

**COURT ORDER NO. 2019-030-01-07**

**STATE OF TEXAS**

**COMMISSIONERS' COURT SPECIAL SESSION**

**COUNTY OF COLLIN**

**MEETING MINUTES**

**DECEMBER 10, 2018**

On Monday, December 10, 2018, the Commissioners' Court of Collin County, Texas, met in a Special Session Workshop in the Commissioners' Courtroom, Jack Hatchell Collin County Administration Building, 4th Floor, 2300 Bloomdale Road, City of McKinney, Texas, with the following members present, and participating, to wit:

Judge Keith Self

Commissioner Susan Fletcher, Precinct 1

Commissioner Cheryl Williams, Precinct 2

Commissioner Darrell Hale, Precinct 3

Commissioner Duncan Webb, Precinct 4

1. Judge Self called to order the Special Session meeting of the **Collin County Commissioners' Court Legislative Workshop Special Session** at 10:00 a.m.

**2. Public Comments**

**GENERAL DISCUSSION**

3. **AI-45820** Collin County Legislative Issues, Commissioners' Court.

The following legislators were in attendance: Candy Noble, Representative Elect, District 89; Angela Paxton, Senator Elect, District 8; Jeff Leach, Representative, District 67; Matt Shaheen, Representative, District 66; and Megan Pulley, District Director for Scott Sanford, Representative, District 70.

Judge Self invited Judges Andrea Thompson, 416<sup>th</sup> District Court, and Emily Miskel, 470<sup>th</sup> District Court, to come forward with a presentation on future court capacity for the District Courts. In 2015, when the new courts came on line, over 21,000 cases per year were being filed in the District Courts. As of October 2018, the number is 24,646 cases per year. Since 2014, there has been a 6% increase in cases each year. Each court is handling over 2,200 cases per year. This means each court must finalize 187 cases per month, or approximately nine cases per day, to stay even with new filings. Each case is entitled a total of 51 minutes of time on and off the bench. If a trial were to take three days, that case would be taking up 27 cases' worth of court time. This does not include any time needed to read pleadings, research the law or prepare orders. According to projections, in September of 2019 there will be an excess of 2,350 cases per court. Typically, a court is added when the cases per court per year exceeds 2,300 which will be reached in May 2019.

Judge Miskel averages 29 trials per month, or 1.4 trials per day, and uses the shortest amount of time she can for each case. She said it is difficult to provide citizens with the kind of service deserved at this high quantity. Judge Thompson had similar numbers and said the courts have reached a critical mass on time per case.

Growth since 2014 has been consistent with an overall growth rate of 5.9% per year. Criminal cases have grown the fastest at 9% per year compared to the civil case growth of 6.7% per year. Judge Self asked if specialized court changes are being considered for after the first of the year. Judge Thompson said at this time it is not something the Commissioners' Court will need to plan for because there is a commitment from all of the judges to reallocate in such a way that only the seven courts currently hearing criminal cases will hear criminal cases.

In 2017, the OCA (Office of Court Administration) determined that Collin County has a need for 15.7 judicial officers, currently there are 11.4. This means there is an unmet need of 4.3 judicial officers. Collin County is fiscally conservative and efficient; therefore, the proposal would be for only two new courts.

Commissioner Fletcher asked how the auxiliary court plays into the numbers. Judge Miskel said the OCA is considering the auxiliary court the 0.4 of the 11.4 current judicial officers.

Commissioner Hale said a lot of this is predicated on the growth rate of court cases from 2014 – 2018 and asked why data from 2006 – 2018, which creates a different slope on growth of court cases, was not used. Judge Miskel said the consistent growth from 2014 – 2018 is different growth than pre 2014. Looking at ten years of data rather than five years would give a different average, but to predict what is going to happen next year, the last five years would give more relevant data.

Commissioner Hale shared the data analysis he prepared on the need for additional courts. Based on court case aggregate numbers from 2006 – 2018 it showed a need for an additional court in 2019 and one more in 2021. In looking at a population per case basis, the average is 42 population per case which is consistent with the future population growth of the County.

Representative Leach said he would like to discuss how the early dismissal rules are working to weed out abusive and frivolous lawsuits with Judges Thompson and Miskel. (Time: 10:24 a.m.)

