

## Steve Bresnen & Associates

August 24, 2007

Mr. Charles L. Babcock, Chair  
Supreme Court Advisory Committee  
Jackson Walker L.L.P.  
900 Main Street  
Suite 6000  
Dallas, Texas 75202

Dear Mr. Babcock:

I represent the Texas Family Law Foundation and the purpose of this letter is to express the Foundation's opposition to the adoption of so-called "complex case" rules.

During the 80<sup>th</sup> Regular Legislative Session, Foundation President Jack Marr testified in the Senate State Affairs Committee against Senate Bill 1204 as filed. That bill allowed a case to be administratively removed from a sitting, elected judge in a proper venue and with clear jurisdiction over the case, if the case was considered "complex."

The bill suggested criteria for what might constitute a complex case that would apply to some family law cases. Moreover, the bill would have allowed appointment in each such case of another judge deemed sufficiently capable of handling that *particular* case, which we viewed as a repudiation of the qualifications of a judge duly elected by the people when the Texas Constitution and state statutes have conferred jurisdiction on that court for just such cases.

The unprecedented centralization of administrative authority within the courts of Texas represented by S.B. 1204 as filed was viewed as anathema to members of the Foundation. The document by which development of a complex case rule was transmitted to your Legislative Mandate Subcommittee proposes having a *single judge to handle all* "complex cases" within a judicial administrative region. That proposal would appear to constitute even greater centralization of power within the court system than S.B. 1204 proposed by funneling all such cases to a single person selected for these case not by Texas voters but by administrative presiding judges appointed by the Court.

While most family law cases would not seem to fit the complex case model, and family law cases could be exempted altogether from any complex case proposal, Foundation members typically practice in general jurisdiction courts. They work with these judges day in and day out and have heard the rank and file judiciary's strong opposition to the complex case proposal. In addition, what affects the judges' dockets affects the practices of family lawyers. While the Foundation's officers would review any specific complex case proposal that might be considered by the Court or the Legislature, I think the views of the elected judges of the trial courts in this state would weigh heavily, if not conclusively, on the results of that review.

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Finally, I have been authorized by the Foundation to state its position that any policy for addressing complex cases should be addressed by the Legislature and not by court rules. The complex case provisions of S.B. 1204 were rejected by the 80<sup>th</sup> Legislature. Rather, there was wide support in the Legislature—and the Foundation—for directing additional resources to those courts facing particularly burdensome litigation. Coupled with the power of elected judges to get help at their request in the form of visiting judges, the Foundation believes that providing additional resources to our elected judges is the sound approach to this matter.

Accordingly, we respectfully request that your committee defer to the Legislature and table further work on complex case rules.

Thanks for the work you do for Texas.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Bresnen", written in a cursive style.

Steve Bresnen  
Attorney at Law

Cc: Justices, Texas Supreme Court