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BOARD OF DISTRICT JUDGES MEETING
FEBRUARY 20TH, 2020
HELD AT THE TARRANT COUNTY FAMILY LAW CENTER

Proceedings reported by Machine Shorthand.

A P P E A R A N C E S

1
2 Patricia Baca Benett (360th)
3 Robb Catalano (CDC No. 1)
4 John P. Chupp (141st)
5 David L. Evans (48th)
6 Kimberly Fitzpatrick (342nd)
7 George Gallagher (396th)
8 David C. Hagerman (297th)
9 Jerome S. Hennigan (324th)
10 Alex Kim (323rd)
11 Tom Lowe (236th)
12 Susan Heygood McCoy (153rd)
13 James Munford (322nd)
14 Jesus Nevarez, Jr. (231st)
15 Kenneth Newell (233rd)
16 Wayne Salvant (CDC No. 2)
17 Mike Thomas (CDC No. 4)
18 Judith Wells (325th)
19 Mollee Westfall (371st)
20 Melody Wilkinson (17th)
21 Scott Wisch (372nd)
22 Chris Wolfe (213th)

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3. Committee Recommendation CPS Committee
4. Letter from Judge Kim to the Board of District Judges
5. Letter from Judge Bennett to the Board of District Judges

1 P R O C E E D I N G S

2 (February 20th, 2020, 12:14 o'clock p.m.)

3 JUDGE HENNIGAN: All right. It's 12:14 p.m.
4 on February the 20th, 2012. I'm calling to order the
5 meeting of -- the special meeting of the Board of District
6 Judges. This meeting will be on the record. For the
7 record, I would ask that each of you identify yourselves
8 before you make any comment and before you make a motion
9 and before you second anything just make sure we have your
10 name, and that way Mr. Moss over here can usually get it
11 down.

12 So I will -- I will call the meeting to
13 order. The first order of business is approval of the
14 meeting -- of the minutes from the last meeting. They
15 sent them out to you by e-mail. We have other copies
16 here. I presume everybody got them in this room.

17 Is there any discussion as to the minutes of
18 the last meeting?

19 JUDGE NEWELL: Kenneth Newell. I'd move that
20 the minutes from the last meeting to be approved.

21 JUDGE HAGERMAN: I second. Judge Hagerman.

22 JUDGE HENNIGAN: Judge Hagerman seconded
23 that -- that motion. All in favor say I.

24 SEVERAL JUDGES: I.

25 JUDGE HENNIGAN: Any opposed? There are no

1 nays. The motion passes, and the minutes from the last
2 meeting will be approved.

3 The -- the order of business here today is to
4 receive and consider the recommendation of the committee
5 appointed to study the allocation or the reallocation of
6 CPS cases and to set up a -- and to act upon the
7 recommendation of that committee.

8 Judge Judith Wells is the chair of that
9 committee, so I'm going turn the floor over to her at this
10 time.

11 JUDGE WELLS: All right. At this time the
12 committee has a presentation to make. I'm going to call
13 on Judge Mollee Westfall to make the initial presentation.

14 JUDGE WESTFALL. Judge Westfall. I have a --
15 done a deep dive into the local rules. We are, of course,
16 looking at this from a -- a rule-based analysis, and the
17 first thing you have to do as a judge and as a lawyer is
18 look at the rules that we are talking about.

19 I'm sure you guys are very familiar with the
20 local rules. If you aren't, you can review them some
21 night when you are having trouble falling asleep. They
22 are on the Tarrant County Web-site available for review at
23 any time.

24 So they were adopted back on January 1st of
25 1999. I think the notable rules that we need to consider,

1 They shall govern the proceedings in the district courts
2 and statutory county courts. So these rules are a shall.
3 They are binding on all of us. And, interestingly, they
4 are enforceable through contempt or other sanctions. So
5 not only are the rules mandatory, they have teeth.

6 Cases will be filed -- this is 1.03(a) of the
7 local rules, Cases will be filed by random selection in
8 courts designated for the subject matter of the
9 litigation. That's really the heart of the rules that we
10 are looking at in this analysis.

11 And all juvenile matters shall be assigned to
12 the court or courts designated to hear juvenile matters
13 under Section 5. -- 51.04 Family Code. Of course, we only
14 have one juvenile court designated, and that's the 323rd.
15 So behind this -- the -- the rule, we wanted to see why it
16 is -- when the rule is so straightforward about random
17 case assignment, why is it that we are not following that
18 rule as to the 323rd and the CPS docket that is currently
19 out there. Because that -- that docket could go to all
20 seven designated family law courts, which are the six in
21 this building, and the 323rd, and they are not being so
22 randomly assigned. So why is that?

23 Our committee took a look at that. Judge
24 Evans asked the district clerk to search all the filings.
25 Because sometimes, as you all know, judges enter interim

1 orders, if they all agree, that we are going to do a
2 certain thing instead of what we have been doing before.
3 And Tom Wilder has from time to time produced those or
4 found those. So we wanted to look and see are there any
5 of those, and there were none.

6 The meeting minutes were researched to see if
7 any of these previous meetings or if there was any reason
8 that was given of why we don't follow random case
9 assignment as to these particular cases, and nothing --
10 nothing was unearthed. We -- as a committee we discussed
11 the practical issues that may have driven this. Of
12 course, that -- we are -- because there's no meeting
13 minutes and there's no written orders, we don't have any
14 solid information.

15 One issue that was raised is -- does anyone
16 remember what that glorious building is? That is the
17 annex to the old courthouse where the family law cases
18 used to be heard. And, of course, that was an extremely
19 cramped and impractical building. And we didn't always
20 have this -- this lovely building that we have to hear
21 these cases. So we just -- it might have been just a
22 practical issue of facilities at that time.

23 It could have been caseload. I mean, our
24 caseload across all the courts has gone up dramatically,
25 and this is the -- the case filing information that was

1 handed out at a previous meeting of this body. Our
2 caseload across every single court has gone up
3 dramatically in the past decade or two decades because of
4 the growth of Tarrant County.

5 You know, but the bottom line is, we couldn't
6 find any particular reason why we are not following the
7 local rule. There's nothing recorded, no one is around
8 anymore to tell us because we -- this rule was passed in
9 January of 1999, and at that time this practice was
10 ongoing and it was never altered and we don't know why.
11 So at this point we have to consider why is it that we are
12 doing that. Now, I have put this up because we have
13 always done it that way.

14 The criminal courts over the past couple of
15 years have faced a number of issues where we have had to
16 confront local legal custom that conflicts with the actual
17 statutes that are involved in running the -- the criminal
18 courts. And it's -- there has been quite a bit of
19 pushback because people get used to doing things a certain
20 way, and they think because we have always done things a
21 certain way that that is what is required. And as judges
22 and as lawyers we are constrained to tell them, No, we --
23 we still do have to follow our rules, the Code of Criminal
24 Procedure, anything that applies is still binding on us.
25 The fact that we have gone outside of it doesn't mean that

1 it goes away, we have to change our practice.

2 So random case assignment. I did a -- I
3 personally did -- because I knew I was going to be
4 presenting this issue, did a little bit of -- of informal
5 research about random case assignment. Random case
6 assignment is the accepted legal norm in the United States
7 if there are jurisdictions that have multiple cases
8 handling -- multiple courts handling the same kinds of
9 cases at the federal level, at the state level,
10 everywhere.

11 Random case assignment can mean different
12 things in different jurisdictions, as I came to understand
13 in my research. It can be based on case number, it can be
14 based on a calendar, it can be based on schedules, but
15 it's always random when there are multiple courts. So
16 that -- of course, the reason is a fair and impartial
17 administration of justice. That's why we have random case
18 assignments.

19 The only thing that I found, I found some law
20 review articles about when you have to decide to
21 non-randomly assign a particular group of cases to a
22 court. That can be legally problematic. And if you just
23 Google random case assignment courts, you will find those
24 law review articles. So there's no reason to go into the
25 particulars of those, but that was the only real

1 up-to-date examination I have seen in random case
2 assignment. So this is our rule, and I think it's a good
3 rule, and I think it's well supported and it's a legal
4 norm.

5 So priority of juvenile cases in the 323rd,
6 this is something else that we considered and thought
7 about. You know, the 323rd was created in 19 -- or it was
8 created before 1977, but it was designated from a DRO as a
9 family law court in 1977. So that was the creation.

10 However, because the Family Code requires the designation
11 of a juvenile court in every juris -- in every county in
12 Texas, the 323rd was designated a -- the priority is
13 juvenile cases.

14 So the juvenile caseload, this is, again,
15 something that we saw from the handout previously that the
16 district clerk generated. We got that filing handout, and
17 it showed from fiscal year 2010 to fiscal year 2019 all of
18 the different branches of criminal, civil, family,
19 juvenile and tracked all the filings. So, as a reminder,
20 that's -- that's the filings. And it's interesting, and
21 we all thought it was of note, that the juvenile filings
22 have gone up so dramatically from fiscal year 2016 to
23 fiscal year 2019.

24 However, in our researches on the committee,
25 we found -- I found and -- and Judge Kim also found that

1 in fiscal year 2017 the law changed, and there was a
2 mandatory filing law that -- that came online at juvenile.
3 So every single mandatory filing the district clerk counts
4 as an additional case. It's not an additional substantive
5 case, it is just an additional filing, and all that is
6 required for it is signing of an order. So these -- that
7 caseload is a little bit deceptive. So if you take out
8 the mandatory filing -- the mandatory sealing cases
9 that -- that don't really count as substantive cases, this
10 is the actual pending caseload.

11 You can see starting over here I took out
12 the -- the mandatory sealing cases. That's the top
13 number. And the bottom number is the actual pending
14 caseload. We go from fiscal year 2010, 2,283 cases are
15 pending. And it's interesting -- I find it interesting.
16 I'm a numbers nerd, and I -- I like to look at numbers
17 because I think they tell us a story. So 2,283, 2,333, so
18 on and so forth. It kind of stays pretty constant until
19 2014, we have a little dip to 2,069; 2015 down to 1,800;
20 2016 down to 1,700. And then cases bob back up, even the
21 last -- the mandatory sealing cases were -- were ranging
22 around 2,300, a little dip down to 1,954 in 2018, and then
23 back up to 2,343 in 2019. So cases -- the filings have
24 remained somewhat constant. They fluctuated down, but
25 they are back up to the levels they were back up in 2010

1 is really essentially it. So the actual -- again, the
2 actual pending caseload is this.

3 This caseload -- I'm -- I'm on -- as you-all
4 know, I'm on the Judicial Needs Assessment Committee.
5 We're working on the weighted caseload study that is
6 upcoming, and so I looked back at our 2007 weighted
7 caseload study because we don't have the benefit of the
8 numbers yet. That will be later on this year or early
9 next year. And if you do the calculation, you take the --
10 the number of filings over the last three years, you
11 average them together, you multiply them by how many
12 average minutes a juvenile case takes to dispose of, which
13 is 54 in the weighted caseload study, and then you divide
14 it by a judicial court year, which is 77,400 minutes.

15 This caseload justifies a full-time judge plus additional.

16 And as population growth is not going away,
17 we are going to continue to grow and not shrink. And we
18 talked about the expansion of juvenile prosecutions in the
19 committee, and Judge Kim apparently came in and said he
20 has talked to legislators who have some real questions
21 about whether that's going to happen, that juvenile is
22 going to be expanded up to age 18. That was on the table
23 last time. It may or may not happen, but is it something
24 to think about.

25 So understanding that this is the only court

1 in Tarrant County, the 323rd, that can handle juvenile
2 prosecutions, there are six other courts that can handle
3 the CPS docket as well. I think it's worth a look to look
4 at the pending cases in the 323rd for juvenile and that
5 they lined up with the -- the year, as I have showed you
6 before. So back here 869, that is the fiscal year 2010.
7 So you can -- you can follow along, 800, 700s, down to the
8 600s when we had that dip there in, I think, 2015. But
9 now the caseload -- the pending caseload is on the rise
10 from 861 to 899. Now it's -- as of fiscal year 2019, the
11 caseload is up a hundred cases, which on the docket
12 of previously 900 cases is a lot of cases, and that
13 represents a lot of work.

14 So a survey of the other jurisdictions was
15 conducted by the committee and by Judge Kim, and there are
16 no other urban counties that assigns CPS cases to
17 juvenile. There are no other large cities, like Denton or
18 Lubbock, that assigns CPS cases to juvenile. We are -- we
19 are --

20 JUDGE KIM: I think you had the opposite.
21 They all -- juvenile and CPS all work together, like it's
22 all the juvenile courts and all the CPS courts.

