

# RESOLUTION

## OF THE

## COLLIN COUNTY COMMISSIONERS' COURT

WHEREAS, more than a hundred community leaders from Collin, Cooke, Fannin, Grayson, and Lamar Counties in North Texas gathered with members of the Grayson County Bar Association on September 25, 2013, to hear representatives of the United States District Court, the United States Attorney, and the United States District Clerk for the Eastern District of Texas, representatives of Congressman Ralph Hall, and representatives of Grayson County address the extreme and officially Federally designated "Judicial Emergency" created by the seven (7) year judicial vacancy in the Sherman Division of the Eastern District of Texas sitting at Sherman;

WHEREAS, those same leaders heard the thoughtful and concerned response of representatives of the offices of United States Senators John Cornyn and Ted Cruz of Texas, and of the offices of Congressman Sam Johnson of Plano, Congresswoman Eddie Bernice Johnson of Dallas, and Congressman Ralph Hall of Rockwall, and their pledge of assistance in attempting to resolve this "Judicial Emergency" as declared by the Administrative Office of the United States Courts.

WHEREAS, the Grayson County Bar Association on September 25, 2013, passed unanimously the attached Resolution in support of prompt attention to filling the judicial vacancy of the Federal Court for the Eastern District of Texas sitting at Sherman, with strong preference for the appointment of a judge residing in Grayson County to better ensure longer term continuity in the Federal Court at Sherman;

WHEREAS, the continuing Sherman judicial vacancy creates a significant and unsustainable strain on the judicial resources dedicated to serve over 1,500,000 North Texas residents relying on the two Sherman Division locations sitting at Sherman in Grayson County and Plano in Collin County, because since 2003 the docket of the Sherman Division, by agreement and practice, has been evenly divided between the two locations;

WHEREAS, United States District Judge Richard A. Schell at Plano, Magistrate Judge Don Bush at Plano, and Magistrate Judge Amos Mazzant at Sherman, who serve those two locations, routinely work nights and weekends to attempt to address the staggering Sherman Division court dockets which rank among the heaviest in the United States;

WHEREAS, two United States District Judges for the Eastern District of Texas, Hon. Marcia Crone and Hon. Ron Clark, periodically drive approximately 345 miles from Beaumont, Texas, to Sherman and back, to support the efforts of Judge Schell, to keep the Sherman Division functioning effectively;

WHEREAS, the efficiency and quality of Federal Court services are gravely risked, if unaddressed, and stand to increase considerably in the near future in that Judge Schell has indicated his intention in March of 2014 to announce his intention to assume senior status in March of 2015, further underscoring the urgency of filling the Sherman vacancy left by the 2006 retirement of United States District Judge Paul Brown of Sherman, Texas;

WHEREAS, following the unanimous passage of the Grayson County Bar Association Resolution, Attachment "A," on September 25, 2013, a number of North Texas counties, cities, and chambers of commerce have unanimously passed similar resolutions, as follows:

- I. Counties:** Cooke County; Fannin County; Grayson County; and Lamar County;
- II. Cities:** City of Bells; City of Bonham; City of Denison; City of Gainesville; City of Howe; City of Paris; City of Pottsboro; City of Sherman; City of Whitesboro; and City of Whitewright; and
- III. Chambers of Commerce:** Denison Chamber of Commerce; Pottsboro Chamber of Commerce; Sherman Chamber of Commerce; and Whitewright Chamber of Commerce;

WHEREAS, the Collin County Commissioners' Court supports both in fact and in principle the Resolution of the Grayson County Bar Association, the Resolutions of Cooke, Fannin, Grayson, and Lamar Counties, and other Resolutions referenced above because:

- 1) the Administrative Office of the United States Courts has officially recognized the need for urgent appointment to address this long-standing "Judicial Emergency," a status that can be remedied by the affected parties working together promptly for the common good;
- 2) the impending announcement of Hon. Richard A. Schell of his intention to assume senior status increases the risk to effective and continuous Federal Judicial service in the Sherman Division of the Eastern District of Texas and to the more than 1,500,000 North Texas residents the Court serves;
- 3) nothing justifies extending the seven (7) year vacancy in the judgeship of the Federal Court sitting at Sherman, the continuation of which undermines a) the agreement between the Collin and Grayson County Bar Associations to support the addition of a second location at Plano for holding court in the Sherman Division, b) the June 13, 2003 Resolution of the Eastern District Judges in consonance with the agreement of the Grayson and Collin County Bar Associations to support the designation of Plano as a place of holding Federal court, and c) Public Law No: 108-157, the statute signed into law by President George W. Bush on December 3, 2003, to effectuate the above-referenced agreements of the Collin and Grayson County Bar Associations and the Resolution of the Eastern District of Texas District Judges;

- 4) the appointment of a qualified judicial candidate residing within the affected geographical area better assures the continuity of service from each of the Sherman and Plano locations, respectively, to more than 1,500,000 affected North Texas residents; and
- 5) appointment of a non-resident from outside the affected geographic area is simply unnecessary as a practical matter;

WHEREAS, any of several qualified members of the Grayson County Bar Association residing in Grayson County would, if nominated, offer reasonable assurance of a continuous federal judicial presence for many years, helping to restore much needed efficiency and structural stability for such a fundamental institution of our republican form of government;

BE IT RESOLVED, that the Collin County Commissioners' Court respectfully requests our United States Senators, working with appropriate officials, to forward to President Obama a bipartisan slate of qualified potential nominees in time to allow both President Obama to nominate and the Senate to confirm by March 31, 2014, a federal judicial nominee for the Sherman Division of Eastern District of Texas sitting at Sherman, Texas, with strong preference given to a nominee residing in Grayson County.

Signed this the \_\_\_\_ day of January, 2014.

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Hon. Keith Self, Collin County Judge