The next item for discussion was ad litem fees. Commissioner Williams said there are two different types of cases the County must pay for – indigent defense and all ad litem cases. Unlike indigent defense, which has some legislation controls, ad litem has no rules or caps. Any judge can pay any ad litem attorney any amount of money without any oversight or accountability. This is controlled by OCA which has no rules for ad litem. TAC (Texas Association of Counties) surveyed counties to find out what their biggest expense items are and ad litem was at the top of the list showing this is a statewide concern.

There needs to be legislation on this matter. However, TAC may not take a position on this because they also represent the judges. CUC (Council of Urban Counties) will be discussing this issue at their upcoming policy meeting. Commissioner Williams said an example of what needs to be done is the indigent defense rules which can be adopted in a similar fashion. Representative Leach agreed and said the judges he has spoken with welcome framework to operate within. (Time: 10:31 a.m.)

Indigent defense was the next topic of discussion. Commissioner Williams said the county portion of indigent defense has been dramatically increasing while the state's reimbursement of indigent defense has been decreasing. The burden has been shifting to the county taxpayer for these costs. Representative Shaheen asked how the reimbursement works. Bill Bilyeu, County Administrator, said the state has a flat budgeted amount which pays out pro rata out across the state. Commissioner Williams said this is on TAC's legislative list. (Time: 10:33 a.m.)

Prohibit unfunded mandates was the next item. Commissioner Fletcher said the costs associated with unfunded mandates resulting from changes in regulations and laws impacts counties which do not have additional funds coming in like sales tax to pay for the mandates. This will eventually result in increased property tax rates for citizens. Discussion continued with examples of unfunded mandates.

Representative Shaheen said if CUC and TAC can step up and lobby on behalf of all counties it makes the legislator's job better. He requested the list of the TAC and CUC items be sent to him and his colleagues to aid in the lobbying process. (Time: 10:42 a.m.)

The next item was the creation of a magistrate to be appointed by Commissioners' Court. Commissioner Williams said people must see a magistrate for misdemeanors within 24-hours which is difficult to do when there isn't an adequate number of people doing magistration. Collin County uses JPs (Justices of the Peace) which are paid an additional amount to do this. The concern is the JP's time capacity and whether or not the County will need a magistrate which would be hired by the Court. The Court cannot hire a magistrate without specific legislation for Collin County. The Court would like to have the authority to do this if/when needed. Under current legislation this is not possible.

Representative Noble questioned if there is a way, as a state, when a county reaches a certain population, a magistrate position is automatically available to the county instead of authorizing one at a time. Representative Shaheen suggested doing both; legislation for an automatic magistrate position by population and specific legislation for Collin County. Mr. Bilyeu said the default in the law is that in order for someone to magistrate they must already be in a judicial position. What multiple counties have done is have the Board of District Judges make a recommendation to the Commissioners' Court and the Court accepts the recommendation and funds it. Collin County is asking for the initiation with the decision made by the Court. Judge Self said the Court would want an active or retired judicial officer and for the legislation to read that way. (Time: 10:46 a.m.)

Representative Shaheen referred back to the addition of Courts and said County Court at Law Court's caseload grows at a slower rate and asked if there is some type of flaw as far as cases that go the County Court at Law and District Court in regards to dollar parameters. Representative Leach said the dollar threshold is one of the procedural changes that needs to be talked about for all the courts statewide. (Time: 10:49 a.m.)

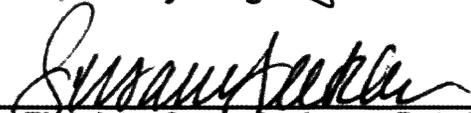
**NO ACTION TAKEN**

Representative Leach thanked Judge Self, on behalf of the delegation, for his service to Collin County. (Time: 10:50 a.m.)

There being no further business of the Court, Judge Self adjourned the meeting at 10:50 a.m.



  
Chris Hill, County Judge

  
Susan Fletcher, Commissioner, Pct. 1

Not Present  
Cheryl Williams, Commissioner, Pct. 2

  
Darrell Hale, Commissioner, Pct. 3

  
Duncan Webb, Commissioner, Pct. 4

ATTEST:

  
Stacey Kemp, Ex-Officio Clerk  
Commissioners Court  
Collin County, T E X A S