23 JUDGE HENNIGAN: Just -- just -- would you
24 just tell us your name.

25 JUDGE KIM: I'm sorry. Judge Kim. It's my

1 understanding whether -- I was talking at a judge's
2 meeting. I was at a juvenile justice conference. Harris,
3 Bexar, Collin County, those juvenile judges also deal with
4 CPS cases, I think. There is no other county -- across
5 the state I think juvenile courts always also deal with
6 CPS cases. So I think I -- it was maybe misinterpreted.

7 JUDGE EVANS: David Evans. My understanding
8 after talking to the Children's Commission is that there
9 are -- I think Judge Kim and Judge Mollee -- and Judge
10 Westfall are missing it. When they're dual status, that's
11 when you find the urban areas using a juvenile court to do
12 the CPS cases. Now, that's my take on the research at
13 this point, and I confirmed it this morning. And dual
14 status cases by the Children's Commission is referred to
15 as low. They do not have a number. Dual status would be
16 a case where you have a CPS child and that child was also
17 from juvenile. With consent, the juvenile judge or the
18 CPS judge can move the case over to juvenile
19 (unintelligible).

20 JUDGE WESTFALL: Okay.

21 JUDGE EVANS: We have -- we have a crossover
22 committee here, but it doesn't function anymore. So there
23 we go.

24 JUDGE WESTFALL: And that's -- that's -- I
25 stand corrected. The -- what I'm talking about is the

1 organization of sending all the cases to juvenile, not
2 just crossover cases where the same kid is involved in CPS
3 and juvenile. I tried to get that number of the crossover
4 cases, they are not tracked, and -- and so I was not able
5 to get that number. But I -- according to what I was
6 told, that's going to be a very small number. And those
7 cases can still be handled through transfer. There's a --
8 there's a Family Code provision that allows transfer
9 between the courts if there's a crossover case.

10 So the presiding judge, as you-all know, is
11 empowered by statute to handle any kind of reallocation,
12 redesignation, changing caseload. That is the -- the
13 prerogative of the presiding judge, whoever he or she may
14 be. And we have -- this is not --

15 JUDGE EVANS: Or the LAJ.

16 JUDGE WESTFALL: Or the LAJ. And -- yes.

17 JUDGE EVANS: I'm not in that fight.

18 JUDGE WESTFALL: It -- okay. It -- we have
19 actually studied an issue like this before. It's not
20 without precedence. The -- back in 2007 we looked at
21 redesignating a civil court as a criminal court based on
22 caseload. And so that -- that judge, you know, was
23 involved in those discussions, and we had a committee and
24 we met and we talked and we ended up -- that was resolved
25 by us getting an additional criminal court to handle that

1 caseload. But that is something that we are totally
2 empowered to do, because the needs of the courts can
3 change, and we have to have the flexibility to change how
4 cases are handed out to go along with the needs of the
5 court.

6 So one thing that won't change is the
7 designation of the -- of the 323rd. And, yet, you know,
8 according to what our committee is looking at, we have to
9 have a juvenile court, and the 323rd is our juvenile
10 court.

11 Did you have a question, Judge Wells?

12 JUDGE WELLS: No, no.

13 JUDGE WESTFALL: She's just --

14 JUDGE WELLS: I'm just very interested.

15 JUDGE WESTFALL: Okay. So, in conclusion, if
16 you look at the legal -- the law or the rule issues, you
17 look at the practical issues, the administrative issues,
18 the caseload issues, I think they all point to a
19 realignment of these cases.

20 We have six courts here that are -- can
21 handle these cases and allow the juvenile court to -- to
22 focus on juvenile. When we are elected as district
23 judges, we are elected to serve the public in whatever
24 way, you know, our court can. It would be -- it would be
25 nice for us to always know what way that's going to be,

1 but there are no guarantees in life, and we have to serve
2 whatever caseload needs -- needs to be served at that
3 time.

4 And I know everyone in this room is a good
5 public servant that would be willing to say -- step up and
6 say, If that's what needs to be done, I'm going to do it.
7 So this is going to bring us into compliance with our own
8 rules and allow the juvenile court to give proper priority
9 to the juvenile cases as is contemplated by its
10 designation as the juvenile court. So that's my
11 presentation.

12 Any questions? Yes.

13 JUDGE CHUPP: Okay. John Chupp. I want to
14 go back for a second.

15 You are saying that in all the other larger
16 counties that new CPS cases are filed in family courts, or
17 just they are not filed in juvenile court?

18 JUDGE WESTFALL: They're not filed in --
19 there's all different ways to do it, but we are the
20 only -- we're the only jurisdiction that does it this way.

21 JUDGE CHUPP: A new filing?

22 JUDGE WESTFALL: Right.

23 JUDGE CHUPP: Okay.

24 JUDGE WESTFALL: Exactly. There is -- we can
25 do a whole survey of the different ways. There's -- I

1 mean, in Dallas they do it one way, Travis they do it
2 another. I think that's, yet, another reflection of the
3 fact that we have the ability at our own jurisdictional
4 level to organize our cases in whatever way we think suits
5 our -- our organization and our county and the local legal
6 system and the caseloads. Yes?

7 JUDGE WOLFE: Chris Wolfe. Judge Wolfe,
8 213th. First of all, thank you for -- thank you for doing
9 this work. I appreciate it. I did not know this at all,
10 so thank you for doing the hard work.

11 One of the things you cited was the -- the
12 local rule. And, I guess, the question I would have is --
13 the local rule was set back in 1999, so some time has
14 passed since that time.

15 What authority, if any, do -- do the district
16 judges here have to revisit the local rule?

17 JUDGE EVANS: 70 -- Government Code 74.092,
18 Government Code 74.093 put the dockets under the control
19 of the judges. Should the judges fail to act by a
20 majority vote, then the LAJ must vote. Should the LAJ not
21 act, then there are other procedures.

22 The -- I have a copy of the code provision
23 available for everybody if they want to read those codes,
24 but our authority -- the LAJ has the authority to appoint
25 a select committee to study dockets. And then the board

1 has the -- it's not a board, it's a group of district
2 judges -- has the authority to act on those
3 recommendations, and then the LAJ has the authority to
4 implement those. And that's what has been done in the
5 past. That's Government Code 74.092 and 93.

6 JUDGE HENNIGAN: Again, for the record, would
7 you just --

8 JUDGE EVANS: David Evans. I'm sorry.

9 JUDGE HENNIGAN: Please announce your name
10 before you speak.

11 JUDGE EVANS: And I have -- we have some
12 other materials that I want --

13 JUDGE HENNIGAN: Judge Wolfe, go ahead,
14 please.

15 JUDGE WOLFE: Thank you. You may have
16 answered my question. It may have been so good I just --
17 I missed it.

18 I guess my question is: We -- we can change
19 maybe some of the facts for --

20 JUDGE EVANS: Yes.

21 JUDGE WOLFE: My question is: If the
22 collective body agreed that -- that because of practical
23 reasons or history or whatever that that local rule in '99
24 should be revisited, would the judges have the authority
25 to ask that that be done with the vehicle you named? I

1 don't know. But could they do that, or are we bound by
2 that '99?

3 JUDGE EVANS: No, the district -- there
4 are -- there are two distinctions to make. There are
5 local rules of judicial administration under the
6 government code at Chapter 74.092, 74.093. They set out
7 the duties of the LAJ, and they set out the
8 responsibilities. Then there are local rules governing
9 practice under the -- under the Rules of Civil Procedure.
10 The local rules of judicial administration are not
11 required to be published or approved unless they're
12 incorporated into a local rule of practice.

13 Now, it's -- that's -- that's an area that is
14 a little bit more firsthand.

15 JUDGE WOLFE: But that's what we have here.

16 JUDGE EVANS: But I will tell you this, we
17 could literally do this, we could decide to reorganize the
18 courts in order that -- in order of numbering. We could
19 start numbering the courts at 17 and all the way through
20 432nd and just spread them though the courthouse, if we
21 thought that was the best way to do it. We could. We
22 cannot change the designation of the 323rd. It's a
23 juvenile court. That's a juvenile board action.

24 But we could literally put a third of our
25 criminal cases in courts down there, and a third of our --

1 so on and so forth, and then we could have lawyers all
2 over town. We could put all of the CPS cases out there.
3 If we did, we would have to know that the next district
4 court in all likelihood will go through -- out to the
5 juvenile center because of this caseload. And we would
6 continue to have a caseload that's split one-third or
7 two-thirds between the family law center and this -- and
8 this building -- I mean, between the juvenile center.
9 That would be the issue.

10 JUDGE WOLFE: And I don't know if you want me
11 to follow up or we meet for discussion, or I'll follow --
12 I'll defer to when I can speak. I'll be --

13 JUDGE EVANS: No, I was just trying to answer
14 your question.

15 JUDGE WOLFE: You have. And so, my follow-up
16 question is: One of the reasons Judge Westfall -- I took
17 one of the reasons that we're citing this local rule is
18 that we are bound by this.

19 JUDGE EVANS: Yes.

20 JUDGE WOLFE: And it's because we are bound
21 by this that, I guess, the issue that comes to me is
22 it's -- it's -- it -- therefore, since there's an --
23 there's an urgency to act.

24 JUDGE EVANS: I believe that -- I believe you
25 are correct. And let me tell you why -- why some of this

1 may have been -- may not be as apparent to -- to some
2 people as to other ones. If you think about what has been
3 going on, we have about 500 cases at Kimbo out of the
4 Scott Moore Juvenile Center that weren't randomly
5 assigned, subject to possible objection for failure to
6 follow the assignment rules.

7 If we fail to act today in any fashion -- if
8 the -- the local rules would have to be followed and
9 random cases would be assigned here, then there would have
10 to be a question of judicial interpretation as to whether
11 the 323rd is a juvenile court or a family law court for
12 purposes of distribution of cases.

13 JUDGE WOLFE: That's why I'm asking the --
14 the local rule question. Because if that was a concern
15 and then the collective wisdom of the body was either,
16 hey, we are just unsure right now or we need more time or,
17 no, we want -- we want status quo, whatever the collective
18 wisdom -- if the concern was we are in violation or we
19 could be in violation, could the -- could the body not ask
20 the local rules be, at least, temporarily amended to
21 satiate that --

22 JUDGE WESTFALL: There's -- there's --
23 there's an amendment process, but we can't just amend them
24 all on our own, because they have to go through --

25 JUDGE EVANS: Not -- not -- not the rules of

1 administration.

2 JUDGE WESTFALL: Okay.

3 JUDGE EVANS: Yeah, I clarify that.

4 JUDGE WESTFALL: All right.

5 JUDGE EVANS: Not rules of administration.

6 JUDGE WESTFALL: I guess we could do it if we
7 thought that was in the best interest of -- of the
8 functioning of the courts. I mean, I think, in my
9 opinion, random case assignment is -- is a bedrock
10 principle as -- you know, as demonstrated by the fact that
11 every jurisdiction that I could find follows it if they
12 have multiple courts handling the same kind of cases.

13 And I want -- I understand that those cases,
14 CPS cases, are happening in this building, too. They are
15 just tied to a divorce case or a -- a SAPCR.

16 JUDGE WOLFE: Well, that -- that's
17 frustrating for me, too, and I -- you know, I very well
18 may likely end up there. I just -- to me that removes the
19 urgency --

20 JUDGE EVANS: I think that --

21 JUDGE WOLFE: -- of -- of -- of this -- this
22 moment. That -- that -- that's why I'm asking the
23 question about why right now after 20 years.

24 JUDGE WESTFALL: It's a principle that I'm
25 not willing to say, Well, let's just wait and see if this

1 is a good principle. I mean, to me it's demonstrated by
2 the fact we have always been doing it. We thought -- 20
3 years ago the judges on the bench thought it was important
4 enough to enshrine in our local rules. And every other
5 court -- I mean, it's just -- it's just not something that
6 I'm willing to say, well, it's important in some places
7 but not others. Because I'm not willing for us at the
8 criminal courts say, Well, Judge Westfall is going to be
9 the -- you know, she can be the capital murder docket now.
10 She can have every capital murder case. I'm not willing
11 for that at all.

12 And that -- it doesn't -- it doesn't make
13 sense. It does not contribute to the impartial
14 administration of justice to have all one case go to one
15 judge, and that has been coming -- that is the basis of
16 the rule.

17 JUDGE WOLFE: Okay. But --

18 JUDGE WESTFALL: And it's not anything about
19 personalities or judgments about particular courts. It is
20 just that's the way that we make sure that -- that
21 everything is impartial to do it that way.

