

Judicial Reform and Selection in Texas:
What about Single Member Districts
for All Appellate Judges?

By

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AN APPLIED RESEARCH PROJECT (POLITICAL SCIENCE 5397) **SUBMITTED TO**
THE DEPARTMENT OF POLITICAL SCIENCE
SOUTHWESTERN TEXAS STATE UNIVERSITY
IN PARTIAL FULFILLMENT
FOR THE REQUIREMENTS FOR THE DEGREE OF
MASTERS OF PUBLIC ADMINISTRATION

SPRING 1992

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Chapter One

-- Introduction --

"But if I say only one memorable thing today, let it be this: the status quo in judicial selection is not an option. Change is occurring across the entire nation, either by popular will or federal judicial decree. Change will inevitably come to Texas. The only vital questions are what those changes will be, and who will make them."

State of the Judiciary Address by Chief Justice Thomas R. Phillips, to the Texas Legislature in 1989

Judicial selection has been the subject of a long-standing debate both in Texas and the other states (Slotnick, 1988). In the last few years the debate, in Texas has focussed on the large amount of money needed to run judicial campaigns, partisan elections and scandals on the Texas Supreme Court. Reformers have called for the implementation of the Texas Merit **Selection/Retention** Plan, which is essentially the Missouri Plan, to put respectability back in the court. Supporters of the current system, although themselves calling for some reform, criticize the Texas Plan, as being elitist. They contend that the plan would not lead to the appointment of more meritorious judges by citing a 1978 study by Glick, that concluded there were no significant difference in the characteristics of merit selection and partisan elected judges (Champagne, 1988:154). Anthony Champagne, who in 1986 with a grant from the Texas Bar foundation, produced a major study on the Selection and Retention of Judges in

Texas, wrote that: "At this point it is difficult to imagine that merit selection of judges in Texas is in the offering (Champagne, 1988:154)."

In 1988 another ingredient was added to the "Court Reform Debate." Minorities filed two separate suits with federal judges in Midland and Brownsville claiming that the at-large method of electing certain district-court and court of appeals judges violated section two of the U.S. Voting Rights Act (42 U.S.C. Section 1973 (1985)). This section prohibits election systems that dilute, even unintentionally, the ability of minorities to elect a representative of their choice. One of the cases *League of United Latin American Citizens v. Attorney General of Texas*, 914 F.2d 620 (1990) recently received a boost, when the Supreme Court overruled the 5th Circuit decision that the federal Voting Rights Act does not apply to election of state judges. Both cases are presently before the 5th Circuit Court of Appeals in New Orleans. There are a number of lawsuits similar to the Texas cases that are now pending or have been litigated in other states (Landis, 1990).

It is highly probable that if the legislature does not reform the judicial selection system in the near future the federal courts will. The legislature has the opportunity to reform the court in a manner that could satisfy not only minorities, but also the proponents and opponents of the current system. With this prognosis in mind, the following research question problem is proposed: Would voting for appellate judges in single member district elections increase the likelihood of more minority judges winning seats on the appellate courts in Texas. Would this in turn, not only make the courts more representative, but more respectable? Smaller districts is another probable benefit of single member districts. This would reduce campaign cost and hence, enable

candidates to campaign more effectively.

Introduction to Other Chapters

This research will attempt to analyze the controversies surrounding the selection reform. In chapter two, the Literature Review, scholarly literature from a cross-section of political scientist and the legal community was analyzed and discussed with a focus towards the judicial selection reform debate in Texas. The last section in chapter two considered the single member district concept, which until recently has not been a major topic in the judicial selection reform movement. Chapter three is a comprehensive and historical look at the current Texas judicial system. Methods, to evaluate the Texas appellate selection system and its implication on minorities, are offered and discussed in chapters four and five. The final chapter will be a discussion of the findings and what implications they may have on the judicial selection reform movement. Also included in this chapter is a new judicial selection proposal that may or may not satisfy the critics and supporters of the current system.

CHAPTER TWO

Review of Literature

The topic of Judicial Reform and Selection has been hotly debated since the foundation of state courts two hundred years ago. Dubios (1986) notes that "no single subject has consumed as many pages in law reviews and law-related publications over the past fifty years as the subject of judicial selection (Dubois, 1986:31)". The vast majority of the academic research has been produced in the past twenty-five years (Slotnick, 1988). The topics vary widely, but tend to focus on which selection method is best at selecting the most qualified person to serve as a judge. The research shows that no one method is markedly superior to the other, but it does indicate the positive and negative aspects of each method.

Single member districts have been seen by many as the only method of achieving equal representation in not only local jurisdictions, but also in the judiciary. Since the Voting Rights Act of 1964 there has been numerous studies made on the dilution and disenfranchisement of minorities caused by at-large elections in local jurisdictions (Taebel, 1978; Karnig, 1982). Very little of this research has focussed on the judiciary. Many minorities in Texas believe that they have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their

choice.

Accountability vs Independence

Thomas Brennan, in his article "Nonpartisan Election of Judges: The Michigan Case" states that "Thomas Jefferson said that if the voters make unwise or foolish choices, the remedy is not to disenfranchise them, but to inform their discretion. To say that voters do not know what they are doing is a glib denigration of democracy (Brennan, 1986:28)." This is just one of the many quotes that supporters of nonpartisan elections use to indicate how they feel about merit selection. Part of the unique feature of the American judiciary is found in the inherent tension between democratic accountability and judicial independence (Lovrich and Sheldon, 1984:23). Much of the debate over accountability vs independence is emotionally charged or based on personal experience. The diversity of systems of judicial selection reflects the uncertainty and ambiguity that surrounds the public attitudes toward the role of judges within the political process.

Role of the Judiciary

The key to the debate over judicial selection lies in the priority given to the core values of accountability and independence. The controversy surrounding judicial selection hinges on the conflict between public accountability and judicial independence. Everyone agrees that good judges are essential, nonetheless, the problem of selecting the best qualified individual continues (McMillian, 1986:9). Many people feel that judges

are public officials and, hence, should be held accountable to the public for their behavior. The rule of law, however, dictates that judges remain independent from the ebb and flow of public opinion and politics (Lovrich and Sheldon, 1984:23).

Judicial Independence

Those that believe strongly in judicial independence argue that the only major objectives in judicial selections are to secure judicial independence and to recruit the highest quality legal professional to staff the bench. They deem it unappropriated to hold judges accountable to the will of the people. They maintain that the will of the people has nothing to do with their functions. Judges decide cases upon the merits not on the perceived will of the majority. By "permitting the popular election of judges, the public fails to understand that judges do not make decisions based upon their views or the views of the public but, rather on the law's view on the matter (Krivosha, 1986:17)."

Dubois quotes a California appellate judge describing his job: "A judges responsibility is to interpret and apply the Constitution, legislative enactments, and the decisions of higher courts to cases or controversies presented to the court. This function must be performed by relying on legal training and knowledge of the law, and cannot, in any conscious way, be dependent upon personal or public opinion. A judge may not consciously follow subjective social, political, or economic views if the law requires a contrary result (Dubois, 1986:36)."

On the other hand, Dubios questions that statement and declares that it is "unrealistic and naive, however, to assume that judges will entirely set aside their own

attitudes and values in determining the relevant facts, in interpreting the applicable legal rules, and in reaching the result that they consider just, equitable or most consistent with sensible public policy (Dubois, 1986:38)." The fact that judges can be held accountable through elections actually "reinforces and legitimize judicial power on those occasions when judicial decisions offend a substantial portion of the citizenry (Dubois, 1986:38)."

Judicial Accountability

The predominant notion is that courts serve a critical role in the maintenance of limited government by being a check on the legislative and executive branches. To perform this job the courts need to be independent. On the other hand, the courts must rule on laws and statutes that effect all the people. Judges should be sensitive and responsive to the political, economic, social, moral and ethical views held by a majority of citizens. Since judges must make these decisions they should be held popularly accountable for their decisions -- so say the Legal Realists -- who urges "a realistic understanding of the creative and innovative aspects of the judicial role (Dubois, 1986:38)" and that the "myth that judges have no opinions and that they go with an empty head to hear each case (Dubois, 1986:38)" is not true.

Judges called to decide constitutional, statutory and common law cases are required to make choices in their determination of the relevant facts, in the selection of the appropriate legal principles and precedents and in the application of those principles to the determined facts. These choices are full of underlying questions of equity, justice and public policy, which are inevitable influenced by the judges personal attitudes and

values. To make these choices judges act like other political decision-makers favor some individuals and groups and others are not favored (Dubois, 1986:38).

Judges as major governmental actors perform two distinct functions resolving disputes between litigants and "increasingly" establishing directions for public policy. To resolve the disputes judges need to be independent and to establish direction for public policy judge needs to be held accountable. This means judges must be both independent and accountable. (Lovrich and Sheldon, 1985:276)

Judicial Elections

Judicial elections are "a symbol of the ongoing struggle between those who favor a judiciary that is held accountable to the public and those who seek a judicial system that provides for an independent judiciary (Hall & Aspin, 1987:340). Proponents believe that popular election at frequent intervals provide for the best opportunity to hold judges accountable for their actions. On the other hand, lifetime appointment by an independent commission would probably guarantee the greatest degree of independence, both in selection and tenure. Nonpartisan elections for long terms and merit selection -- Missouri Plan -- are compromises between absolute independence and maximum accountability (Jenkins, 1977:79). Lovrich and Sheldon (1984) maintain that "democratic accountability has lost the upper hand in its struggle with judicial independence in this post-reform period, and that the average voter has been reduced to the position of an unknowledgeable participant in a largely symbolic process (Lovrich and Sheldon, 1984:24)." Krivosha (1986:15) is afraid that the merit selection system has to a large

extent removed the judiciary from the political arena.

Judicial Selection

There are myriad of ways to select judges in the United States. One would be hard press to find any two states with the identical systems. Most states use hybrid systems in which some judges will be chosen under one method and judges at another level of the court system will be chosen by a completely different method (Champagne, 1986:57). A state's choice of a system of judicial selection may be explained in large part by historical trends. These different methods can be classified in five major selection methods: partisan election, non-partisan election, **merit\retention** also know as the Missouri Plan, gubernatorial appointment and legislative selection (Davidow, 1981).

The research does not show that one method of selection has proven superior than the others. It does recognize, however, that all the selection methods have room for improvement. Researchers are currently asking whether the method of selection makes any difference in determining who becomes a judge. Simple background analysis of current and past judges show that most judges are white males. Consequently, women and minority groups have expressed great interest over whether judicial recruitment and selection at the state level provides new opportunities on the bench. They maintain that issues of fairness, representation, access and participation in the judicial arena must be addressed. The research topic confines the discussion to literature concerning merit selection and popular elections.

Merit Selection

Merit selection presumes to combine the best features of all the selections processes. Under this plan, judges are appointed to the bench by the governor after making a selection from a list proposed by a judicial nominating commission. After a short probationary period on the bench, the new judge faces the voters who decide whether he or she should be retained in office (**Aspin and Hall, 1989:703**). These retention elections are nonpartisan, which means that voters cannot use party as a primary voting cue. When a candidate runs for retention, there is no opponent and the only name on the ballot is the person running for retention. The voters vote that candidate either up or down (Champagne, 1986:61). Throughout the history of retention elections only a handful of candidates have been defeated. This is a major criticism of retention elections (Jenkins, 1977; Griffin and Horan, 1979; Hall and **Aspin, 1987**).

Voters have shown little interest in retention elections. Dubois (1986) credits this lack of interest to the absence of competition and voting cues (Dubois, 1986). About 90 percent of the voters going to the polls voted for judicial candidates running against other candidates in partisan elections (Dubois, 1980). This compares to only 60 percent of those voting for a candidate in retention elections (Beechen, 1974; Hall and **Aspin 1987**). **Aspin and Hall (1987)** cite studies that show that "if the voting cues of partisanship, issues, incumbency and candidate appeal are unavailable, voters will be forced to look to other cues for guidance (**Aspin and Hall, 1987:705**). This led them to empirically examine the "friends and neighbor" effect in judicial retention elections.

One of the methods employed to gauge voter interest in judicial elections is the

"drop-off" rate. Drop-off rates are determined by comparing the total vote received by judicial candidates with the total number of ballots cast in the election (Beechen, 1974:243). Aspin and Hall (1987) compared the voting patterns of the voters in the current residence county of the judge with the voting patterns of the voters in the remainder of the district. If the "friends and neighbors" hypothesis is correct than two patterns should occur: 1) there should be less drop-off in the home county of the judge up for retention than in the rest of the district; 2) the percent in the home county voting 'yes' should be greater than in the rest of the district. The data confirmed the hypothesis, home county voters were more likely to vote either "yes" or "no" in the retention election than are the non-home county voters. The drop-off was higher in non-home counties. The findings also indicated that home county voters are not only greater supporters, but also greater critics of judges standing for retention (Aspin and Hall, 1987: 705-712).

The "friends and neighbor" effect shows that voters in smaller areas know their candidate better and are more willing to go to the polls, than voters in outlying areas. This substantiates another study by Hall and Aspin (1987). In that study they also found that voters in the candidates home county vote more heavily either for or against the judge, than do non-home county voters (Hall and Aspin, 1987:343-344).

Griffin and Horan (1979) studied the factors that influence voters in merit retention elections? The study suggested that people are more likely to vote in retention elections if they have learned something about the candidates from even a single source. The study used national data and a case study of the 1978 retention elections in

Wyoming. On the basis of the results of 17 states which conducted retention elections last year, the authors were able to find patterns and compare these with the trends observed in previous analyses of such elections (Griffin & Horan, 1979:81). The relationship between voting behavior and the impact of informational sources and levels upon voters was analyzed. The findings (impressive majorities in favor of retention) were similar to both the **Aspin** and Hall (1987) and Hall and **Aspin** (1987) studies. For the people that voted, information was obtained from personal contacts or observation of the judge. Like the **Aspin** and Hall (1987) study, higher levels of knowledge concerning the judicial election was reported by the voters of a judge's "home" county (Griffin & Horan, 1979:88). These finding strengthen the thesis that single member district appellate courts would hold judges more accountable.

In a nationwide study Glick and **Emmert** (1978) investigated why there are so few women and non-whites on state supreme courts. Measuring judicial qualifications is subjective, but there are several objective criteria available that can be analyzed, such as education and amount and type of legal and prior judicial experience. Merit systems are expected to favor individuals with extensive prior legal and judicial experience over those with extensive local and partisan political careers. A questionnaire was used to supplement data gathered from published sources to obtain a more complete biographic profile on the judges. The study included all state supreme court judges in the fifty states in 1980 and 1981.

Contrary to expectation, the findings indicate that merit plan judges have a larger variety of governmental experience than judges chosen by other selection methods (Glick

and Emmert, 1987:230-232). The study demonstrates clearly that judges from merit selection states do not possess greater judicial credentials than judges from popular election states. It also found that more of the gubernatorial appointment and merit selection judges have practiced in large firms. The study confirms many of the fears that minorities have indicated. Merit selection appears to limit the recruitment of minorities, especially blacks and hispanics (Glick and Emmert, 1987:230-232).

