



COMMITTEES
CRIMINAL JUSTICE
FINANCE

**THE SENATE OF TEXAS
JUAN "CHUY" HINOJOSA**

DISTRICT 20

COMMITTEES
JURISPRUDENCE *Vice Chair*
NATURAL RESOURCES
SUBCOMMITTEE ON
AGRICULTURE, RURAL AFFAIRS &
COASTAL RESOURCES

August 24, 2007

Mr. Charles L. Babcock, Chair
The Supreme Court Advisory Committee
1414 Colorado, Room 101
Austin, TX 78711

Dear Mr. Babcock:

I noticed that the Friday, August 24, 2007, agenda for the Supreme Court Advisory Committee has an agenda item relating to "complex cases."

Because the "complex cases" provision of SB 1204 was highly controversial during the 80th Legislature and because SB 1204 did not pass, I am concerned about any attempt by the Supreme Court Advisory Committee to circumvent the will of the Texas Legislature.

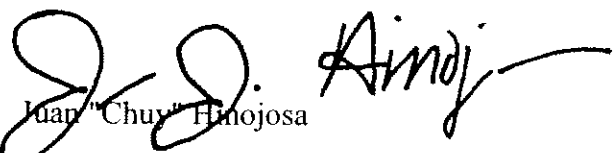
As a vocal opponent in the Texas Senate of the "complex cases" portion of SB 1204, I questioned the need for such a proposal. I also cautioned my fellow senators about the serious risks associated with this type of intrusion on the jurisdiction of district judges.

Voters across Texas elect their district judges to rule on the cases before those judges. Any bureaucratic mechanism for removing a case from a particular judge because of an administrative determination that the case is too complex for that judge would erode Texas voters' ability to hold their judges accountable.

The Texas Legislature has been responsive to the concerns of the Texas Judiciary and the Texas State Bar, particularly during the last few legislative sessions. Any attempt by the Supreme Court Advisory Committee or by the Supreme Court to "legislate by rule" may undermine the strong relationship between the Texas Judiciary and the Texas Legislature.

Please keep me informed of the committee's progress in regard to this issue.

Sincerely,


Juan "Chuy" Hinojosa

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August 27, 2007

Senator Juan "Chuy" Hinojosa
P.O. Box 12068
Capitol Building
Austin, Texas 78711

Re: Supreme Court Advisory Committee

Dear Senator Hinojosa:

Thank you for your letter of August 24, 2007. I can assure you that the Supreme Court Advisory will not, nor could it, circumvent the will of the Texas Legislature. Our committee, as its name suggests, receives assignments from the Supreme Court, studies the issue and advises the Court.

That is what the Court has asked us to do with the "complex cases" issue. At our meeting on August 24, I reported to the full committee that we had been asked to study this issue and there was a short discussion about the matter. A transcript of our meeting will be available shortly and I will send it to you.

I fully agree with you that the Texas Legislature has been responsive to the concerns of the Texas Judiciary and the Texas State Bar. It is also true that the Supreme Court Advisory Committee is sensitive to the separation of power issues when the Court's rule making authority intersects with the legislature's prerogative to enact substantive legislation. We attempt to advise the court when we recognize that a proposed rule approaches or crosses that line.

With respect to the Court's request that the Supreme Court Advisory Committee study the "complex cases" matter this was born of Chief Justice Jefferson's (and the Court's) desire to study ways to make our civil justice system more user friendly and staunch the flow of litigation to other forums.

I will certainly keep you informed regarding the Committee's progress on these issues.

Very truly yours,

Charles L. Babcock

August 27, 2007

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cc: Chief Justice Wallace Jefferson
Justice Nathan Hecht
Jody Hughes
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