22 JUDGE WOLFE: I trust the collective wisdom
23 of this body more than me. I have been here, you know,
24 like a couple of days. Okay. So, you know, y'all have
25 been here longer than I have. I guess I -- but I agree

1 with what you are saying. The concern I have is, acting
2 quickly is -- and I wasn't around here when these
3 elections were run and Judge Kim was running. I don't
4 know that the electorate knows exactly what Judge Kim is
5 doing, but there's some that do, I assume. There's some I
6 assume that voted -- I'm making an assumption here. I
7 don't know this. I assume that there are some people who
8 voted for or against Judge Kim because of how they
9 believed he would handle these type of cases.

10 And -- and then, so until now, you know, the
11 middle of his term, we are going to come in here and --
12 and I'm trying to think of an antidote like where an
13 office would be a -- a -- like a railroad commissioner or
14 whatever where you have someone running for particular
15 duties and those are removed during the middle of a term,
16 and that's when --

17 JUDGE EVANS: Judge Wolfe, let me -- let me
18 stop you on one issue. Let me just -- I understand your
19 extended argument. I ran as a civil judge. And this
20 group has the authority to redesignate my court because
21 it's a -- a general jurisdiction court to handle criminal
22 cases.

23 The public votes for us on -- that's true, we
24 run often our specialties, but it doesn't mean that we are
25 entitled -- that we're entitled to keep that docket and

1 it doesn't get redistributed. We do have more in the
2 presentation. I know Judge Kim wants to speak.

3 JUDGE WOLFE: Sure.

4 JUDGE EVANS: I wonder if -- wonder if we
5 could defer that question for a minute or two and then go
6 forward. If -- I'd just ask -- do you want to give that
7 out to --

8 JUDGE WESTFALL: Yes, yes, yes.

9 JUDGE HENNIGAN: Judge McCoy.

10 JUDGE MCCOY: Judge Susan McCoy, which I'm
11 the district judge of the 153rd District Court, is a
12 district -- civil district court. I was elected in 2012.
13 And at the time, the 153rd District Court to which I was
14 elected had been the asbestos court. All asbestos cases
15 went to the asbestos court. And that was something that
16 my predecessor -- it was an honor to him to be the judge
17 of the asbestos court.

18 But when I came on board, about three months
19 after I was elected a decision was made that we were going
20 to have random assignment of cases. And at the same time
21 Judge Tom Lowe of the 236th had all of the tax cases, and
22 a decision was made. I was brand new. I kind of took it
23 personally. I didn't realize the purpose. But I took it
24 personally, and I shouldn't have.

25 We decided amongst the civil judges that

1 there would not be an asbestos court and there would not
2 be a tax court, and we were going to randomly assign all
3 of the asbestos cases and all of the tax cases amongst us.
4 I didn't understand at the time. I walked in and felt
5 like there must have been something else going on.

6 But you know what I realized in retrospect?
7 I realized in retrospect that it was way more fair for
8 everyone to handle some of the tax cases and everyone to
9 handle some of the asbestos cases, and it had nothing to
10 do with me. And that's been my example, if anybody wants
11 it. That's what I consider to be kind of the -- an
12 example with different facts but of what we are doing here
13 today. That's how I view today. So I just wanted to add
14 that for the record.

15 JUDGE HENNIGAN: Judge Lowe. Announce your
16 name, please.

17 JUDGE LOWE: Judge Tom Lowe for the 236th
18 District Court. I have a little addendum to add to that.
19 The 236th was created on April Fools Day in 1977. It's
20 judge, appointed by Dolph Brisco, was my predecessor,
21 Albert White. It's my understanding that there was a
22 question among the courts that were handling predominantly
23 civil cases as to how to allocate the docket. And at that
24 time it was decided to have all the tax cases heard by
25 Judge White.

1 I ran for and was elected in 1994 and took
2 office in 1995 and that tradition continued. All right.
3 It's the closest thing to the 323rd in this long period of
4 time about just doing it this way. So I handled without
5 complaint -- in addition to my regular docket, which was
6 the same as my colleagues, I handled all the delinquent
7 tax suits for about 20 years until it was brought to my
8 attention when I was local administrative judge that they
9 are supposed to be randomly assigned. But I did just as
10 that -- I had been doing and we had been doing just as
11 that -- but we have always done it this way. The
12 tradition continued.

13 And so, I was LAJ. I was alerted to that.
14 And so we started with all the new cases being assigned
15 randomly among the other courts, and I took the one --
16 kept the ones and finished the ones I had. So that is, it
17 seems to me, just about as close to the kind of situation
18 here. It wasn't -- it was just following the rules.
19 That's all. And they had not been for a long time. I
20 don't think anybody was really aware of it. So --

21 JUDGE HENNIGAN: Judge Hagerman.

22 JUDGE HAGERMAN: I think you went over it,
23 and I know you went over it last time. Judge Hagerman,
24 297th.

25 How many total cases are we talking about

1 here?

2 JUDGE EVANS: We're talking right now,
3 according to the caseload information that I got
4 yesterday, is a total of 600 -- about 600 cases. This is
5 from the CPS people who handle the cases, who prosecute
6 them, and it came through ACH and OK -- OCOK, acronyms are
7 hard, and half of those -- approximately half of those
8 cases are what we call permanency cases, which only
9 require a hearing every two -- twice a year. And so half
10 of them are TMC cases.

11 Finally, what I would want to point out to
12 you is, that analysis is by people who are actually
13 handling the prosecution of the cases which are, you know,
14 sometimes more reliable than maybe what the clerk is
15 saying, is -- is that one-third of the cases are here, and
16 two-thirds of the cases are out at the 20 -- the 323rd.
17 And so the cases that don't have divorces and post
18 modification hooked to them and continuing jurisdiction
19 are here, about a third of the load, and about two-thirds
20 of the load is out there.

21 Now, the -- the problem -- and I think what
22 the background summary tells you is, you cannot take the
23 divorce cases -- the courts -- the cases that are down
24 here and shift them out to Judge Kim, those CPS cases.
25 It's not legally possible. It wouldn't physically fit out

1 there, and wouldn't be able to do that.

2 The second part of it is, is that if you --
3 if you really think random assignment is possible, he
4 should get divorce cases, he should be considered a family
5 law court. I think the designation of him as a juvenile
6 court means he's a juvenile judge, and these are the
7 family law courts, and that is the common usage in Tarrant
8 County.

9 I understand this stand about jurisdiction
10 and legislative preferences. We spoke to all the
11 stakeholders, and I mean all the stakeholders, and with
12 the exception of Judge Kim, all of the stakeholders agreed
13 that a consolidation of this docket to the downtown
14 facility is in the best interest of the system in the long
15 run.

16 Think about this, and I think Judge Kim will
17 bear this out, at times these children are -- have child
18 support cases that have to be handled by the Title IV-D
19 court's down here, and the only way to get them tried is
20 to move them down here. There are other services offered
21 at this building that aren't offered out there. And, on
22 the contrary, if you only have a drug court out at the
23 juvenile center, you don't have a drug court here, you'd
24 have prosecutors going from Ben Street to cover a docket
25 out at the juvenile center and then come down and cover a

1 docket in Fort Worth -- you have -- in downtown Fort
2 Worth. You have CASA volunteers covering dockets out at
3 the juvenile center, and you have other volunteers
4 handling them here.

5 There is a transition in foster care, huge,
6 in which starts on March 1st, and that involves this
7 ACHO -- OCOK. And it's -- it's pervasive. I mean, it's
8 statewide. But this is the leading area, this county and
9 five -- five counties that are adjacent to this that are
10 covered by another CPS system. Getting the coordination
11 of this right now is important to the start of it to all
12 of the stakeholders, and they all believe in the long-term
13 it would be beneficial. Are there issues? Sure. Are
14 there transition issues? Yes.

15 The county is going to take care of the
16 employees and adjust for parking, may not be as
17 convenient, but I don't think parking and litigants drives
18 a location of a docket. There is an empty -- a position
19 coming empty at this time. That's Judge Smith. Two
20 associates are being left with Judge Kim. Under the
21 recommendation, the position of Judge Smith would be
22 transferred to the downtown courts. And the downtown
23 courts would make the decision -- the family law courts,
24 maybe not -- we're -- we consider us to be uptown over at
25 the civil courts.

1 JUDGE WISCH: We consider ourself --

2 JUDGE EVANS: Are you midtown or downtown? I
3 haven't figure it out yet. But the family law courts, and
4 they would have a period of moving the TMC cases and the
5 PMC cases over to this building, a long-term
6 implementation that would coincide with the budget cycle
7 of the county.

8 The county has -- the county has indicated
9 that it's willing -- it wants to do this. It allows
10 for -- and always think about this, this juvenile docket
11 will do nothing but grow. This county is growing. And
12 that is a serious -- that is a serious docket. And this
13 new courthouse will accommodate the juvenile and continue
14 to allow us to be a specialized juvenile court and to -- I
15 have been around for docket adjustment wars before. I
16 guess that's the only term for them. There's war
17 sometimes. They are contentious. Many -- we looked at
18 every alternative, all of Judge Kim's alternatives, met
19 with Judge Kim. And this is -- this is based on what we
20 do here.

21 We don't split a felony docket between the
22 Tim Curry building and the Tom Vandergriff building. We
23 don't split a PI docket between the Tom Vandergriff
24 building and the Tim Curry building. This is a -- this is
25 the county that led in specialization with the creation of

1 CDC 1, 1919. We built the first criminal courthouse.
2 This is -- this is the way we have done it, and our
3 dockets are liked by everybody that comes in from out of
4 town. We have got the best court staff, and we have got
5 the best way of consolidating and let everybody work in
6 one place.

7 I think it's important to do it, change is
8 hard, but this is a good time. Judge Smith is available.
9 We can hire for that position. And we can make this
10 transition out, and then work out the rest of the docket.
11 And Judge Kim may end up hearing some of the PMC docket
12 under the recommendation of the committee.

13 The committee does not have -- this is not an
14 expression of any kind of complaint about the judge of the
15 323rd. It's not. It's simply a matter of where are we
16 going to be 20 years from now, where we are going to be
17 this year as we go into this transition with OCOK and we
18 go forward. I can guarantee you, everyone, all of the
19 stakeholders are in favor of it.

20 JUDGE HENNIGAN: I just want to say one
21 thing. This is Jerry Hennigan. Judge Wolfe, if we are
22 going to do it, now is a very logical time to do it.
23 Because Judge Evans just went over it. This -- this
24 change from CPS to OCOK and the way that CPS cases, I use
25 that broadly, are managed are going to be pretty seismic

1 for us all. It's going to be a huge change that has a
2 way -- these cases are going to progress through the
3 system, and -- and it's a logical -- if it's going to
4 change, it's a logical time for it to change.

5 But you said, Can we postpone it? If it's
6 going to happen, it's a good time for it to happen. Plus,
7 as -- as Judge Evans said, there is a position coming open
8 where nobody loses a job and an associate judge can move
9 over here, that position can move over here, and that will
10 be it. It's just a logical time to do it, if we are going
11 to do it.

12 And if you'd like to talk about that later,
13 talk to me about OCOK and CPS, I can bore you with it for
14 awhile. It's going to be a big difference for us.

15 JUDGE EVANS: I think that the six judges
16 downtown are in the best position to judge when the
17 transition should be made. They -- you would've expected
18 that they would have said, you know, we have got enough
19 dockets as it is. But when they looked at the merits of
20 what a consolidation would lead to, they are uniform as I
21 understand it in supporting the change.

22 JUDGE WESTFALL: I'd love to hear from the
23 six judges.

24 Are you in support?

25 JUDGE WELLS: Yes.

1 JUDGE NEVAREZ: Judge Nevarez. Yes.

2 JUDGE BENNETT: Judge Bennett. Yes.

3 JUDGE WELLS: Judge Wells. Yes.

4 JUDGE HENNIGAN: Judge Hennigan. Yes.

5 JUDGE NEWELL: Judge Newell. Yes.

6 JUDGE MUNFORD: Judge Munford. I'm not sure.

7 I want to hear the rest of the presentation. I want to
8 hear from Judge Kim, what he has to say.

9 JUDGE HENNIGAN: Okay. I would like to hear
10 from -- I think -- does anybody else have anything? I
11 think we have pretty much talked about this all we need to
12 talk about it from one side. I'd like to hear from Judge
13 Kim, too. We have not allowed him to have a say about it.
14 So --

15 JUDGE KIM: Judge Kim, the 323rd. First of
16 all, what the numbers say, I have never asked for help. I
17 mean, the court is running really, really smooth now.
18 Last year was a beat down because of a lot of delays that
19 I inherited. I asked -- the help I asked for last year
20 was actually for our court reporters, because we actually
21 double stacked trials. Our bottleneck was not having a
22 court reporter. That's all the help that I needed. But
23 we worked through it. And at this point, this court is
24 running incredibly smooth even to the point where other
25 judges from other counties are asking me, What is

1 different, why has it changed?