Elliot **Slotnick** (1984) conducted a similar study on the Federal level. Federal judges are recommended by their U.S. senator, then appointed to the bench by the president. When Carter came to office he issued Executive Order 11972 which officially established the U.S. Circuit Judge Nominating Commission to serve as a set advisory panels for aiding in generating candidates for appellate court vacancies (Slotnick, 1984:226). Although President Carter encouraged the senators to employ commission procedures for district court vacancies in their states, many of the senators used their own selection methods to select nominees.

The study utilized judicial selection procedures of the Omnibus Judgeship Act of 1978, which created 152 new judgeships. The Act required every judicial nominee to fill out a personal data questionnaire and go through confirmation hearings. Slotnick's study examined whether the four different types of recruitment methods employed by the senators, (1 personalized senatorial processes, (2 senatorially sponsored panels with candidate recommendations, (3 senatorially sponsored panels with all names forwarded, (4 presidentially sponsored panels, were associated with difference in a nominee's demographic profile, education, politicization, legal career and professional qualifications

(Slotnick, 1984:228).

As in the Glick and Emmert (1987) study one would expect merit selection nominees to exhibit exceptional legal qualifications and achievements in ways not necessarily shared by nominees chosen through personalized selection procedures. There were, however, no significant differences between nominees chosen by merit panel procedures and those emerging through personalized senatorial processes. Professional experience did not appear to make any difference whatsoever. For the most part the legal careers of nominees were similar in the aggregate regardless of whether personalized or panel process were used. The study suggest that "the identity of the actor [who] is predominantly responsible for designating nominees is at least as important and often more important for understanding the outcomes of judicial selection than the nature of the name generation processes utilized (Slotnick, 1984:234-235)."

Popular Elections •• Nonpartisan

Nonpartisan elections is another system of reform that has taken root in a number of jurisdictions. These de-politicized contests, are criticized as symbolic exercises, because of the lack of interest displayed by voters. Nonpartisan elections are interesting because they function like primaries or municipal elections in Texas. In fact, when Texas was considered a one party state, the primaries were essentially nonpartisan, because of the lack of a viable republican party and the winner of the democratic primary generally went into the general election unopposed. Again one of the major cues most voters use is party and in these elections they are missing. As noted earlier, without this voting cue

in judicial races, turnout decreases and "drop-off" increases.

To gauge voter interest in judicial elections Beechen (1974) compared the "drop-off" rate of Californian municipal and superior court election from June 1968 to November 1972 to other elective offices and ballot measures. Judicial races received the lowest level of voter attention. The results show that judicial drop-off rates ranged between 24.5 and 15.1 percent, while in other races drop-off was between 4.3 and 15.7 percent (Beechen, 1974:244). Because smaller districts have less drop-off, Beechen (1974:245) deduced there was greater voter interest.

Lovrich and Sheldon (1984 and 1985) focused on individual electoral behavior in two of their studies. They explored voter knowledge and voting behavior in the context of accountability and elections. The more interesting facet of the Lovrich and Sheldon studies is their exploration of public attitudes on the appropriate balance between judgeship accountability and independence. They believed that a balance between the often contradictory demands of popular accountability and judicial independence is more likely to lie in high articulation than in low articulation electoral systems. They also maintained that the more knowledge the voters acquire, the more likely they are to appreciate the unavoidable tension between judicial independence and popular accountability (Lovrich and Sheldon, 1985:278-279).

Lovrich and Sheldon (1985) designed a judicial recruitment model that displayed the number of recruitment actors involved in the judicial selection processes, along with differences in the frequency of their interaction throughout the recruitment process. A mail survey of voters, attorneys, and judicial candidates in Oregon and Washington after

the 1982 primary elections was employed to fill in the cells of the recruitment model (Lovrich and Sheldon, 1985:276-279). The evidence confirmed the hypotheses that high articulation jurisdictions are a responsible electorate which comes to the polls relatively well informed to cast ballots and reflect an appreciation of the special character of judicial elections. Their findings led the authors to conclude that contrary to popular belief among critics of judicial elections, the broadening of the popular base outside of the legal profession may well enhance the prospect of an appropriate balancing of accountability and independence. (Lovrich and Sheldon, 1985:282-292).

In an earlier study, Lovrich and Sheldon (1984) found that the first two elements of Gabriel Almond's model of the three essential criteria of a democratic policy making process, (1) formal opportunity for mass participation, (2) genuine autonomy and (3) competition among the elites, are found in judicial elections. They argue that if the third criteria (an attentive public and informed and interested stratum before whom elite discussion and controversy takes place) can be shown, then the conventional view of judicial elections and their participants should be changed (Lovrich and Sheldon, 1984:25).

To test their hypothesis the authors mailed a survey to three jurisdictions to find out the existence of an attentive public. The findings indicated that potential voters who did vote had a higher knowledge about the courts and legal processes than those that did not participate in the election (Lovrich and Sheldon, 1984:30).

Lovrich and Sheldon (1988) also examined the role of race in judicial elections. Specifically they explored the extent to which the racial factor might reflect an

"irrational" consideration of voter choice (Lovrich and Sheldon, 1988:807). They used the May 1984 primary elections returns in Oregon for assessing the impact of the race factor on non partisan judicial contests. Two judicial electoral contests involving black judicial candidates running against white candidate were studied. The voting results were gathered and black and white precincts with comparable socioeconomic backgrounds and voting results were compared with percentage of votes cast for the minority candidate and the vote drop-off.

They hypothesize that if race is a significant voting cue, than there should be clear evidence that black candidates attract a significantly higher proportion in black precincts than in matching white precincts (Lovrich and Sheldon, 1988:808). The findings support their hypothesis. Blacks tended to vote for black judicial candidates. **Furthermore**, support for black judicial candidate falls off dramatically in comparable white precincts. The results also showed that political party preferences and ideological leanings are clearly relevant to racial issues with that ideological orientation outweighing party (Lovrich and Sheldon, 1988; 814).

At-Large and Single Member Districts Elections

There is a large volume of litigation involving minorities attempt to replace **at-**large districts with smaller single member districts (Commentary, 1982; **Marovitz**, 1989). Davidson and Korbel (1981:1003) conclude from their examination of the history of reform during the Progressive Era that "many reformers, recruited from the business classes, introduced at-large elections to wrest control of municipalities from the laboring

classes and ethnic minorities." Minorities have been successful in persuading the courts to declare that at-large districts dilute minority votes representation. The courts, however, have been reluctant to overturn at-large districts in state judicial elections (Marovitz, 1989), despite the fact that blacks constitute only 3.8 percent of the more than 12,000 seats on state courts (Fund for Modern Courts, 1985:13). These statistics lead to the central question of whether methods of selection make any difference in determining who becomes judge (Graham, 1990:316).

In Barbara Graham's (1990) study of black representation on state courts, she notes that "despite historical patterns and traditional explanations of judicial recruitment and selection, an analysis of the background characteristics of state judges shows that one operative effect of judicial selection is that white males dominate state courts at all levels (Graham, 1990:316)." Her research examined whether and to what extent structural **characteristics** of judicial selection influence the racial distribution of state trial court judges. There were two interrelated questions; (1) Do formal and informal methods of judicial selection predict the likelihood of a black or white attorney serving as a state trial judge? (2) Are black judges more likely to reach the state trial court bench through elections or appointment (Graham, 1990:317)?

There are two competing approaches in explaining the scarcity of black judges on state benches. First, the structural dimension of judicial recruitment and selection in accounting for black underrepresentation, ie., method of selection, the South's repressive social and political tradition, one party system and discrimination. Second, the homogeneous composition of the legal profession, ie., unavailability of statutorily

qualified black attorneys explains the lack of representation of judges. Without greater representation of blacks in the legal profession, blacks will be under represented on the benches (Graham, 1990:318-319).

The study relied on data from the Joint Center for Political Studies for the black judges and data from *The American Bench: Judges of the Nation* for the white judges. The study was based on a sample size of 3,823 black and white trial court judges, constituting 50 percent of the entire general jurisdiction trial court bench in thirty-six states. The white cases were weighted to reflect their correct proportion in the population of judges (Graham, 1990:325-326).

The major findings of the study indicated that formal methods of judicial selection are insignificant in determining the racial distribution of judges on the state trial court bench, although informal methods were found to be significant. Appointment, both formal or informal, increases the chance of a black getting on the bench, however, among the appointive system the Missouri plan was the best for white judges. At-large-type judicial districts dilute black voting strength, which in turn, deprives black voters of the representatives of their choice (Graham, 1990:331).

A number of empirical studies have indicated that at-large electoral systems account for the inequality of black representation on governing bodies (Welch and **Karnig**, 1978; Taebe1 1978; Davidson and Korbel, 1981). Collin (1980) observed that in municipal mayoral elections held in a nonpartisan setting, black political participation increases significantly in races where one of the candidates is black. The purpose of the inquiry was to examine whether or not race acts uniformly as a salient factor across

different types of municipal elections held in a nonpartisan setting. The study explored the municipal elections in Atlanta in 1973, which happened to be highly contested among blacks and whites (Collins, 1980:330).

By comparing two separate sets of elections for the same offices, which were held at different points in time, it was possible to observe the extent to which race acts as a means of organizing political behavior when the party label is absent. This study measured turnout, defined as the total vote cast in a particular contest as a proportion of the total registered vote; income, which was used as a proxy for social class; and the racial indicator, operationalized as a dichotomous variable (1= precincts greater than 80 percent black registered voters and 0= precincts greater than 80 percent white registered voters) (Collins, 1980:331). The method of analysis displayed the relationships among race, class and turnout in contests for the city's two executive posts as well as the at-large city council seats and the political behavior observed in both white and black precincts. The authors hypothesized that in nonpartisan electoral settings it is expected that those precincts higher in social class will turn out uniformly at a higher rate than those lower in social class. They expected that race to be a more salient variable for blacks than for whites when a black candidate is a contestant in nonpartisan election for mayor (Collins, 1980:332).

The results confirmed the importance of social class in each race. Relationship between turnout and social class increased by as much as 17%. In elections for mayor the differences in turnout were significant and as expected in the other elections the differences were not significant or the difference went in an opposite direction. Race

was a salient factor in the mayor election, however, for most cases the race variable failed to achieve significance. In other words it failed to stimulate higher levels of turnout among black precincts in those contests where there were black candidates (Collins, 1980:332). These results are comparable to Lovrich and Sheldon's (1988) research.

Lieske and Hillard (1984) perceived urban politics as full of the most perplexing and intractable issues that confront a liberal democracy, ie., racial segregation, social exclusion and political fragmentation. The primary vehicle of reform had been the introduction of at-large districts, nonpartisan ballots, off-year elections and multi-member races. These reforms (as in judicial races) have taken away the partisan voting cue. The author theorizes that the voter in need of new cues have turned to racial and ethnic identities and social group memberships to invoke political trust (Lieske and Hillard, 1984:545).

This study assessed the issues in a quasi nonpartisan, at-large electoral setting where racial and partisan factors compete as alternative voting cues -- the electability of white and black council candidates in Cincinnati was analyzed from 1969-1977. The authors hypothesized that in quasi nonpartisan, at-large elections, race and partisan endorsement may tend "to divide the vote along separate crosscutting cleavages (Lieske and Hillard, 1984:546-551)." To test this cleavage they analyzed the individual vote percentage in Cincinnati for each election year.

The outcome indicated that the council vote in Cincinnati was highly, polarized along racial and partisan lines. This division provided the authors an empirical basis for

grouping the candidates into eight (2 racial & 4 partisan) different voting groups. The results of the regression analysis indicated that the effects of race, class, and party vary both by election year and racial-partisan characteristics of the candidates themselves. Whites, however, tended to do significantly better in predominantly white precincts than in black precincts and blacks tended to do significantly better in predominantly black precincts and than in whites precincts. It was also clear that racial differences in the electorate were generally less important than partisan differences in explaining the vote for white candidate slates. The extent to which the vote is polarized along racial, class, and partisan lines is: greatest for white Republican, black democrat; next, greatest for white Democrat, white independent, black republican (Lieske and Hillard, 1984:53-55).

Taebel (1978) examined the impact of local governmental structural arrangements (plan of council member election and size of the council) on the representation of Blacks and Hispanics. The study investigated the extent of inequity of minority representation, and equity of minority representation and the linkage between type of council member selection plan and size of council. Equity (or the inequity) of minority representation on city councils was used as the dependent variable. Equity of representation was determined by subtracting the percentage of the city's minority population from the percentage of the city's minorities. A minus score thus indicates underrepresentation and a positive score indicates overrepresentation. The study used data collected from 166 Black and 60 Hispanic cities in which minorities had a statistical chance of electing a member of their group to the city council.

The results reflected not only a significant inequity in representation of minorities

on city councils but also a significant difference in the representation of Blacks and Hispanics on city councils. The data showed that Hispanics have done relatively better than blacks. When region was taken into account, inequity of representation for both Blacks and Hispanics, was much greater in the South.

The study used type of selection plan and the size of the council as the independent variables in determining the relationship between structural arrangements and equity of minority representation. The results clearly showed that for Blacks the actual size of the council is equally as important as the type of selection plan. Inequity for Blacks was much less in large city councils (ten or more) that employed district elections than large city councils that used at-large elections. The size of the council, however, was much more important to Hispanics than the type of election. Hispanics gain only marginally from district elections but significantly from larger-sized councils.

Another interesting finding revealed that as the population base of blacks increase the inequity of representation increases. The study showed that two important features of the municipal reform movement -- at-large elections and small city councils -- had an adverse impact on the equity of representation of two significant minority groups.

All of the previous mentioned studies had used the election or selection methods (formal, informal, at-large, mixed, district, ect.) as an independent variable and minority representation as the dependent variable. Davidson and Korbel (1981) conducted a before and after study of voting districts in Texas that had changed from an at-large elections to either mixed or pure single member district elections between 1971 and 1980. In most instances the changes had resulted from vote-dilution litigation initiated

by minority plaintiffs or from Justice Department intervention under Section 5 of the 1965 Voting Rights Act. The sample consisted of forty-one cases (twenty-one cities, twelve state legislative districts and eight educational districts) representing various subcultures throughout Texas.

The findings showed a dramatic increase in the percentage of minority officials. Before the changes, only 10 percent of the 259 officials were Black or Hispanic, but after the changes the percentage of minority officials jumped to 29 percent of the 283 officials. Black officials increased from 6 to 17 percent and Hispanic officials increased from 5 to 12 percent. These findings differed from Taebel (1979), who doubted whether single member districts would benefit Hispanics, on the one hand, but substantiated his findings that Blacks benefit most from single member districts.

The study also investigated if minority representation was affected by who draws the district boundaries. The results suggested that minority representation is much greater if minority groups or the justice department draw the districts (+ 34.3) than if authorship is unknown (+13.3) or groups hostile to minorities draw the districts (+3.8).

