, eliminating, or reallocating existing appellate courts," to "promulgate rules, regulations, and criteria to be used in assessing those needs," and to report its conclusions to the Legislature; and

WHEREAS, unless the Legislature previously makes a statewide reapportionment of the judicial districts of Texas, the Judicial Districts Board, over which the Chief Justice of the Supreme Court presides, must, pursuant to Article V, Section 7a of the Constitution of the State of Texas, make a such reapportionment by August 31, 1993, failing which the Legislative Redistricting Board must make same within 150 days, all subject to approval by a record vote of a majority of the membership of both the senate and house of representatives; and

WHEREAS, various other bodies, both public and private, have called for constitutional and statutory changes in order to create a more efficient judicial system; and

WHEREAS, pursuant to Tex. Govt. Code § 74.007, "[t]he chief justice, subject to the approval of the supreme court, shall name and appoint members to committees necessary or desirable for the efficient administration of justice. . . .;" and

WHEREAS, the Texas Judicial Council, pursuant to its authority as set forth in Tex. Govt. Code § 71.031 et seq., has invited "the Chief Justice and/or the Supreme Court to appoint

at least twenty-one citizens of Texas who are interested in the administration of justice in the state to study the present and future needs of and to recommend improvements in the structure and operation of the Texas Judicial System, excluding judicial selection;"

THEREFORE, the Supreme Court of Texas creates the Citizens' Commission on the Texas Judicial System.

The Commission shall study and recommend any necessary or desirable improvements in the courts of Texas, including:

- I. Organizing the Court System
 - A. Jurisdiction and title of the trial and appellate courts of Texas
 - B. Authority of sitting, retired and former justices and judges
 - C. Administration of dockets, personnel, and resources
- II. Budgeting and Financing the Court System
- III. Staffing the Court System
- IV. Housing the Court System
- V. Equipping the Court System

The Commission's inquiry shall not extend to following: 1) the manner of selecting judges; 2) the creation of electoral subdistricts of judicial districts; 3) the source, size, timing or effect of campaign contributions to judges; 4) the existence of gender bias in the judicial system; 5) the continuing education of judges; 6) the appointment by judges of lawyers or lay persons, for compensation, to aid in the performance of official duties; or 7) changes in the Code of Judicial Conduct. These matters are either now under study by other committees of this Court or another department of government or they have previously been thoroughly studied by other bodies.

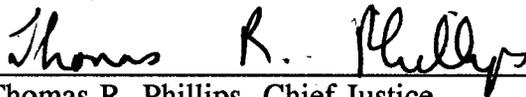
A. Kenneth Pye, President of Southern Methodist University and formerly Chancellor of Duke University and Dean of Duke University Law School, is designated to serve as chair.

The committee is directed to hold public hearings at convenient locations across the state, and to consult with legislators, judges, other public officials, attorneys, litigants and citizens who are affected by and knowledgeable about the court system of Texas.

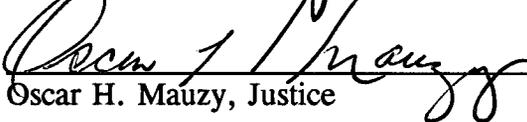
Any citizen interested in possible appointment to the Commission should contact the office of the Chief Justice prior to November 11, 1991. The Committee is directed to hold its first meeting no later than three weeks after its membership is constituted by further order of this Court.

The Committee is directed to reduce its findings and recommendations to writing, and to report to the Supreme Court of Texas and the Texas Judicial Council no later than October 1, 1992.

IN CHAMBERS, this 25th day of October, 1991.


Thomas R. Phillips, Chief Justice


Raul A. Gonzalez, Justice

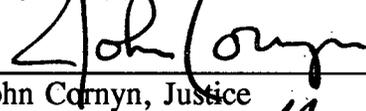

Oscar H. Mauzy, Justice


Eugene Cook, Justice


Jack Hightower, Justice


Nathan L. Hecht, Justice


Lloyd Doggett, Justice


John Cornyn, Justice


Bob Gammage, Justice