2 I do want to say that the way Judge Westfall
3 was talking with the local rules, it seems like there
4 needs to be more change no matter what. The 323rd is
5 designated with family preference. And I think the way
6 the rules say is the cases are supposed to be randomly
7 assigned among the family courts.

8 If you want a designation, from my
9 understanding, it's not an exclusive designation. There
10 just has to be one court designated by the juvenile board
11 order under the Family Code to hear the juvenile cases.
12 Travis County has a juvenile court that also does the
13 entire civil docket as well. Collin County Judge Wheless
14 does juvenile as well as CPS. In Harris County there are
15 three juvenile court designations, and they all hear CPS
16 cases. Bexar County has three juvenile district judges
17 that also hear CPS cases.

18 There's very few urban counties that can
19 handle one judge for the full juvenile docket. Usually
20 they do if they're available. It seems like under the
21 local rules that it's supposed to be randomly assigned.
22 Even if we are here just taking family rules, I'm not sure
23 why we just don't call Tom Wilder and say, These are
24 supposed to be distributed among the seven family courts
25 like the statute says or by what the local rules say.

1 And so, my consideration is if the 323rd is
2 just to get one-seventh of the cases that -- and I
3 understand that there's a -- there may be difficulty in
4 assigning cases between two different buildings. But just
5 because that's the way -- I mean, and I know Judge Evans
6 is saying that if you look at the other counties, that's
7 the way it's been done, but previously Judge Evans and
8 Judge Westfall were saying just because of the way it's
9 done doesn't necessarily mean it's right.

10 I want this job. I want the CPS cases.
11 That's what I came in for. This is what I intended to do.
12 This is what people, from -- from my understanding, has
13 voted me to do, juvenile CPS cases. And that's my
14 intention is, I would like to keep doing these cases
15 regardless.

16 We do have vacant courtrooms in this building
17 where even if it means running a couple of dockets where I
18 come downtown to the facilities, and the parties don't
19 have to move, but I can be here with that single docket
20 just in the courtroom that is all ready to go that Judge
21 Harris and Judge Catterton and Judge Allen regularly use
22 for their trials.

23 JUDGE CATALANO: I have a quick question.
24 Judge Catalano. And this may have been said earlier. But
25 tell me the caseload breakdown, juvenile cases versus CPS

1 cases.

2 JUDGE KIM: So the raw numbers, juvenile
3 cases can be four to one -- or as I -- raw numbers,
4 juvenile cases are probably about six to one. About
5 half -- about half of juvenile filings are signatures that
6 literally are stamped -- I just stamp the orders. They
7 are automatically records sealing when you hit 19 years
8 old and you qualify for it.

9 When it comes to timewise, it's really about
10 half and half between the CPS and juvenile. But there's a
11 lot of -- kind of a scale that we have is our -- we have
12 permanency reviews when the children are under
13 conservatorship of the department, while we can schedule
14 15 in one day, and that's just the docket, as opposed to
15 blocking out the time just for that docket for one or two
16 children at a time, those are things that have to be held
17 every six months.

18 We have other settings. We have service
19 settings, which is basically we can't find that
20 (unitelligible), the closer that is, so you have got to
21 reset. We might have 20 or 30 in one day.

22 JUDGE CATALANO: So six to one numbers?

23 JUDGE KIM: By actual numbers. By time it's
24 really about a 50/50 split. It really depends. Sometimes
25 you have spikes in crime where you have 27 children --

1 children brought in over the weekend. And then there's --
2 well, with CPS and juvenile there's a whole bunch of
3 statutory deadlines that actually have a time line. With
4 juvenile there's (unintelligible) within two days of being
5 brought in or within ten days -- every ten days. Judge
6 Nevarez and Judge Newell can tell you all about those.
7 There's a lot of times where we are kind at the mercy of
8 the statutory deadlines rather than what the court thinks
9 is best.

10 But it seems like if you're trying to get in
11 compliance with the local rules, it would be just as easy
12 to split this up with the seven courts and just be done
13 with it and then there's no issue. That's the Tom Wilder
14 issue.

15 JUDGE CATALANO: So you -- so you are not
16 opposed to it being split, you'd just like it to be split
17 equally?

18 JUDGE KIM: Well, so, my personal opposition
19 is, yes, I'm -- I'm opposed to it being split, because
20 this is what I want to do. Like, I enjoy this, and I -- I
21 don't want these cases taken away, because I feel like
22 there are good things happening. We are getting more
23 reunifications than we did before. We have less
24 terminations, which is more than before than what the
25 family -- that's what the Family Code means by

1 (unintelligible). But we are keeping families together
2 more than we ever have before in recent history. And I
3 think that's a good thing here in Tarrant County. I think
4 that's something to be proud of.

5 You are asking for my opinion. What I'm
6 saying is, if we are trying to get in compliance with
7 local rules, by the letter of the law, it's an easy fix,
8 and we don't have to come up with a decision, and we just
9 call Tom Wilder and follow the law and assign these cases
10 in a regular format. So --

11 JUDGE MUNFORD: Judge Kim -- Judge Munford,
12 the 322nd District Court. I'm getting mixed signals from
13 what you are saying. According to the local rules, which
14 has been approved by the supreme court as well, if it says
15 to do random assignments, are you actually saying that you
16 are -- want to go along with the local rules and do a
17 random assignment, one-seventh of all the courts as we've
18 talked in here, and there is not an opposition to that, or
19 are -- are you opposed in its entirety to opposition? I'm
20 not clear on where your stance is. So --

21 JUDGE KIM: And that's really my third point,
22 is I think there's a whole lot of moving parts. I
23 distributed a letter that are bona fide potential problems
24 the court should be aware of, especially now that even
25 this transition to OCOK we're losing track of kids

1 already, and we don't know who the caseworker is, the last
2 time they saw the parent. We don't know even know the
3 last time somebody actually visited the kid in foster care
4 or not. We're losing children already before the change
5 because of this transition.

6 With so many moving parts, I don't think that
7 the board should make a decision on this immediately.
8 Honestly, I think this O -- OCOK transition is turning out
9 to be a lot worse. I went to a meeting last year and
10 there was lot of questions that are unanswered, something
11 that was statutory ambiguity, something -- something gets
12 by the court process.

13 I would like the case to say -- I would like
14 to see the rule changed so that we actually put in the
15 rules that all the cases without original jurisdiction
16 stay in 323rd. It -- it's working. It's doing well.
17 That's what I would like to see. If the board needs an
18 immediate fix for this saying we are not the complying
19 with the rules, well, we'll certainly -- the way that the
20 local rules are while we are trying to figure out what is
21 going on.

22 I mean, I know what this board actually
23 needs, not when the children are always -- there's so many
24 in possession in CPS care and foster care, the abuse, the
25 runaways, there's human trafficking, the deaths. For our

1 fact in case I'd just say, let's just stick to this now by
2 doing this without consideration -- in careful thought and
3 consideration. I enjoy this process. This is the
4 political process. These are the laws set up. The board,
5 as Judge Wells said, needs to least make the decision.
6 You will not see from me any kind of sour grapes, any kind
7 of hesitation, any kind of disappointment. I respect this
8 process wholly. I sincerely do.

9 My only thing is, I want the board to make a
10 very careful and informed decision. Right now there's
11 seven of us that are familiar with the CPS process and how
12 complicated it can be. I think that we can potentially do
13 a disservice to the children by rushing into it saying, We
14 need to make a statutory fix in the language that would be
15 cited to the local rules just because we are not in
16 compliance without thinking about the potential harm to
17 children going through not only the transition from CPS to
18 OCOK but now shoveling it up with a whole different --
19 bunch of different courts and going through the system.

20 JUDGE WESTFALL: Judge, can I say one thing?

21 JUDGE HENNIGAN: Judge Kim, are you -- are
22 you done at this time?

23 JUDGE KIM: Yeah. Those are -- those are my
24 three points. It's just -- well, the last one is, it
25 seems like we don't have a detailed plan on how this is

1 going to work. Okay. And we have this conceptual idea.
2 My concern is this is turning into another -- and almost
3 it's like a Nancy Pelosi moment where we don't know what
4 is going to happen until it happens, but we have a
5 patch (sic) that we're to going to change this, and then
6 we can figure what you said later as opposed to coming
7 forward saying, This is our plan, and this is how it's
8 going to work, these are the details, and then let's
9 approve the -- the actual plan itself or disapprove the
10 plan itself as opposed to just let's agree and then figure
11 out after -- after what we have already decided to do
12 this.

13 JUDGE WESTFALL: And these would be the
14 one-seventh division that the committee -- Judge
15 Westfall -- I'm sorry -- the committee did consider that.
16 But it -- I think I said this before and I think it bears
17 repeating, though, I am a court of general jurisdiction.
18 I just have a criminal -- you know, criminal preference.
19 So I have got to give priority to criminal cases.

20 Well, my docket is simple in criminal cases,
21 and I'm not looking for civil cases or family cases, even
22 though I could. See, if we -- if we followed random
23 assignment to the letter of the law, I'd have all of those
24 cases. I'd have everything. But we have a specialized
25 docket that where if you have a -- you are supposed to

1 give priority to those cases, if that's enough to keep you
2 busy full-time, then you don't have to go looking
3 elsewhere for a random assignment because that's the
4 requirement.

5 And I think the juvenile court is in the same
6 situation. If there is enough -- the juvenile court is
7 the juvenile court to give priority to juvenile cases. We
8 don't have any other. And so, if there's enough business
9 for the juvenile court to handle juvenile cases, I don't
10 think that we have to look outside of the -- of that
11 caseload. If your caseload is full for you to be busy all
12 the time setting aside your -- your assisting judges, then
13 that -- the priority is met and we don't have to -- the
14 random assignment is cut off by the priority, just the
15 same as mine is. So that would be -- that would be what I
16 would --

17 JUDGE KIM: The 323rd is a designated family
18 court.

19 JUDGE WESTFALL: I understand as a -- I'm
20 a -- I'm a general jurisdiction.

21 JUDGE HENNIGAN: Judge Westfall, listen, we
22 have got a record here. Let's --

23 JUDGE WESTFALL: Right. Judge Westfall. I'm
24 a court of general jurisdiction. So I could get
25 everything. But I'm limited to criminal because I have a

1 criminal preference, just like you have a juvenile
2 priority.

3 JUDGE EVANS: I -- I would probably disagree.
4 This is a dangerous thing. If I may be recognized. The
5 history is --

6 JUDGE HENNIGAN: Judge Evans.

7 JUDGE EVANS: Now, you have -- you do have a
8 legislative preference for criminal. But think about the
9 213th, this has a half civil, half criminal preference
10 written into it, yet it normally gets criminal. That's
11 because the instructions that were given with -- early on
12 were that these were the criminal courts because of the
13 amount of criminal cases between them.

14 Second off, and I don't think Judge Kim meant
15 to imply this, but the six family law judges downtown, if
16 you compare their numbers they are just as effective as
17 Judge Kim is in handling these cases and working to
18 reunification and final placement. So this is not a team
19 contest with who is the best CPS judge. This -- these are
20 talented people down here.

21 The third thing that I wish to point -- point
22 out on this, is we gave serious consideration to the
23 one-seventh split. But, remember, if you take that to its
24 literal end, he starts receiving divorce cases out there,
25 they start doing temporary orders out there, or would we

1 rather say, no, he doesn't get the divorce cases, he only
2 gets the CPS cases one-seventh of the time.

3 Now, let's talk about him sitting downtown in
4 one-seventh of the cases. We gave a thought to it. He
5 said, You know, I would like to do that. Nobody likes to
6 disappoint somebody on a docket. But how practical -- he
7 will tell you he was working seven and eight hours a day,
8 seven and eight -- six and seven days a week for months to
9 get his docket in shape. He's got -- he's back down to
10 lesser hours, and what you would have to do then is sit
11 here and down over in juvenile. We would have to -- we
12 would have a space, we did look into whether we could get
13 that done, and he would have to schedule his docket in
14 between his juvenile trials and here.

15 I defer to the people who try criminal cases
16 and family law cases on the complexity of juvenile work,
17 but it seems to me that this is a critical area for us in
18 juvenile. We are running a detention center, and it's
19 very important to us that we have a dedicated worker out
20 there, as we do.

21 So I -- we have -- and as far as a final
22 plan, this is a six-part plan we put forward to the
23 motion. It shows a very clear transition plan, so that's
24 there.