Hypothesis

The summary of the literature establishes two criteria for determining whether the Texas Appellate Court judicial system frustrates the ability of a minority to elect candidates of its choice and therefore has a discriminatory effect. These criteria are (1) racially polarized voting patterns in the at-large system, and (2) less than proportional representation of the minority group on the appellate court. If either polarized voting

patterns or under representation is present a discriminatory effect should be presumed.

Summary

The topic of Judicial Reform and Selection has been hotly debated since the foundation of state courts two hundred years ago. Despite all the volumes of literature and research, no consensus on what has been become a philosophical debate on whether or to what degree a judge should be held accountable to the voter or independent from the voter. This debate seems to be the main force behind the judicial reform movement.

The chief problem that the research illuminates is that all the systems have major flaws. No system has proven itself to be superior. Despite all the effort that goes in to selecting a judge by merit selection, the judges are not measurably better qualified than a judge chosen in an election or appointed by a governor. The data does show, however, if one is a minority or woman regardless of the selection system, the chances of becoming a judge, especially an appellate judge, are very slim. Judges make public policy that affect all the people, but a large majority of the judges come from environments that are far removed from the population at large. The following chapter will give a historical background to the present situation in Texas.

Chapter Three

Setting

To understand more clearly the judicial selection debate, it is important to start at the beginning. This chapter traces the judicial selection debate from the Declaration of Independence to the Texas Constitution of **1876**. The judicial selection system employed presently in Texas can be traced to the Texas Constitution of **1876**. When people or media refer to judicial reform in Texas they are in all probability referring to the Texas Supreme Court. The Texas Supreme Court is the conduit for the final resolutions of all tort lawsuits. Many of their rulings, such as school equalization, can have a direct effect on everyone in the state. Despite all the attention paid to reforming the judicial selection system, very little of it has focused on the underrepresentation of minorities and women in the judicial branch of government.

History of Judicial Selection

Judicial reformers and politicians have been debating the best method of judicial selection in America for over 220 years. During Great Britain's reign over the American colonies, sovereignty resided in the King of England. One of the grievances cited in the Declaration of Independence was that the King "made judges dependent upon his will

alone for the tenure of their offices and the amount and payment of their salaries (Winters, 1966:1081)." After independence, the thirteen new states and the federal government used various methods of appointment in selecting judges. All these appointment methods (by the legislature, governor and council, governor and legislature, and executive and senate confirmation) suggested a determination to do away with the objectionable one-man control of the judiciary (Winters, 1966:1082). The early judicial reformers favored independence and longevity (Green, 1982:143). Hence, the system used in the federal government allows for lifetime appointments.

With the changes in political ideology, came changes in our judicial selection method. During the 1800s, Jacksonian democracy swept the nation with its fervor for popular political control (Schneider and Maughaus, 1979:45). President Andrew Jackson was highly critical of some of the powers assumed by the federal judiciary and was frustrated that he could not remove such judiciary from office. Simultaneously, the people felt that "judges were being appointed too frequently from the ranks of the wealthy and privileged (Winters, 1966:1083)." Jacksonian populism helped the people recognize their power as an electorate and they sought reforms to engage this power. Popular election of all public officials became one of the most notable reforms of the Jacksonian movement.

The first elected judges were lower court judges in Georgia, elected as early as 1812. Some twenty years later, Mississippi became the first state to adopt a completely elective judiciary. In 1846, New York switched to popular election of judges. After New York, all states entering the Union including Alaska in 1958, came in with an elected

judiciary (Winters, 1966:1083).

Efforts to reform the system and remove judges from the electoral process began almost ~~as~~ soon ~~as~~ the practice was instituted. The reformers feared the courts would be controlled by political machines. They saw non-partisan elections as a means of keeping political machines out of judicial elections. Most of the new West and Midwest states chose non-partisan elections as their method to select the judiciary. Still dissatisfied with the judicial selection process reformers developed "merit selection" at the turn of the century (Green, 1992:143).

Early Texas History

The current system of judicial selection in Texas, which provided for popular election of judges and gubernatorial appointment to fill vacancies between elections, has changed very little since it was instituted in Article 5 of the 1876 Texas Constitution (Green, 1992:144). Texas tried several methods of selection before it chose the present system. Under the constitution of the Republic of Texas, both houses of congress jointly selected all judges except justices of the peace, who were popularly elected.

When Texas became a state in 1845, all judges were appointed by the Governor with advice and consent of the Texas Senate. Texans showed their support for the **Jacksonian** Democratic Movement of the 1830s and 1840s by exchanging gubernatorial selection of judges for popular election. The aftermath of the Civil War brought on the Reconstruction Period and a strong unpopular Reconstruction Governor, E.J. Davis, who under the Texas Constitution of 1869 was given broad authority to appoint many

governmental officials including judges (Green, 1992:143-144). The administration of Governor Davis "left the state with a deep fear of concentrated power in the executive (Douglas, 1975:677)." The return to popular election of judges in the Texas Constitution of 1876 was a direct response to the powers exercised by Governor Davis (Champagne, 1986:55).

Over the last one hundred years, there have been many proposals to change the current system of selection from popular election to merit selection or non-partisan election. None, however, have made it on the ballot (HRO, 1987:5-8). The early calls for Judicial Reform started after near defeats by unknowns of such "highly respected Supreme Court Justices" as W. St. John Ganvood in 1948 and Chief Justice Robert W. Calvert in 1962 (TRL, 1988:8). The early reformers also feared the problems associated with a two party system. They argued that merit selection would head off any troubles that a true two-party state would generate (Henderson and Sinclair, 1965:15; TRL, 1987:10). The debate over methods of judicial selection reached a climax in 1973 when the new constitution proposed by the Texas Constitution Revision Commission was defeated. The proposed constitution contained a plan for merit selection of judges (TRL, 1988:8).

The Current Debate in Texas

The current debate on judicial reform has evolved tremendously since the proposed 1973 Texas Constitution. Prior to 1973, there were basically two major concerns of judicial reformers. First, the possible defeat of a person that was not

deemed "best qualified" by the elites of the judicial community. Second, the growth of a two-party political system in Texas. The first of these concerns was realized in 1976 when Don Yarborough defeated his Democratic primary opponent, Charles Barrow, who was the overwhelming choice of the State Bar's preferential poll. Yarborough went on to **win** the general election against two write in candidates. Before or at the time of his election, he was the target of at least fifteen law suits (Champagne, 1986:95). Seven months after taking his seat on the court Yarborough resigned under threat of impeachment.

Yarborough's short tenure ended an era when one had to be part of the old boys network to gain ascendance to the Texas Supreme Court. Historically, judges became justices only after they worked their way up through the lower courts or had served in the Legislature. At election time, sitting justices almost never drew opposition. Normally, justices would resign before the end of their terms, enabling their replacements to be named by the governor and to run as incumbents. In the event that an open seat was actually contested, the decisive factor in the race was the State Bar poll, which was the key to newspaper endorsements and the support of courthouse politicians (Henderson and Sinclair, 1968:492-496). Paul Burka (1987:139) described the atmosphere that this system created as:

In effect, the legal and political establishment **begat** generations of justices who reflected the assumption of their progenitors that preservation of a "good business climate" is the highest aim of government. Part of that climate was a legal system in which oil companies, hospitals, insurers, and other enterprises didn't have to live in constant fear of lawsuits . . . **All** it did was follow precedent, which mostly favored the defendant.

Yarborough's election not only gave ammunition to the judicial selection

reformers, but broke the myth that the Texas Supreme Court belongs to only the rich and powerful. Since Yarborough's election Robert Campbell, C. L. Ray, William Kilgarlin, Ted Z. Robertson, Oscar **Mauzy** and Lloyd Doggett have been elected without the support of the elite judicial establishment.

The second major concern was realized in 1978 when Texas became a true **two**-party state with the gubernatorial election of Bill Clements to the state's highest office. Only two decades earlier Henderson and Sinclair (1968:468) had found in their survey of lawyers and judges in Texas that one of the major factors that would "always disqualify" a judge is being "known as a Republican." Governor Clements became not only the first Republican governor in Texas since Reconstruction, but also the first Republican elected to a statewide office. **As** noted earlier, the Texas Constitution provides for the appointment by the governor of judges higher than district court to fill vacant judicial posts. Naturally, Bill Clements began appointing Republican judges to the benches and the Republican party began mounting numerous challenges for judicial posts.

Ronald Reagan's presidential sweeps of Texas in 1980 and 1984 are credited with "providing a strong boost for Republican judicial candidates (Champagne, 1986:70)." In the seventeen general elections from 1952 to 1982 only one incumbent district judge and two incumbent appellate judges have been defeated. In the next three elections **thirty**-five incumbent district judges and eighteen appellate judges were defeated (Hill, 1986:8). These defeats sent shock waves through the judicial community and a clamor for judicial reform was sent out. Yet, most of the turnover occurred in only two counties, Harris and Dallas, which had heavy straight ticket voting (HRO, 1987:18). Over the last three

elections the turnover rate has been moderate and the turnover rate is not mentioned as a major issue.

Besides the previous two concerns noted by the judicial selection reformers, three additional major developments have occurred in Texas that have over the last ten years led to added pressures for reform of the Texas judiciary: (1) increasing specialization of the bar and increasing cost of judicial elections; (2) dramatic population growth; (3) minority lawsuits.

Diversity of the Bar: Accelerating The Cost of Judicial Elections.

Former Chief Justice Hill asserts that "the big problem with our present system -- [is] excessive political contributions in judicial races (Hill, 1986:10)." Both proponents and opponents of judicial elections agree that it is very expensive to run a campaign in a state as vast as Texas, which has seventeen T.V. media markets.' The average contributions for all candidates for the Texas Supreme Court between 1982 and 1984 came to nearly \$340,000. The current nine sitting judges on the Texas Supreme Court raised more than 9.9 million dollars from 1988 to 1990. Chief Justice Tom Phillips, a staunch backer of merit selection, raised 3.8 million dollars for his 1990 race, while his opponent Oscar **Mauzy** raised 1.5 million dollars. No one questions the fact that judicial candidates need money to get their message out to the voter. The problem is that the base of contributors to judicial races has tended to be small. The bulk of the

¹ Media market buys are not only very expensive for statewide candidates, but also for Court of Appeal candidates. Many Court of Appeal districts are so large that they fall into a number of different media markets. For example:

contributions raised for judicial races has typically come from lawyers (**overwhelmingly** defense and plaintiff), potential litigants, and a few special interest groups with strong legal interest.

To understand the controversy surrounding the Texas Supreme Court one has to appreciate the politics of lawyers involved in the selection process. According to Tom **McGarity**, a law professor at the University of Texas at Austin, Texas has in the last few years come from "behind the times to the cutting edge" in tort law (Rice, 1984).

Traditionally, the Texas Supreme Court had a reputation for being defense oriented or siding with defense lawyers, who represent people accused of causing injuries or torts. In the early 1980s plaintiff lawyers, who represent injured people filing lawsuits, began contributing large sums of money to choose judges of their philosophical tendency (Hart, 1988). By 1986 these large contributions were credited with electing C. L. Ray, William **Kilgarlin**, Ted Z. Robertson and Oscar **Mauzy** and changing the Texas Supreme Court "from one of the most pro-defendant court in the nation to being one of the most **pro-plaintiff** (Burka, 1987:206)."

The ascension and domination of the pro-plaintiff justices was a major factor in causing the Texas Supreme Court to become a battle ground for plaintiff and defense lawyers, each trying to pick candidates favorable to their perspective (Champagne, 1988:148). **The** two sides are natural enemies. Defense attorneys typically work for the big law firms or insurance companies, charge by the hour, and get paid, win or lose. They regard plaintiffs lawyers as ambulance chasers. Plaintiffs lawyers, on the other hand usually work for themselves or in small **firms**. Because their clients are often poor,

their fees are contingent upon winning; if their client loses, they get nothing. They think of defense attorneys as callous guardians of privilege and see themselves as avenging angels -- as the only weapon society has against asbestos manufacturers or the Ford Motor Company, which sold gas tanks that exploded and killed people.

The rise in the cost of judicial elections and the change of the Texas Supreme Court from a defense oriented court to a plaintiff oriented court occurred in the midst of the national debate over tort reform.² Proponents of tort reform, representing the defendant's bar, perceived a crisis in the civil justice system because of the trend toward higher and higher settlements in civil cases, especially personal injury case. While insurance companies declared that without some form of relief they either must charge exorbitant premiums or go bankrupt. Many liability insurance consumers organizations -- from doctors, to municipalities, to various industrial interest -- fearing higher rates or unavailability of insurance at any cost joined not only the tort reform movement, but the judicial reform movement.

Several incidents occurred in 1987 that invigorated the judicial reform movement. During the summer of 1987 the State Commission on Judicial Conduct sanctioned two sitting Democratic justices, C.L. Ray and William Kilgarlin, for alleged incidents involving plaintiffs lawyers who were also their contributors.³ Shortly after that, the

² Some of the leading case that have gave the court a perception of being pro-plaintiff are *Cavnar v. Quality Control Parking* (1985), *Whitworth v. Bynun* (1985), *Hofer v. Lavender* (1984), *Sanchez v. Schindler* (1983), *Duncan v. Cessna Aircraft* (1984) and *Gonzalez v. Gainan's Chevrolet City* (1985).

³ Every major newspaper across the state headlined the State Commission on Judicial Conduct rulings. Following is a sampling of the Headlines on June 10 the day after the

court decided to leave untouched the ten billion dollars awarded in the **Texaco-Pennzoil** case, which prompted scathing commentary in the national business media -- *Wall Street Journal* and *New York Times* (Champagne, 1988:157). In December, *60 Minutes* attacked the Texas judiciary in a segment titled "Justice for **Sale**."⁴ In the midst of all that, two judges, Chief Justice John Hill and Justice Robert Campbell resigned from the court. Chief Justice Hill said he resigned so that he could join the judicial selection reform movement and "lobby for merit plan (Elder, 1987)." The resignations gave Republican Governor Clements the opportunity to appoint two Republicans to the court for the first time since Reconstruction.

The resignations meant that five seats -- a majority on the nine-member court -- were at stake in the 1988 elections instead of the usual three. Republicans, scenting an opportunity to end their unbroken record of failure in down-ballot state wide races, ran a "reform slate" against the Democratic nominees. Despite the print media's focus on the large amounts of contributions to the Texas Supreme Court candidates during the 1988

Commission made their ruling: "State Ethics Panel Scolds Pair of Justices for Poor Conduct," -- *Houston Chronicle*; "Commission Rebukes 2 State Justices" -- *Austin American Statesman*; "2 Texas High Court Justices Rebuked in Unprecedented Action" -- *The Houston Post*; "Ray, Kilgarlin Get Slapped by Judicial Conduct Panel" -- *San Antonio Light*; "2 Justices Cited for Misconduct" -- *The Dallas Morning News*; Texas High Court Judges Disciplined -- *Fort Worth Star Telegram*.

