

SENATOR JEFF WENTWORTH
SENATE DISTRICT 25

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**The Senate of
The State of Texas**

PRESIDENT PRO TEM
OF THE TEXAS SENATE
2004 - 2005

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**COUNTIES IN
SENATE DISTRICT 25**

Bexar (north)	Hays
Comal	Kendall
Guadalupe	Travis (south)

August 22, 2007

Mr. Charles L. Babcock, Chair
The Supreme Court Advisory Committee
Jackson Walker L. L. P.
Bank of America Plaza
901 Main Street, Ste. 6000
Dallas, Texas 75202

Dear Mr. Babcock:

It has come to my attention that this Friday, August 24, 2007, The Supreme Court Advisory Committee will meet to discuss several items, one of which is "dealing with complex cases."

It is an unpleasant surprise to me that this item appears on the agenda of your committee meeting. In this year's regular session of the legislature, it became quite clear to those involved that not only was there no demonstrated need for such a proposal, but also defining such cases was problematic, if not impossible. Furthermore, the district judges were very concerned with the complex case provision of SB 1204 and did not want to lose jurisdiction of any cases.

In addition, elements of the bar including defense, plaintiff, probate and family lawyers all expressed alarm at such a proposal.

Finally, Texas voters want their local judges to decide local cases, regardless of how complex they may be.

Mr. Charles L. Babcock

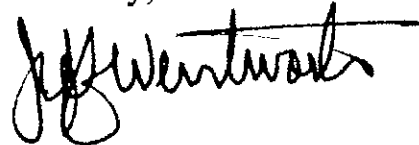
August 22, 2007

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I believe you will find that many of my colleagues in the Senate share my concerns and, in fact, do not wish to see the court change the law with regard to complex cases.

While the court has the authority to pass rules affecting our civil justice system, I would strongly urge your committee to acknowledge that the legislature specifically dealt with this issue. A "complex case" procedure similar to what you proposed for Advisory Committee consideration was specifically rejected by the legislature after broad and vociferous public input. There is no legislative mandate for this proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Wentworth", with a stylized, cursive script.

Jeff Wentworth

Chair

Senate Jurisprudence Committee

cc: Members, Supreme Court of Texas
Members, Supreme Court Advisory Committee
Lt. Governor David Dewhurst



Charles L. Babcock
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August 24, 2007

Via Facsimile

Senator Jeff Wentworth
The Senate of the State of Texas
P.O. Box 12068
Austin, Texas 78711

Dear Senator Wentworth:

Thank you for your letter of August 22, 2007 which I received today. Several months ago the Court asked the Supreme Court Advisory Committee to study ways in which the Court could pass rules which would make the court system more user friendly and staunch the flow of cases to other states and other methods of dispute resolution (such as arbitration). We appointed a subcommittee to study the issue and they have focused on rocket dockets like those found in the Eastern Districts of Texas and Virginia. The Committee has reached the view that such changes would not likely benefit our civil justice system.

Last week the Court asked this subcommittee to study what other states are doing with respect to complex cases. The subcommittee has not begun its work and will only report to the full committee tomorrow about what it intends to look at and get any comments from the full committee that may be warranted. I expect we might hear something substantive at our October meeting.

The Committee appreciates the opportunity it has had the past several years to assist in implementing legislative policies through legal research and discussions of practical considerations among experienced lawyers, judges, and academics. We look forward to continuing to serve in this role.

I can tell you that the Supreme Court Advisory Committee is very aware of the issues raised when the Court's rule making power intersects with the Legislature's duty to enact substantive legislation. You will see from our debates that we have attempted to advise the Court when, in our view, a proposed rule crosses that line. The Court has been very sensitive to such issues as well.

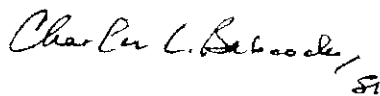
I understand that since you wrote to me you have had a conversation with both Chief Justice Jefferson and Justice Hecht. I hope that these comments are consistent with their remarks to you.

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If I can be of any service to you, please do not hesitate to write or call.

Very truly yours,

A handwritten signature in cursive script that reads "Charles L. Babcock". The signature is written in dark ink and is positioned above the printed name.

Charles L. Babcock

CLB/abs