25 JUDGE HENNIGAN: Judge Baca -- I'm sorry --

1 Judge Bennett.

2 JUDGE BENNETT: Judge Bennett, the 360th. I
3 have a couple of questions. My first one is: I thought
4 that I heard you ask late last year for help from the
5 family district judges and especially regarding drug
6 court, or is it just that you didn't want to do drug
7 court? And I'm really confused about that. So if you can
8 kind of clarify that issue first.

9 JUDGE KIM: So I asked --

10 JUDGE WELLS: Judge Kim.

11 JUDGE KIM: Judge Kim, 323rd. I did ask
12 early on. I was working seven days a week through my
13 (unintelligible), and I was working six days a week until
14 about September. So at that point in time I think -- I
15 think you are referring to --

16 JUDGE BENNETT: No -- I'm sorry. Judge
17 Bennett. It was September, October and December of last
18 year. And I don't know if Judge Nevarez remembers that.

19 Do you remember that, Judge Nevarez?

20 JUDGE NEVAREZ: Judge Nevarez from the 231st.
21 Yes, I do remember that.

22 JUDGE KIM: What was I asking for?

23 JUDGE BENNETT: You were asking -- well, you
24 were asking for help. I actually -- I don't think -- you
25 started in December. You were asking for help with your

1 docket, and you were asking for help on the drug court.
2 Why don't you let Judge Nevarez talk now.

3 JUDGE NEVAREZ: Judge Kim, I'm a little
4 confused, because there were several months you and I had
5 this discussion, and you were asking me to give up my
6 Fridays to handle your Friday docket. And my question to
7 you was, So who is going to handle my Friday docket while
8 I'm handling your Friday docket? And you said, I need
9 help with my CPS cases because I'm drowning and I can't
10 catch up. And so I said, Well, then we probably need to
11 look at it.

12 We -- you talked to me about it at the
13 judicial conference in September. We talked about it at
14 the end of October. Then we talked about it again in
15 November when we were discussing about consolidating
16 the -- the National Adoption Day cases to do national
17 adoption, and you were saying that you were still needing
18 help.

19 Then in December I find out that Judge
20 Bennett goes out to your courtroom or one of your
21 courtrooms and handles the cases out there. And then as
22 late as last week when I called you and asked you why you
23 had Empower Texans and everybody else calling me, actually
24 you -- but we were talking about --

25 JUDGE KIM: We talked about --

1 JUDGE NEVAREZ: Hold on a second. And then
2 when we were hanging up, and I said, Look, I told you that
3 I'm -- I'm really upset with you because you weren't
4 fighting for your cases earlier.

5 In January when the committee was being
6 brought together I said something to Judge Evans about, So
7 this sounds like to me like it's a done deal. The
8 conversation had already been had, apparently with you.
9 So when I said -- make that statement your comment was,
10 I'm there until 6 o'clock every night, implying that you
11 need help. Then last week when I said that to you, you
12 said, And still nobody is asking to help me. I'm still
13 doing my thing. So, yes, you have asked for help. So I'm
14 confused.

15 So if you weren't asking me directly for
16 help, what were you asking me?

17 JUDGE KIM: Yeah. So -- Judge Kim, 323rd.
18 I'd be calling you a liar.

19 JUDGE NEVAREZ: Well, I'm calling you a liar.

20 JUDGE BENNETT: You are calling me a liar,
21 too.

22 JUDGE KIM: No, I'm not.

23 JUDGE HENNIGAN: This is -- this is not
24 morally admissible, and -- no, I'm not -- I'm not going to
25 tolerate that.

1 JUDGE NEVAREZ: My -- my problem is that
2 he's -- he's saying -- he did ask us for help.

3 JUDGE HENNIGAN: You made your point. You
4 made your point, Judge Nevarez. We are not -- we are not
5 getting into that, and we don't -- we don't want to hear
6 any more.

7 JUDGE BENNETT: Can I ask another question?

8 JUDGE WISCH: Judge Wisch.

9 JUDGE HENNIGAN: Judge Bennett. I'll let
10 Judge Bennett ask the other question. Go ahead.

11 JUDGE BENNETT: Okay. In your letter you say
12 something about children being lost in your court, and now
13 you are appointing CASA so that doesn't happen.

14 Do you think if you would have appointed CASA
15 before you wouldn't have lost children?

16 JUDGE KIM: And so --

17 JUDGE HENNIGAN: And I think that's not -- I
18 don't believe that's the purpose of this hearing here
19 today or of this meeting here today, so I'm going to call
20 that -- that question is out of order.

21 JUDGE EVANS: We did not raise this on any
22 performance issues. This is not about performance.

23 JUDGE WISCH: I would just like to politely
24 and kindly remind my -- remind my colleagues, we are
25 judges and we are bound by the Canons of Judicial Conduct.

1 JUDGE NEVAREZ: Judge, and --

2 JUDGE WISCH: And the words liars and
3 responses thereto should be ignored, and I shared in the
4 meeting over here to discuss merits and the law and
5 justice for the public and all that personality --

6 JUDGE NEVAREZ: Judge Nevarez. I apologize.

7 JUDGE EVANS: Do we have a motion?

8 JUDGE HENNIGAN: Okay. Judge Wells can call
9 it out.

10 JUDGE WELLS: I'd -- I'd like to say that we
11 have a motion on the floor. I think it's time to vote on
12 the motion. I call the question.

13 JUDGE WESTFALL: The motion is in your hand.
14 (Unintelligible conversation)

15 JUDGE WOLFE: I have --

16 JUDGE WELLS: Judge Wolfe, Chris Wolfe.

17 JUDGE HENNIGAN: Judge Wolfe.

18 JUDGE WOLFE: I have further questions. Is
19 now the appropriate time?

20 JUDGE EVANS: Go ahead.

21 JUDGE WOLFE: Well, I don't know of all the
22 atmospherics here, and, like I said, I'm -- I'm new, but
23 this is one of the reasons I'm concerned. This is one of
24 the reasons I'm concerned about now and the urgency of
25 this.

1 I think we are all aware that this has
2 received some public interest. I think -- I mean, there
3 was just this morning legislators putting out social media
4 stuff about this meeting.

5 JUDGE WESTFALL: And then --

6 JUDGE WOLFE: I don't have any -- I don't
7 have any criticism at all about this meeting. I'm just
8 saying, to me that's why I started this meeting asking you
9 for more information. And y'all did an excellent job
10 doing this. I just -- I don't know why we need to do
11 this.

12 This has gone on since 1999, and now there's
13 a sense that we have to do it right now today, and a month
14 is just too late. And I just don't know why -- what is
15 the urgency of today? Why now? I mean, this is -- this
16 is all -- I'm here today. This is all really new to me.

17 JUDGE WESTFALL: Well, and -- and, of course,
18 from the committee's perspective, I've -- I've laid out
19 our process, and we have looked at a number of different
20 things.

21 I don't know what we would gain from waiting
22 other than just time, because I think that we have all the
23 information that we need in order to make a decision. And
24 the committee, after study, which the committee has done,
25 we have the information that we need to recommend this to

1 you, which we have in the motion that's laid out. And we
2 want the judges to take it up, because there is not going
3 to be a different time that is going to be something where
4 we'll have additional information or different --
5 additional considerations that need to be weighed. And
6 it -- it may not be -- maybe there's some discomfort in
7 the room, but that's for voting.

8 MR. WOLFE: But is -- is -- is there a
9 concern -- is there a -- is -- is there a concern on the
10 committee's behalf of -- of the -- of the time -- of the
11 timing of this; in other words, is there not a situation
12 where y'all can say, hey, we have the same recommendation,
13 we want to do it at the end of Judge Kim's term, at the
14 end of this term? Is --

15 JUDGE EVANS: I mean, that's 2023.

16 JUDGE WOLFE: I'm sorry?

17 JUDGE EVANS: That's 2023. Is that when you
18 are recommending we look at that? That's the end --
19 that's the end of his term is 2023, is what he asks us.

20 JUDGE WESTFALL: If the -- if the rules
21 require it, then the rules require it now. I mean,
22 that's -- that's my view of the law.

23 JUDGE WOLFE: Yeah, but --

24 JUDGE WESTFALL: If -- if -- if the law
25 requires it -- the law doesn't require it in three years

1 but now. And we have the ability, as you pointed out, to
2 change our rules, but I don't think that there's anything
3 about this situation that leads me to believe that random
4 case assignment is not a fundamental good for the legal
5 system. So I don't see any reason to not decide.

6 JUDGE EVANS: And -- and -- David Evans. I
7 think that you covered it and always covered it, we have
8 the transition coming up with ACH and OKC (sic).

9 JUDGE WELLS: OCOK.

10 JUDGE EVANS: OCOK, yeah.

11 JUDGE WELLS: Judge Wells.

12 JUDGE WOLFE: I see there's practical reasons
13 why now would be a better time than others, but I don't
14 know that it's controlling. I mean, it's gone on for a
15 long time, and I don't -- again, I don't -- again, I
16 wasn't involved in this election. I was totally
17 (unintelligible) of this at all. But the public
18 perception is that these cases is being removed.

19 Now, you have asked -- you have stated -- I
20 think I want to hear -- well, you stated that everyone in
21 here agrees with you that this has nothing to with the
22 merits of -- of the -- the court itself. This is -- that
23 makes perfect sense to me. But the -- there's a different
24 public perception. And so, therefore, it seems to be
25 prudent to take a little more time on this one so that the

1 public perception would be this -- this has been thought
2 through, this has been discussed, we have information.

3 JUDGE WESTFALL: Well, all of those things
4 are true. We -- it has been thought through, and it has
5 been discussed. Maybe the public has not been privy to
6 it, but we are a group of judges, and judges listen --

7 JUDGE WOLFE: But this would be --

8 JUDGE WESTFALL: -- judges listen to the
9 evidence and then they rule. And that's what we are going
10 to have to do.

11 JUDGE HENNIGAN: This is Jerry Hennigan.
12 Judge Wolfe, it's -- it's not going to -- just as Judge
13 Westfall said, It's not going to change. It is what it
14 is. We -- either we -- we follow the -- the random
15 assignment rule or we don't. And I just don't see how we
16 can get by with saying that we know what the random
17 assignment rule was prior but we are just going to ignore
18 it for another three years, and, you know --

19 JUDGE WOLFE: Well, I'm going to --

20 JUDGE HENNIGAN: This -- this -- this -- this
21 board has a chance to vote, and I want to hear what
22 everybody's votes are. And so, I think it's time to do
23 something about it. Judge Lowe.

24 JUDGE LOWE: Judge Wells, Judge Wisch, Judge
25 Salvant and I are the ones here who signed those local

1 rules in 1999. We have all -- we've been around the
2 longest, and I think we would probably all agree that it's
3 unfortunate this has become politicized, but it is. And
4 kicking the can down the road is only -- it will change --
5 it will make it worse, not better, and I think we should
6 move the vote today.

7 JUDGE SALVANT: Can I add something?

8 JUDGE HENNIGAN: Yes, sir. Judge Salvant.

9 JUDGE SALVANT: Judge Salvant. Judge Lowe is
10 absolutely right. What I want all of us to remember is
11 that we are judges. We follow the law. We are put as
12 politicians because we have to run, but I can go back to
13 the lawsuit (unintelligible), and the decisions that came
14 out said that we as judges don't represent any of the
15 people in this county. We serve. There's a big
16 difference.

17 So take politics out of it. Okay. I know
18 you are concerned because you are up for reelection. I'm
19 up for reelection, too.

20 JUDGE WOLFE: That's not my concern. That is
21 not --

22 JUDGE SALVANT: Well, you are talking about
23 the politics of it.

24 JUDGE WOLFE: No, I didn't. I --

25 JUDGE HENNIGAN: We can't talk at the same

1 time.

2 JUDGE SALVANT: And all I'm saying is, let's
3 look at it as judges the way we are supposed to. Let's
4 look at it as the law. Our local rules say something, we
5 signed off on them, we have to follow the law. It's as
6 simple as that to me. Now, I don't know about anybody
7 else, but --

8 JUDGE HENNIGAN: I -- I agree with that. I
9 totally agree with that law. I totally agree with that.

10 All right. Judge Wells has called the
11 question here, so I think -- I think --

12 JUDGE EVANS: Do you want her to lay out the
13 motion, or just say, okay, everybody can read it?

14 JUDGE HENNIGAN: I want everybody to read it.

15 JUDGE EVANS: If you'll -- if you'll follow
16 me, I'll layout the motion. This is David Evans for this
17 purpose.

18 We recommend the plan where all CPS cases
19 will be heard in Tarrant County Family Law Center and
20 assigned to the 231st, 233rd, 322nd, 324th, 325th, and
21 360th District Courts known as the family law courts
22 located in the family law center. It'd continued to say
23 that consolidation of cases in one location will improve
24 the administration of justice and allow for the
25 reconsolidation of resources --

1 JUDGE WELLS: Slow it down, David.

2 JUDGE EVANS: Huh?

3 JUDGE WELLS: Slow it down.

4 JUDGE EVANS: Oh, excuse me. My apology.

5 You know I'm going to do that. And I've got my back to
6 you, too. To allow for the consolidation of resources,
7 improve communications, be cost efficient and promote
8 consistency. This will benefit the litigants, the various
9 stakeholders, and the court personnel.