⁴ After the airing of the *60 Minutes* program newspapers across the state again wrote editorials and articles attacking the Texas Supreme Court and calling for judicial reform: On December 8, 1987 -- "High Court Reforms Pushed After *60 Minutes* Scrutiny" -- *Kerrville Times*; On December 9, 1987 -- "*60 Minutes* Report Sparks Criticisms: Republicans attack high court - Again" -- *The Houston Post*; "*60 Minutes* Probe of Texas Justice Calls for Resignations" -- *United Press International*; "Texas Justice Isn't for Sale, a Justice Says, but It Needs Reform" -- *Fort Worth Star-Telegram*.

elections, the judicial reform movement did not catch fire. In fact the leader of the reform movement within the Texas Supreme Court, Republican Chief Justice Tom Phillips, raised over 2.5 million dollars for his 1988 race.'

The two major stories of the 1988 elections were the coalition of defense lawyers, insurance companies and big business that Tom Phillips and the Republican party were able to put together and the voluntary 5000 dollar contribution cap per election for Supreme Court Justices. This coalition was strong enough to help elect three Republican judges to the Supreme Court. In the 1990 Supreme Court elections the coalition not only held on to the Chief Justice seat, but were able to add another Republican judge to the Court. Interestingly enough, the success of the coalition in Supreme Court elections can be credited with putting the brakes on the judicial reform movement in both the Republican and Democratic Parties.

Texans continuously reject nonelective schemes. When asked if Texans should continue to elect judges, over eighty percent of 1990 Democratic primary votes said yes; the referendum carried every county in the State.⁶ Both the 1992 Republican platform⁷

⁵ The figures were derived by adding up all the contributions that Phillips raised in 1988 election cycle. The Contribution and Expenditure Reports are filed with the Secretary of State.

⁶ Democratic Primary Election County by County Totals Report April 3, 1990. Austin: Office of the Secretary of the State, pp 459-63.

⁷ Found under State Issues: Direct Election of State Judges and Appraisal Boards in the General Rules for All Conventions and Meetings Revised June, 1990 published by the Republican Party of Texas, March, 1992 p. 19.

and the 1990 **Democrat**⁸ platform calls for the popular election of judges.

Dramatic Population Growth

The population in Texas has grown from 7.7 million in 1950 to 17 million in the 1990.⁹ Much of this growth has gravitated either toward the major metropolitan areas (Dallas, Houston, San Antonio ect.) or South Texas. This growth has had some major effects on judicial selection, especially at the district court level. An interim study of **The House Committee on the Judiciary** estimated the population of an average judicial district at 43,874. They found that there are twenty judicial districts with 1990 populations less than one one-hundredth of Harris County (Johnson, 1990: Table 1 and 2). The requirement that no judicial district be smaller than a **county**¹⁰ has resulted in districts with tremendous variations in population. A judicial district consisting of Harris county may have as many as 2,013,190 eligible voters. Lamb county, on the other hand, may have as few as 10,558 eligible voters. Uncontested district court races in Harris and Dallas county can draw over 200,000 voters and contested races can draw between 400,000 and 700,000 voters (Champagne, 1988:151). Districts with large populations have made it difficult for judicial candidates running for district courts on a district-wide basis in these major metropolitan areas to canvas their huge numbers of potential voters.

⁸ Found under Judicial Selection in the Democratic Party Platform 1990, published by the Democratic Party of Texas, 1990 p.25.

⁹ The population information came from the U.S. Bureau of Census found in **The World Almanac and Book of Facts 1985**, New York:Newspaper Enterprise Association, Inc., 1985 and from the Texas Legislative Council.

¹⁰ Texas Government Code Annotated, §24.945(e) (Vernon 1988).

Another problem with the population growth is the large number of judges that are on the ballot in urban areas. There are seventy-seven district and court of appeal judges in Harris County, forty-nine in Dallas County, thirty in **Tarrant** County, twenty-six in Bexar County and nineteen in Travis County. Since all district and court of appeal judges run at-large it seems virtually impossible for the voter to recognize all the judges **running** in a large judicial district. A *Texas Lawyer* exit poll in Dallas and Harris Counties after the 1986 election suggested significant voter unfamiliarity with judicial candidates. Eighty-one percent of voters in Dallas County and seventy-seven percent of voters in Harris County could not recall that a name mentioned by the interviewer was a candidate for judicial district seat in the voters's **county**.¹¹

The minority population has also been expanding rapidly in Texas. In 1980 Blacks and Hispanics made up nearly thirty-three percent of the population. According to the 1990 census minorities now make up over thirty-seven percent of the population. However, minorities represent only seven percent of the appellate court judges and twelve percent of the district **judges**.¹²

Minorities are challenging the at-large method of electing district and court-of-appeals judges. They maintain that the current judicial districts are fundamentally unfair and irrationally configured. Hill (1986:10) charges "that the result of our partisan election system is that Texas judges tend to be white males. Only one Hispanic and one

¹¹ Johnson, "Voter Survey: Judges Unknown." *The Texas Lawyer*, November 10-14, 1986, at 1 col. 3.

¹² Court statistics are from the Office of Court Administration: Texas Judicial Council, November 1991.

female have served on the Texas Supreme Court in recent years; and since reconstruction, no blacks have served."

Demands for a More Representative Judiciary

Black and Hispanic demands for more representation in the judiciary is seen by many as the newest element in the recurring debate concerning methods of judicial selection. Minorities have been fighting against discrimination and for fair representation in Texas since the Civil War. Many minorities view the current at-large election system as a subtle form of discrimination that should be eliminated. They are now challenging the system in the courts.

In 1988 two separate cases were filed in federal court charging that at-large elections violate the federal Voting Rights Act of 1965, 42 U.S.C. 1973 (1982) by diluting the ability of Black and Hispanic voters to elect the candidates of their choice in Texas. Minority groups in Texas have used the 1965 Voting Rights Act in the past to force local governments and the Texas Legislature to redraw their districts (Davidson and Korbel, 1981:998). The 1970 and 1980 Texas legislative congressional redistricting plans were the subject of several lawsuits.¹³ Since 1972, however, minorities had little chance of challenging at-large elections because the United States Supreme Court rulings in *Wells*

¹³ See e.g. *Seamon v. Upham*, 536 F. Supp. 931 (E.D. Tex 1982), affd sub nom *Strake v. Seamon*, 469 U.S. 801 (1984); *Clements v. Valles*, 620 S.W. 2d 112 (Texas 1981); *Haham v. Howell* 410 U.S. 315 (1973); *Mauzy v. Legislative Redistricting, Bd.*, 471 S.W. 2nd 570.

*v. Edwards*¹⁴ and *City of Mobile v. Bolden*¹⁵ made the judiciary virtually immune to Voting Rights Act.

In 1988, the Fifth Circuit of Appeals in *Chisom v. Edwards*¹⁶ ruled that the Voting Rights Act of 1965 applied to judicial elections. Shortly thereafter, attorneys in Texas filed suits in federal courts in Midland and Brownsville challenging the method used to chose Texas district and appellate judges in selected counties.

The **Brownsville** case, *Rangel v. Mattox* (Civil Action NO. B-83-053), was brought by two Cameron County voters against Attorney General **Mattox**, Secretary of State Bayoud and others. The plaintiffs challenged the at-large system used in electing the six judges on the 13th court of Appeals, which serves a 20-county area in South Texas. Only one of the six justices on the court is Hispanic, despite the fact that 56.6 percent of the population is Hispanic. The plaintiffs alleged that the system dilutes Hispanic voting strength in violation of §2 of the Voting Rights Act.¹⁷ They claim that Hispanics have been underrepresented in the district because of past and present discrimination and

¹⁴ *Wells v. Edwards*, 347 F. supp. 453 (M.D. La. 1972) affd. 409 U.S. 1095 (1973) affirmed the district court's decision that the concept of one-man, one-vote apportionment does not apply to the judicial branch of the government.

¹⁵ *City of Mobile vs Bolden*, 446 U.S. 55 (1980) also discouraged challenges by placing additional burdens on plaintiffs to prove a cause of action under the Voting Rights Act.

¹⁶ The Supreme courts decision not to hear *Chisom v. Edwards*, 839 F.2d 1056 (5th Circuit), cert. denied sub nom *Roemer v. Chisom*, 109 S.Ct. 390 (1988) leave no doubt that, at least in the Fifth Circuit, Section 2 of the Voting Rights Act applies to judicial elections and judges are "representatives" as that term is used in the Voting Rights Act.

¹⁷ Section 2 of the Voting Rights Act prohibits every state and political subdivision from imposing and voting qualification, standard, practice or procedure that results in a denial or abridgement of a United States citizen's right to vote on account of race, color, or status as a member of a minority group.

racially polarized voting.

In the Midland case, *LULAC v. Attorney General of Texas*, the plaintiffs, led by the League of United Latin American Citizens, sought a declaratory judgment that at-large election of district judges in nine targeted counties violate §2 of the Voting Rights Act by discriminating against black and Hispanic voters. They allege that the 190 judicial districts have a combined minority population of almost 30 percent, but only 5.3 percent of the 190 district judges are minority. They attribute the under-representation to voter dilution which was intentionally created and maintained with a discriminatory purpose that violated the civil rights of all plaintiffs by diluting their votes.

In 1989, federal judges in Midland and Brownsville held that the at-large system of electing certain judges in Texas violates §2 of the federal Voting Rights Act. It did this by diluting the ability of Black and Hispanic voters to elect the candidates of their choice. The federal judges ordered interim remedies that would have altered the 1990 elections, but the 5th U.S. Circuit Court of Appeals granted stays in both case. The stays allowed the state to conduct the 1990 elections under existing law. In 1991, the Supreme Court overturned the 5th U.S. Circuit Court decision in *LULAC v. Attorney General of Texas*¹⁸ that the Voting Rights Act does not apply to state judicial elections. The case was remanded back to the 5th Circuit Court to determine if the election system violates the Voting Rights Act, as the federal judge in Texas said it did. *Rangel* is currently

¹⁸ *League of United Latin American Citizens (LULAC) v. Attorney General of Texas*, 914 F.2d 620 (1990); rev'd sub nom. *Houston Lawyers' Association v. Attorney General of Texas*, 111 S.Ct. 2376 (1991).

¹⁹ *id.*

before the 5th Circuit Court.

Summary

Texas has had direct election of judges for over 100 years. Currently, there is no popular movement, despite the efforts of John Hill, outside of a few major newspapers and legislators to change the system to merit selection. Most of the so called "trial lawyer" or progressive judges have either retired or been defeated at the polls. The reform initiative has moved to the courts where under represented minorities are fights for judicial equity. Texas' history is horrendous when it comes to civil rights for minorities. At-large election systems continue to be used as another method of keeping minorities from gaining leadership roles in city, county and state government (Davidson and Korbel, **1981** and Taebel, **1982**). The remainder of this paper will be used to investigate whether single member districts can provide equity of representation for appellate court judges. The methodology used to answer this question is developed in Chapter Four.

Chapter Four

Methodology

While the concept of minority vote dilution is not easy to define, it is founded upon the theory that "the right to vote may be denied by dilution or debasement just **as** effectively as wholly prohibiting the franchise (*City of Port Arthur v U.S.*, 103 S.Ct. 530 (1982))." In what is now the leading case in the area of minority voting rights, the Supreme Court set out a simple three part test to determine if an at-large election system violates Section 2 of the Voting Rights Act.

First the minority group must demonstrate that it is sufficiently large and geographically compact to constitute a majority in a single member district. Second, the community must show that it is politically cohesive. Third, the minority candidate must be able to demonstrate that the White majority votes sufficiently **as** a block to enable it -- in the absence of special circumstances, such as the minority candidate running unopposed... to usually defeat the minority's preferred candidate (*Thornburg v Gingles*, . 106 S.Ct. 2752 (1986)).

This chapter discusses where the data was obtained, defines the variable measurements used in the various tables and concludes with a table that includes all the variable measurements used in the study.

Data

A county by county 1990 census report was obtained from the Texas Legislative Council Redistricting Project. This report contained the total and voting age population, along with the percentages of Black, Hispanic, Black plus Hispanic and "other" ethnic groups from the 254 counties in Texas. A list, dated November 12, 1991, of all the current judges and their jurisdictions were procured from the Office of Court Administration -- Texas Judicial Council. The Office of the Court Administration list included a breakdown of all Texas Women and Minority Judges. This data was imputed into a spreadsheet program on an IBM compatible, with a list of all state representative and senators. All counties were placed in their correct Court of Appeals Districts. Since the First and Fourteenth districts consist of the same counties and are elected on the same ballot, they were treated as one district when possible. In some instances the total number of judicial sets from the Fourteenth district was added to the First district, to give the First district a total of eighteen judicial seats.

This study also uses analytical generalization to help substantiate findings on polarization and electability of minorities under a single member district system. Polarization data from the twenty counties in the Thirteenth Court of Appeals District was taken from the Plaintiffs Exhibit Notebook used in *Rangel, et al v. Mattox, et al.*, Civ. No. B-88-053 (1988). The Plaintiffs Exhibit Notebook put together under the direction of the Texas Rural Legal Aid, Inc. by Dr. Charles Cotrell, Dr. Bob Brischetto and George Korbel included studies on all Democratic primary elections for all positions in every one of the twenty counties in the Thirteenth Court of Appeals from 1976 to 1988.

VARIABLE MEASUREMENTS

Population -- Per Judge and Deviation

To ensure that every ballot is weighed equally, the population for all **representative-type** elections should be equal. Population deviations from the average or ideal district of less than 4.5% have been invalidated, in Congressional districting, under the "one man, one vote" doctrine imposed by the equal protection clause of the U.S. constitution (*White v Weiser*, 412 U.S. 783, 93 S.Ct. 2348, 37 L.Ed. 2d 335 (1975)).

Population per judge ratios were calculated by dividing the total district population by the number of judges in the Court of Appeals district. The population of an average district ~~was~~ derived by dividing the state population by all the Court of Appeals districts seats in the fourteen districts. Population deviation was calculated by subtracting the population per judge from the population of an average district. The percentage of deviation ~~was~~ derived by dividing the average district population by the deviation and multiplying by 100. A positive number indicates that the district is larger than the mean. A negative number, on the other hand, indicates that the district is smaller than the mean.

Minimum Minority Strength

Much of the evidence supports the assumption that Hispanics and Blacks each vote as a bloc in important elections and tend to support their own candidates (Tauber, 1978; Davidson and Korbel, 1981; Collins, 1980; Lieske and Hillard, 1984). The

minimum minority strength needed to have sufficient voting strength to elect one judge under a single member district was measured for every Court of Appeals District and Appellate jurisdiction. The minimum minority strength measure was developed to **determine** the possibility of a Hispanic or Black judge being elected in a certain jurisdiction. Tauber (1978:144-145) offered the following formula for determining minority **strength** if it were distributed proportionately.

$$MMS = MP \geq (1 / SC) / 2$$

where

MMS = minimum minority strength

MP = percent of minority population in the district

SC = number of judicial places.

