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OUR MISSION

Texans for Lawsuit Reform is a volunteer-led organization working to restore fairness and balance to our civil justice system through political action, legal, academic and market research, and grassroots initiatives. The common goal of our more than 18,000 supporters is to make Texas the Beacon State for Civil Justice in America.

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Houston, We Have a Problem

By Richard J. Trabulsi Jr., TLR Chairman

It is not only Houston, but our entire state, that has a problem. An earthbound problem. We are choosing our third branch of government—the judiciary—without regard to a person’s qualifications to be a judge.

If you were choosing a lawyer, you would exercise due diligence to select a lawyer with the credentials to handle your matter competently. And if you were going to court, you would want a qualified judge to hear your case.

Yet in Texas, every judge is chosen by partisan election. Texas has two high courts—the Supreme Court and the Court of Criminal Appeals—and each has nine justices. They decide the most important issues of civil and criminal law. All 18 justices are elected. How many of these 18 justices can you name? When you voted for or against them, how aware were you of the candidates’ qualifications for the highest judicial offices in Texas?

In Harris County (Houston), there are usually about 70 judicial offices on the ballot. I care a lot about the law and our courts, yet even I am incapable of casting *informed* votes for 70 judicial positions.

Statutes, regulations and judicial precedent establish the rule of law, but only if we have judges who understand them and apply them faithfully.

Unfortunately, on many of our trial courts and intermediate appellate courts, we have judges who lack the knowledge, experience or impartiality requisite to being a good judge. I draw your attention to page four of this *Advocate*, which details shenanigans on the Texas Fifth Court of Appeals in Dallas. The majority of members of that court violated normal processes in order to change the outcome of a case that had been decided by the court’s own three-judge panel. That is deeply troubling.

Let’s work together to establish a more sensible judicial selection process to place impartial and competent judges on our courts.

TLR and the Texas Civil Justice League propose a selection process with these essential elements: (1) the governor nominates individuals to fill judicial vacancies as they occur; (2) a non-partisan panel of citizens rates the nominees as highly qualified, qualified or unqualified, based on specific guidelines set by the Texas Legislature; (3) the nominee must be approved by a two-thirds vote of the Texas Senate; (4) if approved, the appointed judge serves for a maximum of 12 years; and (5) within two years of assuming the bench, the judge stands for a “retention” election in which citizens can vote the judge off the bench.

We have passed meaningful tort reforms over the last quarter-century. But, as we see every day in Texas, those reforms lose meaning in the hands of biased or incompetent judges. ■