10 The committee recognizes that changes require
11 transition periods and has built into -- has -- has built
12 in a possible seven-month transition for the reassignment
13 of all cases existing as of February 29th, 2020. The
14 committee's recommendations are as follows -- it actually
15 reads, A committee -- it is a committee recommendation
16 that, one, all CPS cases filed on or after March 1st,
17 2020, will be randomly assigned to the family law courts.
18 And because of the definition on the first paragraph,
19 that's the six courts from the family law center.

20 Then on or before October the 1st, 2020, all
21 TMC CPS cases on file in which -- on file will be
22 reassigned to the family law courts.

23 There's a -- modify the -- I'm going to
24 modify number two to read, On or before October 1st, 2020,
25 all TMC CPS cases on file will be reassigned to the family

1 law courts.

2 Number three, On or before October the 1st,
3 all TMC CPS cases will be reassigned to the family law
4 courts and/or other -- or will be -- or will be heard in
5 the family law center by the judge of the 323rd. And
6 apparently the edited copy didn't make it to the printer.
7 It was the unedited copy that made it to the printer.

8 The associate judge position currently held
9 by Associate Judge Ellen Smith will be reassigned,
10 relocated to the Tarrant County Family Law Center. Future
11 reassignment, relocation, if any, of a second associate
12 judge will be determined in the transition period. The
13 local administrative judge will be authorized to take all
14 actions necessary to implement this plan to include but
15 not limited to the entry of administrative orders,
16 requesting space, equipment, and support from the
17 commissioner's court and from other officials supporting
18 the courts.

19 For purposes of the application of local
20 rules, the family law courts will be randomly assigned all
21 family law cases except juvenile cases which will continue
22 to be assigned to the 323rd, which is the court designated
23 to hear juvenile cases. So that takes out the question of
24 where the divorce -- number six takes out question of
25 where the divorce is going to be.

1 There are some things in here that are --
2 should be interpreted. This transition of the temp -- TMC
3 cases on file is built in to allow an adjustment period
4 whereby Judge Kim and the six family law judges can work
5 together on bringing that caseload over with the support
6 personnel and make an orderly transition.

7 On or before -- on the PMC cases it says,
8 Will be reassigned to the family law courts and/or will be
9 heard in the Tarrant County Family Law Center by the judge
10 in the 323rd. These are the permanent placements, they
11 are twice-a-year hearings, and that would not cause the
12 same type of conflict as the TMC hearings. So Judge Kim
13 would be involved.

14 I might note here, given judge Kim's interest
15 in CPS cases and his time availability, nothing in this
16 prevents him from assisting the family law courts down
17 here should they need assistance. Nothing in this --
18 nothing prohibits him from that. And, second off, any
19 case in which there's dual status is a case in which he
20 and the CPS judge can agree that the CPS case will go out
21 to the juvenile center.

22 Now, that's been cleared with all the support
23 people. The motion is as edited grammatically -- my
24 reporter's -- well, I'm -- I'm challenged. I -- I took on
25 the job of doing this with the committee. That's the

1 motion. I have laid it out. I don't think it requires a
2 second. That's where we are.

3 JUDGE HENNIGAN: All right. All in favor of
4 the motion say I.

5 SEVERAL JUDGES: I.

6 JUDGE HENNIGAN: All opposed?

7 SEVERAL JUDGES: Nay.

8 JUDGE KIM: May I call for a division?

9 JUDGE EVANS: His call for a division is a
10 call for -- a vote on --

11 JUDGE WESTFALL: Well, it's not -- it's not
12 an order unless there's a question.

13 JUDGE HENNIGAN: What -- what is the
14 question?

15 JUDGE KIM: What -- what the votes were.

16 JUDGE HENNIGAN: What the votes were? Okay.
17 Let's go -- you really want to hear from each person and
18 how they voted?

19 JUDGE KIM: I do, please.

20 JUDGE HENNIGAN: Okay. Who -- who voted nay
21 on it?

22 Judge Munford voted nay. Judge Kim voted
23 nay. Judge Wolfe voted nay. Any other names? Okay.
24 Those are the three names. Anything else?

25 JUDGE KIM: Any there any abstentions?

1 JUDGE HENNIGAN: Any abstentions? No
2 abstentions.

3 JUDGE KIM: Thank you, Judge.

4 JUDGE HENNIGAN: Thank you. All right. The
5 motion passes. Do I hear --

6 JUDGE THOMAS: Adjourned.

7 JUDGE WELLS: The motion is adjourned.

8 JUDGE HAGERMAN: I second that.

9 JUDGE BENNETT: Second.

10 JUDGE HENNIGAN: Judge Thomas says it's
11 adjourned. Judge Bennett was a second. All in favor say
12 I.

13 SEVERAL JUDGES: I.

14 JUDGE HENNIGAN: Opposed? No opposition.
15 The meeting is adjourned.

16 (PROCEEDINGS CONCLUDED, 1:30 o'clock p.m.)
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1 THE STATE OF TEXAS)

2 COUNTY OF TARRANT)

3 I, Kirk W. Moss, Official Court Reporter for
4 the 325th District Court of Tarrant County, State of
5 Texas, do hereby certify that the above and foregoing
6 contains a true and correct transcription of all portions
7 of evidence and other proceedings requested in writing by
8 counsel for the parties to be included in this volume of
9 the Reporter's Record, in the above-styled and numbered
10 cause, all of which occurred in open court or in chambers
11 and were reported by me.

12 I further certify that this Reporter's Record
13 of the proceedings truly and correctly reflects the
14 exhibits, if any, admitted by the respective parties.

15 WITNESS MY OFFICIAL HAND this the 22nd day of
16 February, 2020.

17
18 /S/ Kirk W. Moss
19 Kirk W. Moss, Texas CSR No. 7245
20 Expiration Date: 3/31/21
21 Official Court Reporter
22 325th District Court
23 Tarrant County, Texas
24 Fort Worth, Texas 76196
25 (817) 884-1445

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Local Rules of Tarrant County

ADOPTED 1/1/1999

Local Rules

▶ 1.01

(a) These rules are the Local Rules of Court of Tarrant County Texas. They **shall** govern proceedings in the District Courts and Statutory County Courts of Tarrant County Texas, for the purpose of securing uniformity and fairness in those proceedings and in order to promote justice. (emphasis added)

Local Rules

- ▶ 1.01
(c) Knowing violation of these rules may be punished by contempt or other sanction authorized by law

Local Rules

▶ 1.03

(a) Except as provided elsewhere in this Rule, cases will be filed by random selection in courts designated for the subject matter of the litigation.

Local Rules

- ▶ 1.03

(b) All juvenile matters shall be assigned to the court or courts designated to hear juvenile matters under Sec. 51.04, Family Code.

“Legislative History”

- ▶ District Clerk searched filings for orders
- ▶ Meeting minutes researched

Practical issues?





Case load?

Cases Filed	FY2010	% Increase	FY2011	% Increase	FY2012	% Increase	FY2013	% Increase	FY2014	% Increase	FY2015	% Increase	FY2016	% Increase	FY2017	% Increase	FY2018	% Increase	FY2019	Total Increase
																				Over 10 years
Civil Including Tax Cases	12,240	3.26%	12,639	-16.66%	10,533	-15.62%	8,888	12.24%	9,976	14.81%	11,453	-5.35%	10,840	7.22%	11,623	2.75%	11,943	3.00%	12,301	0%
Criminal (Includes Revocations)	15,674	-0.78%	15,551	9.48%	17,025	0.67%	17,139	1.03%	17,316	0.14%	17,341	-0.65%	17,228	5.17%	18,119	15.75%	20,973	5.50%	22,126	41%
Family (Includes AG Cases)	28,254	-0.53%	28,105	-4.37%	26,877	13.06%	30,387	-6.93%	28,281	-6.55%	26,429	6.35%	28,107	7.99%	30,352	3.26%	31,342	-6.44%	29,323	4%
Juvenile	2,431	3.04%	2,505	0.44%	2,516	-1.15%	2,487	-11.10%	2,211	-11.58%	1,955	-3.94%	1,878	39.18%	2,614	11.29%	2,909	31.59%	3,828	57%
Civil Cases Related to Criminal Matters	2,078	3.71%	2,155	17.54%	2,533	4.90%	2,657	-12.95%	2,313	2.25%	2,365	14.21%	2,701	0.37%	2,711	10.92%	3,007	12.77%	3,391	63%
Total	60,677	0.46%	60,955	-2.41%	59,484	3.49%	61,558	-2.37%	60,097	-0.92%	59,543	2.03%	60,754	7.68%	65,419	7.27%	70,174	1.13%	70,969	17%
Civil Without Tax	8,334	-9.60%	7,534	-14.83%	6,417	4.29%	6,692	-3.84%	6,435	5.05%	6,760	0.37%	6,785	8.37%	7,353	9.94%	8,084	4.52%	8,449	1%
Cases Filed																				
Attorney General	12,776	1.31%	12,944	-11.12%	11,505	35.17%	15,551	-12.49%	13,609	-18.83%	11,046	11.62%	12,330	15.06%	14,187	7.04%	15,186	-20.69%	12,044	-6%
Tax	3,908	30.70%	5,105	-19.37%	4,116	-46.65%	2,196	61.25%	3,541	32.53%	4,693	-13.59%	4,055	5.30%	4,270	-9.63%	3,859	-0.18%	3,852	-1%
Pending Cases																				
Civil Including Tax Cases	16,887	8.26%	18,282	-11.28%	16,219	-12.93%	14,122	-0.49%	14,053	1.57%	14,274	-14.12%	12,258	-7.62%	11,324	-0.04%	11,319	-2.00%	11,093	-34%
Criminal (Includes Revocations)	7,968	2.23%	8,146	-0.82%	8,079	2.76%	8,302	7.09%	8,891	-10.21%	7,983	14.71%	9,157	6.62%	9,763	23.29%	12,037	15.69%	13,926	75%
Family (Includes AG Cases)	13,352	10.10%	14,700	-8.27%	13,484	18.17%	15,934	-1.31%	15,726	-12.83%	13,709	8.61%	14,889	17.11%	17,437	5.29%	18,360	-9.56%	16,602	24%
Juvenile	869	-2.07%	851	-6.58%	795	-3.40%	768	-0.91%	761	3.29%	786	-16.54%	656	31.25%	861	4.41%	899	11.68%	1,004	16%
Civil Cases Related to Criminal Matters	1,202	-12.65%	1,050	5.05%	1,103	1.45%	1,119	-10.55%	1,001	3.60%	1,037	17.16%	1,215	-16.13%	1,019	14.23%	1,164	17.18%	1,364	13%
	8/31/2010		8/31/2011		8/31/2012		8/31/2013		8/31/2014		8/31/2015		8/31/2016		8/31/2017		8/31/2018		8/31/2019	
Total Pending Cases	40,278		43,029		39,680		40,245		40,432		37,789		38,175		40,404		43,779		43,989	9%
Civil Without Tax	6,568	-0.38%	6,543	-8.83%	5,965	3.81%	6,192	0.27%	6,209	6.52%	6,614	-2.59%	6,443	-26.66%	4,725	54.14%	7,283	4.89%	7,639	18%
Average # of Cases Filed Per Month																				
	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019											
Civil Including Tax Cases	1,053	878	741	831	954	903	969	995	1,025											
Criminal	1,296	1,419	1,428	1,443	1,445	1,438	1,510	1,748	1,844											
Family	2,342	2,240	2,532	2,357	2,202	2,342	2,529	2,612	2,444											
Juvenile	209	210	207	184	163	157	218	242	319											
Civil Cases Related to Criminal Matters	180	211	221	193	197	225	226	251	283											
Attorney General	1,079	959	1,298	1,134	921	1,028	1,182	1,266	1,004											
Tax	425	343	183	295	391	338	356	322	321											

State Fiscal Year September 1 through August 31

**Increase in civil cases filed in FY2003 due to new tort reform legislation.

“But We’ve Always Done it That Way!”