That is to say that the $MMS = (1 / SC) / 2$ is the percent of minority population needed to elect at least one judge if a proportionate system were in place. If $MP \geq MMS$ than the minimum minority strength, than one would expect at one of the judges to be minority. For example, Hispanics in the Houston area constitute 18.4% of the population. The MMS for that district with its 18 appellate judges is 2.778. Since 18.4% is much greater than the MMS percent, one would expect at least one of the eighteen to be Hispanic under single member districts or proportional representation.

It is possible to estimate the number of minority judges a district should comprise, if it was proportionally represented, by multiplying the percent of the minority group with the number of judges in that district. The net gain of minority judges in a jurisdiction was calculated by subtracting the estimated number of minority judges from

the current number of minority judges. A positive number will be a net gain.

Polarization

There are two criteria for determining whether a given at-large system has a discriminatory effect against minorities. These criteria are: (1) the racially polarized voting patterns in the at-large system, and (2) less than proportional representation of minority groups on the elected body.

Voting is considered to be polarized if a percentage of white voters large enough to constitute a majority of the electorate consistently casts ballot votes against minorities and thus defeats, minority candidates. Statistical evidence of polarization is obtained by comparing voting results between precincts that are racially homogeneous. The comparison is usually performed for elections in which a minority candidate opposes a white candidate. Regression analysis can be used to estimate correlations indicating racial bloc voting.

Polarization can also be measured by using the Index of Equity (Davidson and Korbel, **1981**). This measures the extent to which minority group members have been elected to office by using the concept of representational equity. Representation equity suggests that, all other things being equal, one would expect over a period of years that the percentage of minority elected officials would roughly approximate the percentage which that minority represents in the overall population of the electoral unit.

The "Equity Measure" is derived for each election by subtracting the percentage of the appellate court district's Hispanic or Black population from the percentage

minority seats held in that court. The dependent variable would be the equity or inequity of minority representation on the appellate court. The independent variables would be the districts Hispanic or Black percentage and the percentage of minority seats. Thus, if the Fourth Court of Appeals has only 28.8% of the Judges (2 of 7) but, 55.1% of the population, the equity score would be -26.3% (28.8% minus 55.1% equals -26.3%). The ratio score can then be computed by dividing the percentage of the judicial places held by minorities by the percentage of the districts minority population.

Drop-off Rate

One of the methods employed to gauge voter interest in judicial elections is the "drop-off" rate. Drop-off rates are determined by comparing the total vote received by judicial candidates with the total number of ballots cast in the election. **Lovrich** and Sheldon, (1988) hypothesize that if race is a significant voting cue, than there should be clear evidence that a minority candidate attract a significantly higher proportion of the vote than an Anglo in a minority precinct or county. Measuring "drop-off" rates were difficult to accomplish for appellate court races, because very few Hispanics and Blacks have been willing to invest the money (which can be a sizeable amount when challenging an incumbent) and time needed to run in an at-large system, that they see as inherently unfair, unjust and discriminatory. However, in 1986 the first sitting Hispanic Supreme Court judge, who had been appointed by Governor White, ran against an Anglo trial lawyer from Odessa. Drop-off rates from counties in the Fourth and Thirteenth Court of Appeals districts were calculated to determine if counties with a

large Hispanic population would have less drop-off rates than counties with a small Hispanic population.

Summary

The methods introduced above should be sufficient to provide the evidence needed to address the two criteria for determining whether the Texas Appellate Court judicial system frustrates the ability of a minority to elect candidates of its choice submitted in chapter two. The variables measures that are used in chapter five are defined in Table 4.1.

Table 4.1
Variable Measurements

| Tables | Measurements | Data Sources |
|--|---|---|
| 5.1 Representation % of Black, Hispanic and Women Elected State Officials | (total number of minority elected state officials / total number of officials) | # of judges – Office of the Court Admin. as of November 12, 1991; Legislative Reference Guide |
| 5.2 % of Hispanic, Black or Women Judges | (# of minority judges / # of judges) | Office of the Court Administrator. |
| 5.3 14 Court of Appeals Districts | TTL = Total Pop; VAP = Voter Age Pop | 1990 Census |
| 5.4 Population Per Judge Population of Average District Population Deviation Percent of Deviation | (total dis. pop / # of judge in dist.) (state pop / all COA seals) (pop per judge • pop of average dist.) (pop of average dist. / dist. deviation) • 100 | all populations – 1990 Census # of judges per district – Office of the Court Administrator as of November 12, 1991 |
| 5.5 - 6 Minimum Minority Strength Estimated # of Minority Judges Net Gain or Lost of Minority Judges | (MP ≥ (1 / SC) / 1) (percent of minority • # of judges in dist.) (est. # of new minority seats - current seats) | MP Source – 1990 Census # of judges per district – Office of the Court Administrator as of November 12, 1991 |
| 5.7 Polarization | Regression Analysis | Plaintiffs Exhibit Notebook. 1988 |
| 5.8 Equity Measure Ratio Score | (jurisdiction black or hispanic pop. • % of black or hispanic seats held) (% of judicial seats held by blacks or hispanic / % of black or hispanic pop) | all populations – 1990 Census # of judges per district – Office of the Court Administrator as of November 12, 1991 |
| 5.9 Change – from at-large to single-member or mixed (part at-large and part single member) | (# before change and # after change) | Plaintiffs Exhibit Notebook. 1988 |
| Drop-off | Top of the ticket vote total -judicial race total | Source – Election Returns • Secretary of State |

Chapter Five

Analysis

The research question this paper is trying to answer is whether voting for appellate judges in single member district elections increases the likelihood of more minority judges winning seats on appellate courts in Texas. All appellate and district judges are state officials. But unlike state representatives and senators who must run in single member districts, all appellate and many district judges must run in at-large elections. The smallest district or sub district, that a person running for a state office can be elected to, is a state representative district.

TABLE 5.1
Minority and Women
Representation
Among Elected State **Officials**

| Percent of Population | Black | Hispanic | Women |
|------------------------|-------|----------|-------|
| All Texans | 11.9% | 25.6% | 50.7% |
| State Representatives | 8.7% | 13.3% | 12.0% |
| State Senators | 6.5% | 12.9% | 12.9% |
| State District Judges | 2.3% | 9.8% | 13.0% |
| State Appellate Judges | 1.0% | 6.1% | 11.0% |

Judicial **officers** are as of November 12, 1990 as reported by the Office to Court Administrator; Legislature Reference Guide. 1991.

The findings in Table 1 show that Blacks and Hispanics in Texas have a much better chance of being elected in small state representatives districts than in large appellate court districts. The most surprising finding in Table 1 is that despite the fact that Women are vastly underrepresented, their representation held consistent in all the branches of government. Unlike Blacks and Hispanics, type of selection method does not seem to be as important for Women as it is to Minorities.

Women and Minority Appellate Judges

There are ninety-eight appellate court judges in the Texas Judicial System (Table 5.2). Of these ninety-eight judges only one (1%) is black. That judge, Morris Overstreet, presently serves on the Court of Criminal Appeals. He was appointed by the democratic party to run against a Black sitting judge that was appointed by Bill Clements. This was the first Black against Black statewide race under the 1873 Constitution. It is very interesting that the first elected statewide Black office holder comes from an area (Amarillo) with one of the smallest Black populations. Judge Overstreet defeated his white opponent in the (1992) democratic primary. An analysis of his votes in both the primary and general election would give a good indication of the amount of polarization and where it exists in Texas.

There are currently two Hispanic appellate court judges serving on the Corpus Christi court, two on the San Antonio court and one each on the Court of Criminal Appeals and the Texas Supreme Court. All six (6.1%) of the Hispanic judges serving on these courts come from high percentage Hispanic areas. Two of the judges, Fortunato P.

Benavides • Court of Criminal Appeals and Federico G. Hinojosa, Jr., now serving have recently been appointed to their position by Governor Anne Richards.

Table 5.2
Texas Women and Minority Judges

| Districts | # of Judges | Hispanic Judge | | Black Judges | | Women Judges | |
|-----------------------------|-------------|----------------|-------------|--------------|-------------|--------------|--------------|
| | | Number | Percent | Number | Percent | Number | Percent |
| 1st (Houston) | 9 | 0 | 0.0% | 0 | 0.0% | 4 | 44.4% |
| 2nd (Fort Worth) | 7 | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| 3rd (Austin) | 6 | 0 | 0.0% | 0 | 0.0% | 2 | 33.3% |
| 4th (San Antonio) | 7 | 2 | 28.6% | 0 | 0.0% | 1 | 14.3% |
| 5th (Dallas) | 13 | 0 | 0.0% | 0 | 0.0% | 4 | 30.8% |
| 6th (Texarkana) | 3 | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| 7th (Amarillo) | 4 | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| 8th (El Paso) | 4 | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| 9th (Beaumont) | 3 | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| 10th (Waco) | 3 | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| 11th (Eastland) | 3 | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| 12th (Tyler) | 3 | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| 13th (Corpus Christi) | 6 | 2 | 33.3% | 0 | 0.0% | 0 | 0.0% |
| 14th (Houston) | 9 | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| Total | 80 | 4 | 5.0% | 0 | 0.0% | 11 | 13.8% |
| Supreme Court | 9 | 1 | 11.1% | 0 | 0.0% | 0 | 0.0% |
| Court of Crim. Appeals | 9 | 1 | 11.1% | 1 | 11.1% | 0 | 0.0% |
| All Appellate Judges | 98 | 6 | 6.1% | 1 | 1.0% | 11 | 11.1% |

Texas Judicial Council – Office to the Court Administrator (November 12, 1991)

In 1978 Texas had only one woman appellate court judge,²⁰ currently there are eleven women judges serving on district appellate courts. All of these women are serving on courts that serve large urban areas (see Table 5.2). There are currently no women on either of the statewide courts, although Governor Clements did appoint Barbara Culver, but she was defeated in the republican primary of 1988. Nine of the fourteen Court of Appeals Districts have no minorities or women serving on them.

Large Geographic Size and Population

The most surprising findings in this study were the discrepancies found in the geographic size and population between the fourteen Court of Appeals districts. There seems to be absolutely no rationality for the make up of the current districts. The 1st Court of Appeals Districts (Houston) has nearly 800,00 Hispanics living within its boundary. The following six Appellate Court districts, on the other hand, have total populations smaller than the number of Hispanics living in the 1st Court of Appeals. They are the 6th (553,424), 7th (759,593), 9th (774,413), 10th (634,541), 11th (404,438), and 12th (450,400) (see Table 5.3). The Black population (699,142) in the 1st Court of Appeals District is larger than four of the districts. Hispanics and Blacks, however, make up only 20.9% and 18.5% respectively of the total population (3.8 million) of the 1st District. Despite the fact that Blacks have a population of two million (11.9%), no judicial district (district or court of appeals) has a black majority. Hispanics constitute

²⁰ According to the Texas Judicial Council Annual Report -- 1977:135, there were no Women district court judges from 1966 to 1976.

Table 5.3
Court of Appeals -- Total (TTL) and Voter Age Population (VAP)

| COA District | | P O P U L A T I O N | | | | | |
|-------------------------|-----|----------------------------|--------------|-----------------|--------------|--------------|--------------|
| | | Total | Black | Hispanic | B + H | Anglo | Other |
| 1st & 14th (Houston) | TTL | 3,777,250 | 699,142 | 790,526 | 1,489,668 | 2,142,281 | 145,301 |
| | | 22.3% | 18.5% | 20.9% | 39.4% | 56.7% | 3.8% |
| | VAP | 2,705,278 | 475,879 | 499,074 | 974,952 | 1,629,439 | 100,887 |
| | | 22.3% | 17.6% | 18.4% | 36.0% | 60.2% | 3.7% |
| 2nd (Fort Worth) | TTL | 1,785,606 | 168,109 | 180,658 | 348,767 | 1,388,935 | 47,905 |
| | | 10.5% | 9.4% | 10.1% | 19.5% | 77.8% | 2.7% |
| | VAP | 1,302,582 | 112,476 | 112,986 | 225,462 | 1,044,295 | 32,825 |
| | | 10.7% | 8.6% | 8.7% | 17.3% | 80.2% | 2.5% |
| 3rd (Austin) | TTL | 1,339,830 | 127,972 | 259,912 | 387,884 | 921,641 | 30,305 |
| | | 7.9% | 9.6% | 19.4% | 29.0% | 68.8% | 2.3% |
| | VAP | 989,505 | 86,196 | 167,443 | 253,639 | 712,806 | 23,060 |
| | | 8.1% | 8.7% | 16.9% | 25.6% | 72.0% | 2.3% |
| 4th (San Antonio) | TTL | 1,831,128 | 91,494 | 1,006,145 | 1,097,639 | 710,109 | 23,380 |
| | | 10.8% | 5.0% | 54.9% | 59.9% | 38.8% | 1.3% |
| | VAP | 1,275,356 | 63,876 | 639,355 | 703,230 | 555,693 | 16,433 |
| | | 10.5% | 5.0% | 50.1% | 55.1% | 43.6% | 1.3% |
| 5th (Dallas) | TTL | 2,344,978 | 395,929 | 342,210 | 738,139 | 1,536,518 | 70,349 |
| | | 13.8% | 16.9% | 14.6% | 31.5% | 65.5% | 3.0% |
| | VAP | 1,746,110 | 270,737 | 218,438 | 489,174 | 1,207,184 | 48,891 |
| | | 14.4% | 15.5% | 12.5% | 28.0% | 69.1% | 2.8% |
| 6th (Texarkana) | TTL | 553,424 | 102,732 | 15,480 | 118,212 | 431,291 | 3,874 |
| | | 3.3% | 18.6% | 2.8% | 21.4% | 77.9% | 0.7% |
| | VAP | 404,150 | 68,219 | 9,452 | 77,671 | 323,731 | 2,748 |
| | | 3.3% | 16.9% | 2.3% | 19.2% | 80.1% | 0.7% |
| 7th (AMARILLO) | TTL | 759,593 | 38,902 | 171,383 | 210,285 | 538,196 | 11,394 |
| | | 4.5% | 5.1% | 22.6% | 27.7% | 70.9% | 1.5% |
| | VAP | 541,210 | 24,966 | 99,627 | 124,592 | 408,848 | 7,770 |
| | | 4.5% | 4.6% | 18.4% | 23.0% | 75.5% | 1.4% |

Table 5.3
continued

| District | | Total | Black | Hispanic | B + H | Anglo | Other |
|--------------------------|-----|------------|-----------|-----------|-----------|------------|---------|
| 8th (El Paso) | TTL | 947,081 | 38,038 | 533,541 | 571,578 | 363,558 | 12,312 |
| | | 5.6% | 4.0% | 56.3% | 60.4% | 38.4% | 1.3% |
| | VAP | 639,767 | 25,491 | 333,110 | 358,601 | 272,691 | 8,475 |
| | | 5.3% | 4.0% | 52.1% | 56.1% | 42.6% | 1.3% |
| 9th (Beaumont) | TTL | 774,413 | 127,540 | 40,507 | 168,047 | 596,087 | 10,067 |
| | | 4.6% | 16.5% | 5.2% | 21.7% | 77.0% | 1.3% |
| | VAP | 556,225 | 83,561 | 24,618 | 108,179 | 441,506 | 6,540 |
| | | 4.6% | 15.0% | 4.4% | 19.4% | 79.4% | 1.2% |
| 10th (Waco) | TTL | 624,541 | 85,035 | 64,033 | 149,068 | 469,115 | 6,245 |
| | | 3.7% | 13.6% | 10.3% | 23.9% | 75.1% | 1.0% |
| | VAP | 454,626 | 57,631 | 39,201 | 96,832 | 353,045 | 4,748 |
| | | 3.7% | 12.7% | 8.6% | 21.3% | 77.7% | 1.0% |
| 11th (Eastland) | TTL | 404,838 | 16,558 | 65,047 | 81,605 | 319,552 | 4,048 |
| | | 2.4% | 4.1% | 16.1% | 20.2% | 78.9% | 1.0% |
| | VAP | 296,925 | 10,937 | 39,010 | 49,947 | 244,367 | 2,611 |
| | | 2.4% | 3.7% | 13.1% | 16.8% | 82.3% | 0.9% |
| 12th (Tyler) | TTL | 450,400 | 80,722 | 24,039 | 104,761 | 342,634 | 3,153 |
| | | 2.7% | 17.9% | 5.3% | 23.3% | 76.1% | 0.7% |
| | VAP | 336,691 | 56,285 | 15,445 | 71,730 | 262,768 | 2,194 |
| | | 2.8% | 16.7% | 4.6% | 21.3% | 78.0% | 0.7% |
| 13th (Corpus Christi) | TTL | 1,346,608 | 41,739 | 847,084 | 888,823 | 446,439 | 10,773 |
| | | 7.9% | 3.1% | 62.9% | 66.0% | 33.2% | 0.8% |
| | VAP | 902,206 | 28,097 | 521,989 | 550,086 | 344,749 | 7,370 |
| | | 7.4% | 11% | 57.9% | 61.0% | 38.2% | 0.8% |
| Totals | TTL | 16,939,690 | 2,013,912 | 4,340,364 | 6,354,476 | 10,206,356 | 379,107 |
| | | | 11.9% | 25.6% | 37.5% | 60.3% | 2.2% |
| | VAP | 12,150,631 | 1,364,352 | 2,719,745 | 4,084,097 | 7,801,121 | 264,552 |
| | | | 11.2% | 22.4% | 33.6% | 64.2% | 2.2% |

Source: 1990 Census

1K and 14th Court of Appeals Districts are identical.

slim voting age majorities --less than 60%-- in only three jurisdictions, Corpus Christi (13th District) with 20 counties (1.35 million), San Antonio (4th District) with 32 counties (1.83 million) and EL **Paso** (8th) with 22 counties (947,081). Anglos have high majorities in all the small districts -- over 70% -- such as the 6th District, which has 17 counties and a population of only 553,424; the 9th District, which has 11 counties and a population of only 774,413; the 10th District, 15 counties and a population of 624,541; and the 12th, 11 counties and a population of 404,834 (Appendix A).

Ideal District Population Size

As mentioned previously, in congressional districting, population variances of less than 4.5% have been invalidated under the "one man, one vote" doctrine imposed by the equal protection clause of the U.S. constitution. Population totals and population per judge vary dramatically in Texas Court of Appeals districts. The 1st Court of Appeals district has a population that is 933.04% larger than the 11th Court of Appeals. Table 4 shows the deviation per judge in the fourteen Court of Appeals districts.

The ideal district population per judge average is estimated to be 211,746. The smallest district (11th) has a mean population of 134,946 is 76,800 or 32.27% less than the ideal population. The largest district (1st), on the other hand, has a population of 419,694 which is 207,948 or 98.21% more than the ideal population. Eleven of the fourteen districts have deviated from the ideal district population over -- plus or minus -- 10%.

**Table 5.4
Population Per Judge**

| Districts | Total Population | # of Judges | Pop per Judge | Deviation per Judge | % of Deviation |
|-----------------------|-------------------|-------------|----------------|---------------------|--------------------|
| 1st (Houston) | 3,777,250 | 9 | 419,694 | 207,948 | 98.207% |
| 2nd (Fort Worth) | 1,785,606 | 7 | 255,087 | 43,341 | 20.468% |
| 3rd (Austin) | 1,339,830 | 6 | 223,305 | 11,559 | 5.459% |
| 4th (San Antonio) | 1,831,128 | 7 | 261,590 | 49,844 | 23.539% |
| 5th (Dallas) | 2,344,978 | 13 | 180,383 | (31,363) | -14.812% |
| 6th (Texarkana) | 553,424 | 3 | 184,475 | (27,271) | -12.879% |
| 7th (Amarillo) | 759,593 | 4 | 189,898 | (21,848) | -10.318% |
| 8th (El Paso) | 947,081 | 4 | 236,770 | 25,024 | 11.818% |
| 9th (Beaumont) | 774,413 | 3 | 258,138 | 46,392 | 21.909% |
| 10th (Waco) | 624,541 | 3 | 208,180 | (3,566) | -1.684% |
| 11th (Eastland) | 404,838 | 3 | 134,946 | (76,800) | -36.270% |
| 12th (Tyler) | 450,400 | 3 | 150,133 | (61,613) | -29.097% |
| 13th (Corpus Christi) | 1,346,608 | 6 | 224,435 | 12,689 | 5.992% |
| 14th (Houston) | 3,777,250 | 9 | 419,694 | 207,948 | 98.207% |
| Total | 16,939,690 | 80 | 211,746 | 0 | 0.000% |
| | | | | | |
| | | | Mean | Smallest Population | Largest Population |
| | | | (Average) | 11th Dist. | 1st & 14th Dist |
| District Population | | | 211,746 | 134,946 | 419,694 |
| Total Deviation | | | 174,336 | -76,800 | 207,948 |
| Percent of Deviation | | | 82.33% | -36.27% | 98.21% |

Texas Judicial Council – Office of the Court Administrator (November 12, 1988) and 1990 Census

Minimum Minority Strength

The minimum minority strength (MMS) was calculated to show the minimum strength needed to elect one judge under a single member district for every Court of

Appeal district and Appellate jurisdiction. Table 5.5 displays the likelihood of a Hispanic or Black judge being elected in a jurisdiction. The findings show that Hispanics could win at least one judicial seat in nine of the fourteen appellate districts and two

Table 5.5
Minimum Minority Strength (MMS) and
Estimated Net Hispanic Gain Under a Proportional System

| Districts | MMS | Hispanic Percent | # of Judger | Est. Hispanic Judges | Net Gain |
|------------------------|---------------|------------------|-------------|----------------------|-----------|
| 1st (Houston) | 5.556% | 20.9% | 9 | 2 | |
| 2nd (Fort Worth) | 7.143% | 10.1% | 7 | 1 | |
| 3rd (Austin) | 8.333% | 19.4% | 6 | 1 | 1 |
| 4th (San Antonio) | 7.143% | 54.9% | 7 | 4 | 2 |
| 5th (Dallas) | 3.846% | 14.6% | 13 | 2 | 2 |
| 6th (Texarkana) | 16.667% | 2.8% | 3 | 0 | 0 |
| 7th (Amarillo) | 12.500% | 22.6% | 4 | 1 | 1 |
| 8th (El Paso) | 12.500% | 56.3% | 4 | 2 | 2 |
| 9th (Beaumont) | 16.667% | 5.2% | 3 | 0 | 0 |
| 10th (Waco) | 16.667% | 10.3% | 3 | 0 | 0 |
| 11th (Eastland) | 16.667% | 16.1% | 3 | 0 | 0 |
| 12th (Tyler) | 16.667% | 5.3% | 3 | 0 | 0 |
| 13th (Corpus Christi) | 8.333% | 62.9% | 6 | 4 | 2 |
| 14th (Houston) | 5.556% | 20.9% | 9 | 2 | 2 |
| Total | 0.625% | 25.6% | 80 | 20 | 16 |
| Supreme Court | 5.556% | 25.6% | 9 | 2 | 1 |
| Court of Crim. Appeals | 5.556% | 25.6% | 9 | 2 | 1 |
| All Appellate Judged | 0.510% | 25.6% | 98 | 24 | 18 |

1990 Census – Office of the Court Administrator (November 12, 1991)

Table 5.6
Minimum Minority Strength (MMS) and
Estimated Net Black Gain Under a Proportional System

| Districts | MMS | Black Judges | # of Judges | Est. Black Judges | Net Gain |
|-------------------------------|---------------|--------------|-------------|-------------------|-----------|
| 1st (Houston) | 5.556% | 18.5% | 9 | 2 | 2 |
| 2nd (Fort Worth) | 7.143% | 9.4% | 7 | 1 | 1 |
| 3rd (Austin) | 8.333% | 9.6% | 6 | 1 | 1 |
| 4th (San Antonio) | 7.143% | 5.0% | 7 | 0 | 0 |
| 5th (Dallas) | 3.846% | 16.9% | 13 | 2 | 2 |
| 6th (Texarkana) | 16.667% | 18.6% | 3 | 1 | 1 |
| 7th (Amarillo) | 12.500% | 5.1% | 4 | 0 | 0 |
| 8th (El Paso) | 12.500% | 4.0% | 4 | 0 | 0 |
| 9th (Beaumont) | 16.667% | 16.5% | 3 | 0 | 0 |
| 10th (Waco) | 16.667% | 13.6% | 3 | 0 | 0 |
| 11th (Eastland) | 16.667% | 4.1% | 3 | 0 | 0 |
| 12th (Tyler) | 16.667% | 17.9% | 3 | 1 | 1 |
| 13th (Corpus Christi) | 8.333% | 3.1% | 6 | 0 | 0 |
| 14th (Houston) | 5.556% | 18.5% | 9 | 2 | 2 |
| Total | 0.625% | 11.9% | 80 | 10 | 10 |
| Supreme Court | 5.556% | 11.9% | 9 | 1 | 1 |
| Court of Crim. Appeals | 5.556% | 11.9% | 9 | 1 | 0 |
| All Appellate Judges | 0.510% | 11.9% | 98 | 12 | 11 |

1990 Census -- Office of the Court Administrator (November 12, 1991)

seats in both of the higher courts. Blacks could win judicial seats in seven of the appellate districts and one seat in each of the higher courts see (Table 5.6). Some form of proportional representation could give Hispanics up to twenty-four seats a gain of eighteen and Blacks twelve seats a gain of eleven. The findings also show that minorities are somewhat better represented on the statewide appellate courts than on the district appellate courts. However, both of the statewide appellate court judges are up for re-election this year.

Polarization

The Plaintiffs in *Rangle* demonstrated in their findings that there is sufficient polarization in the Thirteenth Court of Appeals district to violate Section 2 of the Voting Rights Act. Table 5.7 shows the polarization scores from all the minority v. Anglo elections on the appellate level from 1984 to 1988. Since no minority ran against an Anglo in 1988, an Anglo v. Anglo campaign was analyzed. The results clearly show a high degree of polarization in all the Hispanic v. Anglo elections.

During this period Salinas was the only Hispanic to run for a seat on the Thirteenth Court of Appeal. He secured ninety percent of the Hispanic vote, While his opponent, Young, received eighty-six percent of the Anglo vote. Despite the fact that the voter age population among Hispanics is over 50%, Salinas lost the election, because of the low turnout rate of 19.7% among Hispanics compared to White turnout of 25%. The polarization score was 0.759. It is interesting to note that the turnout rate in the 1984 Democratic primary was much higher for both Hispanics and Anglos in the district appellate court race than in the statewide Court of Criminal Appeals race.

In 1986 Judge Gonzalez, received 98.2% of the Hispanic vote in the Thirteenth Appellate District's Democratic primary and 99% in the runoff. Despite being a sitting incumbent Supreme Court Justice from the area with the backing of the Democratic hierarchy, Judge Gonzalez was only able to garner 29% of the Anglo vote during the primary and 41% in the runoff, The polarization scores of .695 and .585 for both of these elections were somewhat lower than the other Hispanic v. Anglo elections shown in Table 5.7. These scores, however, are much larger than the polarization score of .257 received by the Anglo v. Anglo 1988 appellate court race.

Table 5.7
Polarization -- Thirteenth Court of Appeals

| slope (m) | | intercept (b) | | | | |
|--|-------|--------------------|-----------|--------------------|-----------|--------------|
| Election/Race Candidate | | Registered Persons | | Election Day Voter | | Polarization |
| | | Whites | Hispanics | Whites | Hispanics | Score |
| 1984 Dem. Primary - 13th Appellate Court | | | | | | |
| 1 Salinas | 0.142 | 3% | 17.7% | 14% | 89.8% | 0.759 |
| 2 Young | -0.19 | 21% | 2% | 86% | 10.2% | |
| Turnout | | 25% | 19.7% | | | |
| 1984 Dem. Primary - Ct of Criminal Appeals | | | | | | |
| 1 Martinez | 0.12 | 2% | 145% | 11% | 83% | 0.716 |
| 2 Nonhisp. | -0.16 | 19% | .3% | 89% | 17% | |
| Turnout | | 21% | 0.174% | | | |
| 1986 Dem. Primary - State Supreme Court | | | | | | |
| 1 Gonzalez | 0.116 | 5% | 16.7% | 29% | 98.2% | 0.695 |
| 2 Nonhisp. | -0.12 | 13% | .3% | 71% | 1.8% | |
| Turnout | | 18% | 17% | | | |
| 1986 Dem. Primary - Ct of Criminal Appeals | | | | | | |
| 1 Martinez | 0.103 | 3% | 13% | 16% | 89.6% | 0.726 |
| 2 Nonhisp. | -0.13 | 14% | 1.5% | 84% | 10.4% | |
| Turnout | | 17% | 14.5% | | | |
| 1986 Dem. Primary Runoff - State Supreme Court | | | | | | |
| 1 Gonzalez | 0.071 | .4% | 11.1% | 41% | 99% + | 0.585 |
| 2 Gibson | -0.07 | .6% | -.6% | 59% | 1% | |
| Turnout | | 10% | 10.6% | | | |
| 1986 Dem. Primary Runoff - Ct of Criminal Appeals | | | | | | |
| 1 Martinez | 0.071 | 2.1% | 9.2% | 22% | 99% + | 0.766 |
| 2 Duncan | 0.079 | 7.3% | -5% | 78% | 1% | |
| Turnout | | 95% | 8.7% | | | |
| 1988 Dem. Primary - 13th Appellate Court | | | | | | |
| 1 Bates | 0.023 | 8% | 10.4% | 0.38 | 39% | 0.257 |
| 2 Nyc | -0.07 | 13% | 5.9% | 0.62 | 61% | |
| Turnout | | 21% | 16.2% | | | |

Source -- Rangle v Mattox Plaintiffs Exhibit Notebook, 1988

Equity (or Inequity) of Representation

Minority representation on all the courts is at an all time high in Texas. Despite this fact the equity findings show that minorities are vastly underrepresented in every appellate court jurisdiction (see Table 5.8), except the Court of Criminal Appeals, where the inequity score for Blacks is only **-.78%** and the ratio score is **.935**. The inequity score for all Hispanic and Blacks are **-19.50%** and **-10.87%** respectively.