- ▶ Issue that has arisen repeatedly recently in criminal justice system
- ▶ Local legal custom cannot overtake our own rules or statutes

Random Case Assignment

- ▶ accepted norm for court systems at all levels all across the country
- ▶ supports the fair and impartial administration of justice
- ▶ Only issues that arise in researching random case assignment: problems when courts do NOT follow them
- ▶ Not only is this our rule, it's the universal approach across jurisdictions that have multiple courts

Priority of Juvenile Cases in 323rd

- ▶ Created as a Family Law Court
- ▶ Subsequently designated by the Juvenile Board as **the** juvenile court of Tarrant County.
- ▶ Juvenile caseload

2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
2431	2505	2516	2487	2211	1955	1878	2614	2909	3828

- ▶ Less mandatory sealing=actual pending caseload

148	172	172	162	141	142	121	287	955	1485
2283	2333	2344	2325	2069	1813	1757	2327	1954	2343

Priority of Juvenile Cases in 323rd

- ▶ Actual pending caseload

148	172	172	162	141	142	121	287	955	1485
2283	2333	2344	2325	2069	1813	1757	2327	1954	2343

- ▶ Caseload justifies full time juvenile judge plus additional
- ▶ Population growth, likely expansion of juvenile prosecutions up to age 18, the 323rd's judicial caseload will only expand
- ▶ The only court in TC that can handle this docket-6 other courts can handle CPS docket
- ▶ Pending cases

869	851	795	768	761	786	656	861	899	1004
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Administration of Justice

- ▶ Survey of other jurisdictions by committee and Judge Kim: no other metropolitan areas and even larger cities such as Lubbock or Denton assign CPS cases to juvenile court
- ▶ Presiding Judge is empowered by statute to change court caseloads and even change designations of courts
- ▶ Previous consideration of changing a civil designation to a criminal one in 2007
- ▶ These types of changes are contemplated by the legislature and specifically authorized by statute
- ▶ Nothing will change the designation of the 323rd as the only juvenile court in TC

Conclusion

- ▶ Analysis of the legal, practical and administrative issues
- ▶ realignment of the cases
 - ▶ bring us into compliance with our own rules
 - ▶ allow the juvenile court to give proper priority to the juvenile cases it was designated to serve.

BACKGROUND SUMMARY

A recent review of the Local Rules of Tarrant determined that CPS cases were not being randomly assigned as required by the rules. A continuation of that practice could lead to the filing of multiple challenges to the non-random assignment of CPS cases to one court.

It was also determined the CPS docket is split between two locations and that there are two separate case management systems. Therefore, it is not possible to obtain consolidated case management reports. No other docket criminal, civil or family in Tarrant County is split between two courthouses or two case management systems.

The committee considered input from all stakeholders. The consolidation of the CPS docket is supported by all stakeholders except for Judge Kim.

Tarrant County is a leader in specialized courts, courthouses, and dockets. It is the committee's opinion that consolidation and specialization, improves the administration of justice, is more efficient, eliminates redundant capital and operational expenses, benefits litigants and stakeholders by reducing the number courthouses involved in the litigation process. The elimination of split venues reduces scheduling conflicts for the stakeholders.

The committee considered several alternatives. All the CPS cases cannot be physically or legally consolidated to the Scott D. Moore Juvenile Justice Center. A continuation of assignment of the any or all new CPS cases to the Juvenile Justice Center would perpetuate the existing problems related to a split venue.

The committee also considered whether Judge Kim could hear part of the TMC docket in the Family Law Center. The committee decided against that approach because of the need for a full time District Judge to hear Juvenile Cases, the problems presented to a Judge who has dockets in separate courthouses, and the scheduling issues that would arise. An examination of existing juvenile case load utilizing the weighted case load study shows that the current juvenile case load requires a full-time district judge and at least one possibly two, associate judge(s). This case load is not expected to decline.

Respectfully Submitted.

Judge Judith Wells

Judge Mollee Westfall

Judge David Evans

CPS COMMITTEE RECOMMENDATION AND MOTION

The committee recommends a plan be adopted whereby all CPS cases will be heard in the Tarrant County Family Law Center (Family Law Center) and assigned to the 231st, 233rd, 322nd, 324th, 325th, and 360th District Courts (Family Law Courts¹) located in the Family Law Center.

It is the opinion of the committee that the consolidation of all CPS cases into one location will improve the administration of all cases, allow for the consolidation of resources, improve communications, be cost efficient and promote consistency. This will benefit the litigants, the various stakeholders, and court personnel. The committee recognizes that changes require transition periods and has built in a possible seven-month transition for the reassignment of all cases existing as of February 29, 2020.

It is the Committee recommendation that:

1) All CPS cases filed on or after March 1, 2020 will be randomly assigned to the Family Law Courts.

2) On or before October 1, 2020 all TMC CPS cases will be reassigned to the Family Law Courts.

3) On or before October 1, 2020 all PMC CPS cases will be reassigned to the Family Law Courts and/or will be heard in the Tarrant County Family Law Center by the Judge of the 323rd.

4) The associate judge position currently being held by Associate Judge Ellen Smith be reassigned/relocated to the Tarrant County Family Law Center. Future reassignment/relocation, if any, of a second associate judge position will be determined during the transition period.

5) The Local Administrative Judge be authorized to take all actions necessary to implement this plan to include but not limited to the entry of

¹ For the purposes of judicial administration and clarity, in the future the 231st, 233rd, 322nd, 324th, 325th, and 360th District Courts are referred to as the Family Law Courts. The 323rd District Court is referred to as the Juvenile Court.

administrative orders, requesting space, equipment and support from the Commissioners Court and from other officials supporting the courts.

6) For purposes of the application of local rules the Family Law Courts will be randomly assigned all family law cases except juvenile cases, which will continue to be assigned to the 323rd which is the court designated to hear juvenile cases.

The committee requests approval of the recommendation.



ALEX KIM

DISTRICT JUDGE

323RD JUDICIAL DISTRICT, TARRANT COUNTY, TEXAS

February 12, 2020

Fellow members of the Board of District Judges,

I am submitting this letter to the entire board so I may bring light to certain issues that may not have been considered in the assignment of CPS cases to the downtown courts. This letter is not meant to advocate one position or another, as we all are entrusted to make our own decisions for the benefit of the citizens of Tarrant County. However, I do believe that each of us must make an informed decision. Since the 323rd District Court has typically had anywhere from 75-94% of the Child Welfare cases and having presided over the 323rd for the past year, I am in a unique position to bring certain matters before you that you may not be aware of or have not considered.

1. CBC- About 10 years ago, the Texas Legislature recognized the problems with the Department of Family and Protective Services (known as CPS) and ordered a gradual transition to what effectively is the privatization of DFPS. On March 1, 2020, there will be a transition to Community Based Care (CBC) in Tarrant County. This process is being rolled out across the state, starting with Tarrant County, as the first region to advance to Stage II. We have been in Stage I for several years, and a handful of counties are entering Stage I this year. The agency that will be taking over placement, services, monitoring, and everything except investigations is All Church Home (ACH) and their program, OC-OK (Our Community-Our Kids). This transition has been going on for quite a while and there has been extensive planning in this event. This transition is being carefully watched statewide as other counties begin their transition. There is a benefit to having a single court during this process, as ACH only has to develop their program for the policies and philosophies of one judge, as opposed to multiple judges with differing policies. There have been ongoing discussions between the 323rd and ACH during this process and a change this late could create a significant barrier to providing quality services to foster children in Tarrant County. However, this transition is not going as well as planned. Due to logistical problems, problems with the way the statute is written, and problems with understanding the actual implementation process, this will be a very difficult transition. Problems with the transition only increases the likelihood of parents being terminated of their rights, children spending more time in the foster system, and reduced family reunifications
2. Crossover dockets - There is a nationwide movement to place children with dual needs, (Juvenile Delinquency and CPS cases) on a separate docket called a "crossover docket." There are a significant number of children that are subject to suits in both areas of law that have very difficult situations and specialized needs that are best handled with a common judge and and common attorneys. In the 323rd, there are times when the Juvenile law attorney, CPS ad litem, CPS worker, prosecutor, and guardian ad litem all appear for one child. Often times, the discussion is focused on the available options between CPS placements and Juvenile delinquency placements to address the

specialized needs for the child, particularly when there are identified issues of mental health, human trafficking victimization, anger management issues, or a combination thereof. The 323rd has not had a crossover docket until 2019. Separating the CPS cases downtown would make these types of dockets impossible. The importance of recognizing the specialized needs of children with CPS cases and Juvenile cases were recognized by the 86th legislature which authorized a CPS court to order the transfer of a Juvenile case to the CPS court. (before, the law allowed the transfer with permission from the Juvenile court. In the current law, the juvenile court has no discretion).

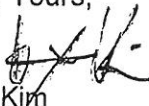
3. Delay Tactics in other regions - The Texas legislature authorized the creation of Child Protection Courts (CPC) that handle CPS cases on a regional basis. I have found during discussion with other District Judges that are part of these regional courts that there is notable discontent with these courts. The judges of these CPC courts are Associate Judges appointed by the Regional Presiding Judge. Evidently, there has been a problem with the attorneys using de novo hearings as a delay tactic while advocating for their clients. CPS cases, by statute, must be resolved within 12 months (unless there is a one time extension of dismissal date of up to 6 months for "extraordinary circumstances" or "good faith effort to comply with court ordered drug programs"). It is not uncommon for an attorney to try to obtain more time for their parent clients who have not completed or not started their service plan by demanding a jury and/or refusing to waive the Associate Judge in order to obtain more time for their clients to engage in services before final trial. This ends up going to the District Judge docket, and because CPS cases, as a matter of law, take preference over other types of cases these are disrupting the normal dockets of the District Courts. We should be careful about expecting additional Associate Judges in Tarrant County to handle all the CPS cases that would be transferred downtown, lest we suffer from the same problems that these CPCs are facing.
4. Jury Trials - CPS cases typically have at least 4 parties, The Department of Family and Protective Services, the Attorney ad litem for the child, the attorney ad litem for the mother, the attorney ad litem for the father, and not infrequently, attorney ad litem for father number 2 or 3. It is not unusual to also have a grandparent or foster intervenor as well. I have had up to 6 attorneys and parties appearing for one trial. Furthermore, in 2019, despite the court offering a faster trial date, there has never been an agreement between the parties to waive the District Judge for Jury trials to be heard by the Associate Judge. The Board should be aware that CPS jury trials normally take at least a week and there could be a disruption in the family court dockets, should the Board of District Judges approve this motion.
5. Average age of a CPS case the first week of 2019 vs 2020 - Currently, CPS case times to final trial are approximately 275 days, based on the cases set in January of 2020. For January of 2019, the average age of a CPS case was over 520 days. The Board should be reminded that these are the number of days that the children are in foster care. The 323rd has been able to reduce this time and provide permanency, termination, or reunification quicker, which reduces the amount of time children are in placement, which has been proven to reduce truancy, criminal behavior, teenage pregnancy, dropping out of school, and personally experiencing their own future CPS cases in children. Great care should be taken to reduce the amount of time children spend in foster placement.
6. Consistency breeds efficiency - I anticipate the major problem w/ CPS cases moving downtown will be the consistency between District Judges. Referring to the numbers in point 5, I believe a large part of why cases are moving faster in 2020 than 2019 is that there is one District Judge and consistency between the Associate Judges with the District Judge. Attorneys are able to counsel their clients and stress the importance of the services they need to engage in order to be reunited with their children. Absent this

consistency, there is a real concern that terminations will increase because parents will have a more difficult time completing the services ordered, or understanding what is actually expected of them.