The 8th Court of Appeals district has the highest inequity score (**-56.34%**) among Hispanics. Eleven of the Court of Appeals districts and both of the state appellate courts show Hispanic inequity scores to be above minus ten percent. The highest inequity score for Blacks is **-17.92**. Seven of the district appellate courts and one state court have Black inequity scores above ten percent. The high inequity scores shown on Table 5.8 indicate that polarization exist in a majority of the jurisdictions.

Table 5.8
Equity Measure

| Districts | Hispanic | | | Black | | |
|-----------------------------------|-----------------|----------------|--------------|--------------|----------------|--------------|
| | % | Equity | Ratio | % | Equity | Ratio |
| 1st (Houston) | 0.0% | -20.93% | 0.000 | 0.0% | -18.51% | 0.000 |
| 2nd (Fort Worth) | 0.0% | -10.12% | 0.000 | 0.0% | -9.41% | 0.000 |
| 3rd (Austin) | 0.0% | -19.40% | 0.000 | 0.0% | -9.55% | 0.000 |
| 4th (San Antonio) | 28.6% | -26.38% | 0.520 | 0.0% | -5.00% | 0.000 |
| 5th (Dallas) | 0.0% | -14.59% | 0.000 | 0.0% | -16.88% | 0.000 |
| 6th (Texarkana) | 0.0% | -2.80% | 0.000 | 0.0% | -18.56% | 0.000 |
| 7th (Amarillo) | 0.0% | -22.56% | 0.000 | 0.0% | -5.12% | 0.000 |
| 8th (El Paso) | 0.0% | -56.34% | 0.000 | 0.0% | -4.02% | 0.000 |
| 9th (Beaumont) | 0.0% | -5.23% | 0.000 | 0.0% | -16.47% | 0.000 |
| 10th (Waco) | 0.0% | -10.25% | 0.000 | 0.0% | -13.62% | 0.000 |
| 11th (Eastland) | 0.0% | -16.07% | 0.000 | 0.0% | -4.09% | 0.000 |
| 12th (Tyler) | 0.0% | -5.34% | 0.000 | 0.0% | -17.92% | 0.000 |
| 13th Corpus Christi | 33.3% | -29.57% | 0.530 | 0.0% | -3.10% | 0.000 |
| 14th (Houston) | 0.0% | -20.93% | 0.000 | 0.0% | -18.51% | 0.000 |
| Total | 5.0% | -20.62% | 0.195 | 0.0% | -47.71% | 0.000 |
| Supreme Court | 11.1% | -14.51% | 0.434 | 0.0% | -11.89% | 0.000 |
| Court of Crim. Appeals | 11.1% | -14.51% | 0.434 | 11.1% | -0.78% | 0.935 |
| All Appellate Judges | 6.1% | -19.50% | 0.239 | 1.0% | -10.87% | 0.086 |

1990 Census – Office of the Court Administrator (November 12, 1991)

Changes from At-Large to Single Member or Mixed

The *Rangle's* exhibit notebook looked at a number of city councils and school districts within the boundaries of the Thirteenth Court of Appeals that have been forced to change their method of election from an at-large system to a single member district or **mixed** system. Their findings, which are shown on Table 5.9, confirms the hypothesis that minorities have a much better chance of being elected in small single member districts than in at-large jurisdictions. Everyone of the city councils and school districts surveyed, gained minority representation after the implantation of single member districts.

Another interesting finding of this study shows that the jurisdictions that used pure single member districts were much more representative of the community as a whole, than the ones that used mixed elections. Only one minority, a black in Victoria, was able to win an at-large place in the mixed elections. Despite the fact that Hispanics makeup 51.9% of Corpus **Christi**, they were not able to elect an at-large Hispanic or Black to the city council.

Table 5.9
Recent Election Changes from At-Large to Single Member or Mixed¹

| Jurisdiction | Combined Minority % | Seats | At-Large | | | Single Member District | | |
|---------------------------------------|---------------------|-------|----------|-------|-------|------------------------|-------|-------|
| | | | Hispanic | Black | White | Hispanic | Black | White |
| Beeville - CC² | 59.93% | | | | | | | |
| Before³ | | 5 | 1 | 0 | 4 | | | |
| After | | 5 | | | | 3 | 0 | 2 |
| Corpus Christi - CC | 51.90% | | | | | | | |
| Before | | 7 | 1 | 0 | 6 | | | |
| After[*] | | 8 | 0 | 0 | 3 | 3 | | 2 |
| Port Lavaca - CC | 49.08% | | | | | | | |
| Before | | 6 | 1 | 0 | 5 | | | |
| After | | 6 | | | | 2 | 1 | 3 |
| City of Victoria - CC | 40.30% | | | | | | | |
| Before | | 5 | 0 | 0 | 5 | | | |
| After[*] | | 6 | 0 | 1 | 2 | 1 | 0 | 3 |
| Calhoun County ISD⁴ | 37.20% | | | | | | | |
| Before | | 7 | 0 | 0 | 7 | | | |
| After[*] | | 7 | 0 | 0 | 1 | 2 | 0 | 4 |
| Gonzales ISD | 36.90% | | | | | | | |
| Before | | 7 | 0 | 0 | 7 | | | |
| After | | 7 | | | | 2 | 0 | 5 |
| Victoria ISD | 36.90% | | | | | | | |
| Before | | 7 | 1 | 0 | 6 | | | |
| After[*] | | 7 | 0 | 0 | 2 | 1 | 1 | 3 |

¹ Mixed elections are **where** some members **are chosen** at large and other members by single member district.

² CC is an abbreviation used for City Council.

³ **Before** refers to at-large elections before they were changed to single member or mixed.

⁴ ISD - **Independent School District**

^{*} **Mixed** system

Source - **Rangle v Mattox** Plaintiffs Exhibit Notebook, 1988

Drop-Off Vote

Drop-off votes in contested statewide Appellate Court races average between 10% and 15%, depending on the intensity of the race in question. The numbers are about the same as that School Board candidates and other down ballot candidates receive. The drop-off rate in Salinas 1984 race for the 13th Appellate Court was 11.4% in the district.

The results show that drop-off rates declined in counties with large Hispanic populations. The drop-off rates in the Gonzalez Supreme Court primary race were compared to the drop-off rates in the Mauzy Supreme Court race. Every county in the 4th and 13th Appellate Courts where Hispanics make up at least 55% of the population, except Bexar, had lower drop-off rates in the Gonzalez race than in the Mauzy race. On the other hand, every county with a Hispanic population of less than 55% had greater drop-off rates in the Gonzalez race than in the Mauzy race. Another interesting finding showed that **Gonzalez's** opponent's home county (Ector) actually produced more votes in the Supreme Court race than the top of the ticket. These findings substantiate the Hall and **Aspin** (1987) "friends and neighbor" theory.

Summary

The findings show that minorities and women are underrepresented in all branches of elected government. However, minorities are even less represented in the judicial branch of government. Women, on the other hand, are equally represented in all branches of government. Where minorities do much better in single member districts than at-large elections, women do equally well in both systems.

There seems to be no "Rhyme or Reason" behind the makeup of the current Court of Appeal. There are districts with populations of over 4 million and districts with populations of under 500,000. The population per judge deviates dramatically and only three districts falls into the range of the ideal population per judge. This type of system dilutes the minority vote so much that it makes it almost impossible to elect a minority in most jurisdictions. The findings indicate, however, that minorities would have a much better chance getting elected to office under a single member district system.

Chapter Six

Conclusion

Over the past decade, there have been several developments which have led to pressures for reforming the method of selecting judges in Texas. Until recently most of the pressure for reform came from the business community and the media. The business community lost control of the Texas Supreme Court in the early 1980s after a number of plaintiff backed judges were elected. Fearing that the Texas Supreme Court was becoming too liberal and anti-business, the business community and their allies began calling for judicial reform and a new selection method. After several "plaintiffs judges" were turned out of office, the reform movement began to dissipate.

Minority groups fearing that the Texas Plan proposal, which called for merit selection and retention of judges, would further harm their chances of being represented in the judiciary brought suit in federal court. The minorities argued that the current judicial districts and at-large elections are fundamentally unfair and dilutes their vote. After studying the makeup of these districts this author has to agree with the minorities that the system is unfair.

All the evidence points in the direction that Texans want to continue electing their judges. This author proposes the following re-districting plan to not only make it easier for minorities to get elected, but to clean up some of the abuses that have taken place over the last decade.

The Texas Supreme Court and Court of Criminal Appeals should be divided into nine single member districts with a population of around 1,880,542 (see Table 6.2). These nine single member districts would also become the new Court of Appeals districts. Each Court of Appeals district would then be divided into nine single member subdistrict (81 total Court of Appeal judges) with a population of about 209,849. The largest district, Dallas North, and the smallest district would deviate only 5.3% and -7.12, respectively, from the ideal population size (see Table 6.1). These **smaller** districts would not only increase minority representation, but cut the high cost of campaigning for all judicial races.

Table 6.1

Proposed Plan -- Deviation and Population per Judge

| Districts | Total Population | Deviation Number ----- Percent | | # of Judges | Voters p Judge |
|-----------------------|------------------|-----------------------------------|--------|-------------|----------------|
| 1st (East Texas) | 1,850,928 | -29614 | -1.57% | 9 | 205,659 |
| 2nd (South Texas) | 1,746,619 | -133923 | -7.12% | 9 | 194,069 |
| 3rd (West Texas) | 1,959,469 | 78927 | 4.20% | 9 | 217,719 |
| 4th (Houston West) | 1,762,572 | -117970 | -6.27% | 9 | 195,841 |
| 5th (Central Texas) | 1,768,306 | -112236 | -5.97% | 9 | 196,478 |
| 6th (Dallas South) | 1,980,304 | 99762 | 5.30% | 9 | 220,034 |
| 7th (Houston East) | 1,905,811 | 25269 | 1.34% | 9 | 211,757 |
| 8th (Dallas North) | 1,978,748 | 98206 | 5.22% | 9 | 219,861 |
| 9th (North Texas) | 1,972,119 | 91577 | 4.87% | 9 | 219,124 |
| Total | 16,924,876 | | | 81 | 208,949 |
| Ideal Population Size | 1,880,542 | | | | |

Source: 1990 Census

Table 6 2
Proposed New Appellate Court Plan -- Population Distribution

| COA | | POPULATION | | | | |
|------------------------|-----|------------|---------|-----------|-----------|-----------|
| Districts | | Total | Black | Hispanic | B & H | Anglo |
| 1st (East Texas) | TTL | 1,850,928 | 335,879 | 99,574 | 432,384 | 139,650 |
| | | | 18.1% | 5.4% | 23.4% | 75% |
| | VAP | 1,357,423 | 226,296 | 63,563 | 287,943 | 1,055,423 |
| | | | 16.7% | 4.7% | 21.2% | 77.8% |
| 2nd (South Texas) | TTL | 1,746,619 | 59,822 | 1,064,961 | 1,121,668 | 609,853 |
| | | | 3.4% | 61.0% | 64.2% | 34.9% |
| | VAP | 1,172,229 | 40,528 | 656,480 | 695,286 | 466,628 |
| | | | 3.5% | 56.0% | 59.3% | 39.8% |
| 3rd (West Texas) | TTL | 1,959,469 | 104,462 | 1,208,858 | 1,308,398 | 626,701 |
| | | | 5.3% | 61.7% | 66.8% | 32.0% |
| | VAP | 1,340,922 | 71,955 | 770,236 | 839,557 | 483,648 |
| | | | 5.4% | 57.4% | 62.6% | 36.1% |
| 4th (Houston West) | TTL | 1,762,572 | 525,179 | 544,948 | 1,057,819 | 634,921 |
| | | | 29.8% | 30.9% | 60.0% | 36.0% |
| | VAP | 1,237,368 | 358,913 | 339,586 | 690,597 | 497,910 |
| | | | 29.0% | 27.4% | 15.8% | 40.2% |
| 5th (Central Texas) | TTL | 1,768,306 | 232,914 | 291,647 | 518,802 | 1,214,943 |
| | | | 13.2% | 16.5% | 29.3% | 68.7% |
| | VAP | 1,304,945 | 157,603 | 186,718 | 340,958 | 937,572 |
| | | | 12.1% | 14.3% | 26.1% | 71.8% |
| 6th (Dallas South) | TTL | 1,980,304 | 438,277 | 368,097 | 797,696 | 1,134,064 |
| | | | 22.1% | 18.6% | 40.3% | 57.3% |
| | VAP | 1,438,374 | 295,772 | 228,111 | 518,743 | 885,961 |
| | | | 20.6% | 15.9% | 36.1% | 61.6% |
| 7th (Houston East) | TTL | 1,905,811 | 128,076 | 216,273 | 341,354 | 1,492,488 |
| | | | 6.7% | 11.3% | 17.9% | 78.3% |
| | VAP | 1,379,138 | 83,972 | 138,572 | 220,715 | 1,108,424 |
| | | | 6.1% | 10.0% | 16.0% | 80.4% |

Table 6.2
Continued

| Districts | | Total | Black | Hispanic | B & H | Anglo |
|-----------------------|-----|------------|-----------|-----------|-----------|------------|
| 8th (Dallas North) | TTL | 1,978,748 | 107,936 | 157,969 | 263,785 | 1,649,144 |
| | | | 55% | 8.0% | 13.3% | 83.3% |
| | VAP | 1,442,403 | 70,568 | 102,302 | 171,158 | 1,225,445 |
| | | | 4.9% | 7.1% | 11.9% | 85.0% |
| 9th (North Texas) | TTL | 1,972,119 | 84,674 | 332,331 | 464,528 | 1,481,532 |
| | | | 4.3% | 19.4% | 23.6% | 75.1% |
| | VAP | 1,431,991 | 55,283 | 230,602 | 284,670 | 1,128,888 |
| | | | 3.9% | 16.1% | 19.9% | 78.8% |
| Totals | TTL | 16,924,876 | 2,017,219 | 4,334,658 | 6,306,707 | 10,241,296 |
| | | | 11.9% | 25.6% | 37.3% | 60.5% |
| | VAP | 12,104,793 | 1,360,890 | 2,716,172 | 4,049,627 | 7,789,905 |
| | | | 11.2% | 22.4% | 33.5% | 64.4% |

Source: 1990 Census
COA is Court of Appeals.
TTL is total population.
VAP is voter age population.