7. Objections to Associate Judges - Generally, the attorneys in CPS cases refuse to waive the final trial before the Associate Judge. This is consistent with notes in previous numbers above. In 2019, there were 2 final trials that all the parties agreed to have heard before the Associate Judge. If the Board was to approve this motion, the Family Court judges should be prepared for an increase of bench trials, with the accompanying dismissal dates and priority given to CPS cases.
8. New court - As a suggestion, perhaps Tarrant County would be better served by requesting another District Court from the 87th Legislature. The new courthouse that was just approved for construction by the commissioners court will have an additional District Judge courtroom that was planned for this purpose.
9. District Attorney impact - Currently, many CPS case functions, like confirming service on the parties (many parents are transient, incarcerated, out of state, or whereabouts unknown) permanency reviews before final orders, or permanency reviews after final orders are combined in single dockets. These settings are governed by statute, as there must be regular monitoring of children in placement or foster care to avoid "getting lost" in the foster system. Dividing these dockets among 6 Family Courts will certainly have an impact upon the District Attorney's office. I am not certain if our Criminal District Attorney is prepared for this impact and I suggest the Board of District Judges seek her input to ensure that Tarrant County can meet the statutory requirements.
10. New courthouse - The Tarrant County commissioners just approved the new courthouse for CPS cases and Juvenile Delinquency matters. A significant amount of space is devoted to CPS cases, including for CPS workers, District Clerk space, CPS Assistant District Attorneys, and other designated space. The Board should be aware of the fiscal waste if all CPS cases were to be removed to the downtown court.
11. Time to Jury Trial - Currently, the 323rd docket has become much more efficient. The current wait time to receive a CPS jury trial is 2 weeks (if the parties waive the 45 day notice). Typically, they are placed on a Jury docket to be tried within 60 days. The Board should be aware that mixing CPS cases with the downtown Family Court dockets may cause a significant disruption of jury dockets. Furthermore, if necessary, a bench trial can currently be provided in the 323rd within 1 week (assuming there is a waiver of 45 days) There are many times when a dismissal date has been missed by all parties and a trial must be provided, posthaste.. I would recommend that the Board seek input from the current Family Court Judges regarding the impact upon their dockets.
12. Priority to CPS cases - According to Texas Family Codes 105.004 and 161.202 CPS cases take preference over other cases. I would recommend that the Board seek input from the current Family Court Judges to see if their courts can absorb this type of impact before voting.
13. Juvenile numbers misleading - While the number of filed cases in the Juvenile Courts has increased significantly since 2014, this is because of the legislative change that allows for auto-sealing of juvenile records. Currently, the vast majority of juvenile cases and referrals are eligible for automatic sealing of records when a child reaches 19 years of age. The Tarrant County Juvenile Probation Department screens for these cases, files the appropriate paperwork, then presents the order for the court to sign. About half the cases filed in the 323rd for Juvenile delinquency cases are either for children that were brought to the detention center but no case was filed, or a case was filed that was eligible for auto-sealing. The number of cases filed is not a true indicator of the caseload in the 323rd. The Board should not decide to assign the CPS cases to the downtown courts specifically to address a perceived "backlog" in the 323rd Juvenile cases.

14. Caseload in the downtown Family District Courts - It is my understanding that the downtown family courts have an overwhelming caseload. Even with the addition of associate judges to assist the downtown courts with the proposed additional CPS cases, I feel we should take deference to whether the 6 downtown Family District Courts believe they can adequately handle the increase of around 50 CPS cases per year.
15. Despite the points above, I am confident that with the removal of CPS cases from the 323rd, I would be able to focus on Juvenile matters in a way that no court in Texas could, since Juvenile and CPS courts are combined in every other urban county. Also, a Juvenile drug diversion drug court could be very effective, but currently, there are not sufficient resources available to proactively operate one. The amount of time between arrest and disposition would decrease.
16. Finally, it seems that there is a significant chance that the next Texas Legislature will raise the age of criminal culpability to 18, as the historically key vote blocking this legislation acquiesced in the last legislative session and is now supporting the statutory change. If this happens, it is accepted that juvenile dockets will increase anywhere from 30-40% across the State of Texas. I would estimate that Tarrant County would experience an increase of juvenile cases between misdemeanor and felonies to be at the higher end of the range. Wish such an increase, the 323rd District Court would not be capable of managing both Juvenile and CPS dockets.

Truly Yours,


Alex Kim
Judge Presiding
323rd District Court, Tarrant County, Texas



Patricia Bennett*

Family District Judge
360th Judicial District
200 E. Weatherford Street
Fort Worth, Texas 76196
(817) 884-2743

Matthew Riek*
Associate Judge



February 20, 2020

To the Honorable District Judges of Tarrant County:

I am writing in response to the Honorable Judge Alex Kim's letter regarding the proposed reallocation of cases. This is to assist the District Judges of Tarrant County to further understand the issues at hand. As you know, the Family District Courts already hear Child Protective Services Cases. We are well qualified to do so. My Associate Judge and I have each practiced Family Law in Tarrant County for over 25 years and we are each Board Certified by the Texas Board of Legal Specialization in Family Law. The judges on the Family benches in Tarrant County all bring a unique perspective to this issue. Judge Munford, Associate Judge Poulos and Associate Judge Kaitcer are also Board Certified in Family Law. Judge Kaitcer is Board Certified in two other areas in addition to Family Law. We have all handled child protection cases both as judges and as attorneys.

I am quite surprised that Judge Kim's supporters expresses opposition to this matter. He did not voice objections to this matter when it has been discussed in the past. I believe that had Judge Kim expressed an objection before the committee set forth to work on this plan and before the Family Law District Judges analyzed their respective dockets, we could have had a better dialogue about these matters. Hopefully we will have better dialogue in the future. Further, his letter does not show an opposition to this matter, and the last two paragraphs clearly explain why this administrative matter must take place.

I am shocked at all the hoopla surrounding this matter. Our conservative Tarrant County judges are simply doing our duty as required under the Texas Government Code to help expedite justice in these very important cases. While this is not an issue of public comment, I am saddened that this meeting is closed. It is my opinion that this meeting does not have to be open but should be open.

I am going to respond to the Honorable Judge Kim's letter, paragraph by paragraph, maintaining the same numbers. Please put that letter beside this letter as you read through it.

1. I would very much like to see that data that supports Judge Kim's conclusory statement in paragraph 1 of his letter that problems in the transition "increases the likelihood of parents being terminated of their rights, children spending more time in the foster system, and reduced family reunifications." I will concur that the transition is important. Because the Family Courts in Tarrant County all handle child protection cases, we are all apprised of this transition and have prepared for the transition. The vast majority of that transition will be at the agency, not the judicial level. I believe that having six district judges and six or seven associate judges aide in the transition is more efficient than one district judge and two or three associate judges.
2. It is my understanding that there are very few Juvenile/CPS crossover cases. Nothing in this transition will prevent cases being transferred under §51.0413 and §51.0414 of the Texas Family Code.
3. We already have policies in place to prevent delay tactics. In the 360th Judicial District Court, final trials are primarily heard by the District Judge unless the case falls under Title IV-D of the Social Security Act. Cases are not referred to final trial on the merits before an Associate Judge unless all parties and all attorneys consent in writing to waive the de novo before the case is set before the District Judge. It is my understanding that we will not request a Child Protection Court. I am well aware of my docket, and I believe that I can handle the cases that are assigned to the 360th. I feel confident that my colleagues engage in similar practices and have also analyzed their respective dockets.
4. As we already hear child protection matters, all the Family Court judges are aware of time needed to try a child protection case, whether by judge or jury. We are also aware of our respective dockets. We all have experience handling these cases, as we have been handling these cases.
5. Judge Kim's numbers concerning time to dispose of a case do not paint a full and complete picture. There statutory requirements that we review the services these parents and children are receiving at regular intervals during the case. We are required to look at our various placement options, including return to the parents at each stage of the case.

The United States Supreme Court has consistently held that the rights of a parent are a fundamental right. The State has a duty to protect children against abuse and neglect. These rights are carefully balanced in the law. The Texas Legislature has set forth specific procedures to aid in reunification when possible. If reunification cannot occur, we are to explore relative and/or fictive kin placements.

One of the many important aspects are the services provided to the parents whose children were removed after a judicial finding of abuse and/or neglect. Parents are provided services that will help them be better parents and reunify with their children if possible. These services should not be short circuited for efficiency. Children need their parents, and reunification should take place if and when it is safe. While I don't disagree that we need to remove children from foster care and place with parents and/or relatives as soon as is possible, I don't want to look at raw numbers to determine efficiency.

Please remember that this can be cases of horrific abuse and the parents often have addiction issues. We see cases where toddlers test positive for drugs such as cocaine and methamphetamines. We have cases with children who have broken bones, who have been raped, starved, and subjected to the unimaginable. The physical and emotional damage to these children must be addressed. The difficult decision as to what services to provide, when and if to return children, and when and if to terminate parental rights is not a matter to be rushed through the system so we can brag about numbers.

Parents sometimes need time to complete drug rehabilitation, outpatient treatment, obtain housing, and do that which is needed to provide a safe and stable home for their children if and when they are returned. Granting more time often decreases final orders of termination and/or permanent managing conservatorship by the department and/or permanent managing conservatorship to a nonrelative. In my experience handling these cases, it is often the parents who request more time to engage in services or to get their affairs in order. In my experience, the District Attorney rarely, if ever, asks for a continuance.

In cases where the Department has TMC, the children are placed in the home of a relative. One of our jobs during these hearings is also to find relative placements for the child. The 360th District often sets judicial reviews between the statutory required hearings to see if we can examine proposed relative and fictive kin placements or if services need to be adjusted for the parents and children.

Spending time pretrial to ensure the parents have the care they need and finding family placements that may be more appropriate while ensuring the child is receiving appropriate care is exceptionally important. Repeatedly removing a child from failed reunifications or placement also creates a great deal of chaos in a child's life. I am certain that every judge, including Judge Kim, sees the importance of this delicate balance.

6. I feel confident that the cases referred to the 360th District Court, as well as the other Family District Courts, will be handled with consistency and efficiency. I am perplexed as to why Judge Kim believes that the services, which are provided by the Department, not the court, will be disrupted by this transition. All the Family Law judges understand the importance of stressing the need to complete services, particularly as it relates to

161.001(2)(O) of the Texas Family Code, which allows for termination when services are not completed under certain circumstances. I do not see that this will cause an increase in termination on "O grounds."

7. Please see my response to paragraph 3 above regarding objections to Associate Judges. I have a great deal of confidence in the Associate Judges in Tarrant County. We have policies in place to prevent delays caused by an objection to an Associate Judge.
8. I concur with Judge Kim that another District Court may be needed; however, that is neither a quick nor a guaranteed process. The Office of Court Administration has a process of gathering data to make recommendations for the next Legislative Sessions. It will be helpful to have all CPS cases in one courthouse where the studies may be done to facilitate this process.
9. This plan simply moves the place where the cases are heard but does not change the statutory deadlines and settings on this case. We have discussed ensuring dates do not change. The judges will work together to help each other in this process. We have six qualified District Judges and six qualified Associate Judges. There may be another Associate Judge. This plan places all hearings in one building and allows all District Attorneys to be in one place.
10. The plans for the new Juvenile Courthouse have been made but can be changed. This may save the county money if that is done.
11. The concept of setting a jury trial in a case involving involuntary termination of parental rights with one or two weeks' notice is ludicrous. I cannot imagine that it is probable that the district attorney, the mother's attorney, the father's attorney, another possible father's attorney, the attorney ad litem/guardian ad litem for the child, witnesses, and all the other parties to a case can be noticed and be ready for a jury trial on whether or not the fundamental right to parent should be forever terminated on such short notice.

If a dismissal date is missed, the case is dismissed automatically by statute and the court is divested of power over the case. If this is happening "many times," then this justifies moving the cases. This Court does not and will not miss statutory deadlines. Judge Kim admits in his letter that "There are many times when a dismissal date has been missed by all parties and a trial must be provided, posthaste."

12. I believe all the Family District Judges of Tarrant County who already handle these cases understand the priority of CPS cases. I have analyzed this situation, and I can absorb the cases requested of me. Instead of one District Judge and three associate judges, we have six District Judges and six Associate Judges.

13. Sealing cases does not create a new case number, nor does it skew the number of juvenile cases. Please also see my response to paragraphs 15 and 16 below.
14. The Family District Courts do maintain busy dockets. We maintain about 2700 cases on our each of our six respective dockets in any given time. We each dispose of between 300 to 400 cases a month. The addition of 50 cases on our docket will increase our case load by about 2%. After analyzing the data, I believe that we can absorb these cases.
15. I concur that this will add to the efficiency of the ever-increasing juvenile matters. I will not take a position on a juvenile drug court at this time, but I believe this is an idea that should be discussed with the Commissioner's Court.
16. I believe that paragraph 16 in Judge Kim's letter punctuates the need for this transition. I believe that paragraphs 15 and 16 of the Judge Kim letter each show, that despite the ire of Judge Kim's supporters, Judge Kim seems to see the benefit to this plan. However, if I am misunderstanding his response, I hope he corrects me.

It is being suggested that this action is being done because Alex Kim "stands up" to Child Protective Services. To suggest that a judge "stands up" to a litigant that stands before him is to suggest that the judge has an interest in the outcome in the matter and will engage in judicial activism. I will always presume that my colleagues on the bench do not attempt to "stand up" for or against any litigant in his or her court unless someone proves otherwise.

Most importantly, this is mandated by local rules. We are charged with following the law. We are not charged with making the laws. We can change local rules if we so desire, but that is a process that takes time. We cannot violate them. Tradition does not override the law.

I apologize for the length of this letter. Thank you in advance for your time and serious consideration of this matter.

Sincerely,



Judge Patricia Baca Bennett
360th Judicial District Court
Tarrant County, Texas