Appendix A

Ethnic Population per County
and
Court of Appeals District

| Court of Appeals | | Population | Pop | Black % | Hispanic Pop | % | B&H % | Pop | Anglo % | Other % |
|------------------|-----|------------|---------|---------|--------------|-------|-------|-----------|---------|---------|
| 1st | | | | | | | | | | |
| AUSTIN | TTL | 19,832 | 2,618 | 13.2% | 2,082 | 10.5% | 23.7% | 15,052 | 75.9% | 0.4% |
| | VAP | 14519 | 1742 | 12.0% | 1249 | 8.6% | 20.6% | 11485 | 79.1% | 0.3% |
| BRAZORIA | M | 191707 | 15,912 | 8.3% | 33,740 | 17.6% | 25.9% | 139,179 | 72.6% | 1.5% |
| | VAP | 135462 | 11650 | 8.6% | 20726 | 15.3% | 23.9% | 101190 | 74.7% | 1.4% |
| BRAZOS | M | 121,862 | 13,649 | 11.2% | 16,695 | 13.7% | 24.9% | 86,888 | 71.3% | 3.8% |
| | VAP | 95689 | 8995 | 9.4% | 11387 | 11.9% | 21.3% | 71575 | 74.8% | 3.9% |
| BURLESON | M | 13,625 | 2,425 | 17.8% | 1,621 | 11.9% | 29.7% | 9,510 | 69.8% | 0.5% |
| | VAP | 9912 | 1606 | 16.2% | 1011 | 10.2% | 26.4% | 7248 | 73.1% | 0.5% |
| CHAMBERS | TTL | 20,088 | 2,551 | 12.7% | 1,185 | 5.9% | 18.6% | 16,171 | 80.5% | 0.9% |
| | VAP | 14113 | 1764 | 12.5% | 706 | 5.0% | 17.5% | 11516 | 81.6% | 0.9% |
| COLORADO | TTL | 18,383 | 3,125 | 17.0% | 2,831 | 15.4% | 32.4% | 12,372 | 67.3% | 0.3% |
| | VAP | 13490 | 2158 | 16.0% | 1754 | 13.0% | 29.0% | 9537 | 70.7% | 0.3% |
| FORT BEND | TTL | 225,421 | 46,662 | 20.7% | 43,957 | 19.5% | 39.7% | 120,826 | 53.6% | 6.5% |
| | VAP | 150559 | 29359 | 19.5% | 26950 | 17.9% | 37.4% | 85367 | 56.7% | 6.2% |
| GALVESTON | TTL | 217,399 | 38,262 | 17.6% | 30,871 | 14.2% | 31.8% | 144,136 | 66.3% | 1.9% |
| | VAP | 157488 | 25515 | 16.2% | 20160 | 12.8% | 29.0% | 108989 | 69.2% | 1.8% |
| GRIMES | TTL | 18,828 | 4,613 | 24.5% | 2,655 | 14.1% | 38.6% | 11,504 | 61.1% | 0.3% |
| | VAP | 13889 | 3292 | 23.7% | 1764 | 12.7% | 36.4% | 8778 | 63.2% | 0.4% |
| HARRIS | TTL | 2,818,199 | 541,094 | 19.2% | 645,368 | 22.9% | 42.1% | 1,513,373 | 53.7% | 4.2% |
| | VAP | 2013190 | 368414 | 18.3% | 406664 | 20.2% | 38.5% | 1155571 | 57.4% | 4.1% |
| TRINITY | M | 11,445 | 1,648 | 14.4% | 275 | 2.4% | 18.8% | 9,476 | 82.8% | 0.4% |
| | VAP | 8765 | 1087 | 12.4% | 158 | 1.8% | 14.2% | 7494 | 85.5% | 0.3% |
| WALKER | M | 50,917 | 12,322 | 24.2% | 5,499 | 10.8% | 35.0% | 32,587 | 64.0% | 1.0% |
| | VAP | 41231 | 9772 | 23.7% | 4288 | 10.4% | 34.1% | 26759 | 64.9% | 1.0% |
| WALLER | TTL | 23,390 | 8,795 | 37.6% | 2,596 | 11.1% | 48.7% | 11,906 | 50.9% | 0.4% |
| | VAP | 17460 | 6879 | 39.4% | 1536 | 8.8% | 48.2% | 8974 | 51.4% | 0.4% |
| WASHINGTON | M | 26,154 | 5,466 | 20.9% | 1,151 | 4.4% | 25.3% | 19,302 | 73.8% | 0.9% |
| | VAP | 19501 | 3647 | 18.7% | 722 | 3.7% | 22.4% | 14957 | 76.7% | 0.9% |
| Total | TTL | 3,777,250 | 699,142 | 18.5% | 790,526 | 20.9% | 39.4% | 2,142,281 | 56.7% | 3.8% |
| | VAP | 2,705,278 | 475,870 | 17.6% | 499,074 | 18.4% | 36.0% | 1,629,439 | 60.2% | 3.7% |
| 2nd | | | | | | | | | | |
| ARCHER | M | 7,973 | 8 | 0.1% | 191 | 2.4% | 2.5% | 7,734 | 97.0% | 0.5% |
| | VAP | 5741 | 6 | 0.1% | 132 | 2.3% | 2.4% | 5575 | 97.1% | 0.5% |
| CLAY | TTL | 10,024 | 241 | 2.4% | 271 | 2.7% | 5.1% | 9,403 | 93.8% | 1.1% |
| | VAP | 7383 | 22 | 0.3% | 148 | 2.0% | 2.3% | 7139 | 96.7% | 1.0% |
| COOKE | TTL | 30,777 | 1170 | 3.8% | 1,416 | 4.6% | 8.4% | 27,822 | 90.4% | 1.2% |
| | VAP | 22068 | 640 | 2.9% | 750 | 3.4% | 6.3% | 20435 | 92.6% | 1.1% |
| DENTON | TTL | 273,525 | 13676 | 5.0% | 19,147 | 7.0% | 12.0% | 232,496 | 85.0% | 3.0% |
| | VAP | 199880 | 9594 | 4.8% | 12592 | 6.3% | 11.1% | 171897 | 86.0% | 2.9% |
| HOOD | TTL | 28,981 | 58 | 0.2% | 1,362 | 4.7% | 4.9% | 27,242 | 94.0% | 1.1% |
| | VAP | 21579 | 22 | 0.1% | 820 | 3.8% | 3.9% | 20500 | 95.0% | 1.1% |
| JACK | TTL | 6,981 | 49 | 0.7% | 230 | 3.3% | 4.0% | 6,674 | 95.6% | 0.4% |

Appendix A

Ethnic Population per County and Court of Appeals District

| Court of Appeals | | Black | | | Hispanic | | B&H | Anglo | | Other |
|------------------|-----|------------|---------|-------|----------|-------|-------|-----------|-------|-------|
| | | Population | Pop | % | Pop | % | % | Pop | % | % |
| MONTAGUE | VAP | 5110 | 36 | 0.7% | 118 | 2.3% | 3.0% | 4941 | 96.7% | 0.3% |
| | TTL | 17,274 | 0 | 0.0% | 553 | 3.2% | 3.2% | 16,635 | 96.3% | 0.5% |
| | VAP | 13028 | 0 | 0.0% | 287 | 2.2% | 2.2% | 12676 | 97.3% | 0.5% |
| PARKER | TTL | 64,785 | 583 | 0.9% | 2,721 | 4.2% | 5.1% | 60,898 | 94.0% | 0.9% |
| | VAP | 46641 | 373 | 0.8% | 1632 | 3.5% | 4.3% | 44216 | 94.8% | 0.9% |
| | TTL | 1,170,103 | 140412 | 12.0% | 140,412 | 12.0% | 24.0% | 854,175 | 73.0% | 3.0% |
| TARRANT | VAP | 852582 | 93784 | 11.0% | 87816 | 10.3% | 21.3% | 647110 | 75.9% | 2.8% |
| | TTL | 122,378 | 11259 | 9.2% | 10,525 | 8.6% | 17.8% | 97,902 | 80.0% | 2.2% |
| | VAP | 90399 | 7503 | 8.3% | 6509 | 7.2% | 15.5% | 74579 | 82.5% | 2.0% |
| WICHITA | TTL | 34,679 | 381 | 1.1% | 2,670 | 7.7% | 8.8% | 31,350 | 90.4% | 0.8% |
| | VAP | 24869 | 323 | 1.3% | 1517 | 6.1% | 7.4% | 22830 | 91.8% | 0.8% |
| | TTL | 18,126 | 272 | 1.5% | 1,160 | 6.4% | 7.9% | 16,603 | 91.6% | 0.6% |
| WISE | VAP | 13302 | 173 | 1.3% | 665 | 5.0% | 6.3% | 12397 | 93.2% | 0.5% |
| | | | | | | | | | | |
| | TTL | | | | | | | | | |
| YOUNG | VAP | 1,785,606 | 168,109 | 9.4% | 180,658 | 10.1% | 19.5% | 1,388,935 | 77.8% | 2.7% |
| | TTL | 1,302,582 | 112,476 | 8.6% | 112,986 | 8.7% | 17.3% | 1,044,295 | 80.2% | 2.5% |
| | | | | | | | | | | |
| Total | VAP | | | | | | | | | |
| | TTL | | | | | | | | | |
| | | | | | | | | | | |

3rd

| | | | | | | | | | | |
|----------|-----|---------|-------|-------|--------|-------|-------|---------|-------|------|
| BASTROP | TTL | 38,263 | 4515 | 11.8% | 6,926 | 18.1% | 29.9% | 26,516 | 69.3% | 0.8% |
| | VAP | 27242 | 3133 | 11.5% | 4223 | 15.5% | 27.0% | 19668 | 72.2% | 0.8% |
| | TTL | 191,086 | 36116 | 18.9% | 25,033 | 13.1% | 32.0% | 123,825 | 64.8% | 3.2% |
| BELL | VAP | 136055 | 23401 | 17.2% | 15510 | 11.4% | 28.6% | 92653 | 68.1% | 3.3% |
| | TTL | 5,972 | 54 | 0.9% | 842 | 14.1% | 15.0% | 5,040 | 84.4% | 0.6% |
| | VAP | 4482 | 40 | 0.9% | 511 | 11.4% | 12.3% | 3908 | 87.2% | 0.5% |
| BLANCO | TTL | 22,677 | 272 | 1.2% | 2,449 | 10.8% | 12.0% | 19,797 | 87.3% | 0.7% |
| | VAP | 17101 | 171 | 1.0% | 1385 | 8.1% | 9.0% | 15442 | 90.3% | 0.7% |
| | TTL | 26,392 | 2824 | 10.7% | 9,976 | 37.8% | 48.5% | 13,407 | 50.8% | 0.7% |
| BURNET | VAP | 18562 | 1986 | 10.7% | 6237 | 33.6% | 44.3% | 10191 | 54.9% | 0.8% |
| | TTL | 3,424 | 7 | 0.2% | 421 | 12.3% | 12.5% | 2,975 | 86.9% | 0.6% |
| | VAP | 2632 | 3 | 0.1% | 258 | 9.8% | 9.8% | 2356 | 89.5% | 0.6% |
| CALDWELL | TTL | 51,832 | 466 | 0.9% | 11,870 | 22.9% | 23.6% | 39,185 | 75.6% | 0.6% |
| | VAP | 36576 | 309 | 0.8% | 7589 | 19.7% | 20.5% | 30436 | 78.9% | 0.6% |
| | TTL | 3,044 | 15 | 0.5% | 1,193 | 39.2% | 39.7% | 1,826 | 60.0% | 0.3% |
| CONCHO | VAP | 2344 | 14 | 0.6% | 870 | 37.1% | 37.7% | 1453 | 62.0% | 0.3% |
| | TTL | 20,095 | 1688 | 8.4% | 1,708 | 8.5% | 16.9% | 16,639 | 82.8% | 0.3% |
| | VAP | 15271 | 1176 | 7.7% | 1069 | 7.0% | 14.7% | 12996 | 85.1% | 0.2% |
| FAYETTE | TTL | 65,614 | 2231 | 3.4% | 18,241 | 27.8% | 31.2% | 44,552 | 67.9% | 0.9% |
| | VAP | 49624 | 1786 | 3.6% | 12208 | 24.6% | 28.2% | 35134 | 70.8% | 1.0% |
| | TTL | 1,629 | 2 | 0.1% | 384 | 23.6% | 23.7% | 1,241 | 76.2% | 0.1% |
| HAYS | VAP | 1167 | 1 | 0.1% | 26 | 2.2% | 2.3% | 1138 | 97.5% | 0.2% |
| | TTL | 13,521 | 270 | 2.0% | 1,758 | 13.0% | 15.0% | 11,290 | 83.5% | 1.5% |
| | VAP | 9774 | 176 | 1.8% | 1056 | 10.8% | 12.6% | 8386 | 85.8% | 1.6% |
| IRION | TTL | 12,854 | 1774 | 13.8% | 141 | 1.1% | 14.9% | 10,900 | 84.8% | 0.3% |
| | VAP | 9040 | 1211 | 13.4% | 741 | 8.2% | 21.6% | 7060 | 78.1% | 0.3% |
| | TTL | 11,631 | 23 | 0.2% | 454 | 3.9% | 4.1% | 11,096 | 95.4% | 0.5% |
| LAMPASAS | VAP | 9729 | 19 | 0.2% | 302 | 3.1% | 3.3% | 9359 | 96.2% | 0.5% |
| | | | | | | | | | | |
| | TTL | | | | | | | | | |
| LEE | VAP | | | | | | | | | |
| | TTL | | | | | | | | | |
| | | | | | | | | | | |
| LLANO | VAP | | | | | | | | | |
| | TTL | | | | | | | | | |
| | | | | | | | | | | |

Appendix A

Ethnic Population per County and Court of Appeals District

| Court of Appeals | | Black | | | Hispanic | | B&H | Anglo | | Other |
|------------------|-----|------------|---------|-------|----------|-------|-------|---------|-------|-------|
| | | Population | Pop | % | Pop | % | % | Pop | % | % |
| MCCUUOCH | TTL | 8,778 | 167 | 1.9% | 2,317 | 26.4% | 28.3% | 6,276 | 71.5% | 0.2% |
| | VAP | 6410 | 115 | 1.8% | 1429 | 22.3% | 24.1% | 4852 | 75.7% | 0.2% |
| MILAN | TTL | 22,946 | 2937 | 12.8% | 3,465 | 15.1% | 27.9% | 16,475 | 71.8% | 0.3% |
| | VAP | 16471 | 1878 | 11.4% | 2042 | 12.4% | 23.8% | 12485 | 75.8% | 0.4% |
| MILLS | TTL | 4,531 | 9 | 0.2% | 485 | 10.7% | 10.9% | 4,028 | 88.9% | 0.2% |
| | VAP | 3448 | 7 | 0.2% | 279 | 8.1% | 8.3% | 3158 | 91.6% | 0.1% |
| RUNNELS | TTL | 11,294 | 181 | 1.6% | 2,744 | 24.3% | 25.9% | 8,335 | 73.8% | 0.3% |
| | VAP | 8206 | 123 | 1.5% | 1658 | 20.2% | 21.7% | 6401 | 78.0% | 0.3% |
| SAN SABA | TTL | 5,401 | 16 | 0.3% | 999 | 18.5% | 18.8% | 4,369 | 80.9% | 0.3% |
| | VAP | 4001 | 8 | 0.2% | 626 | 15.7% | 15.9% | 3353 | 83.8% | 0.3% |
| SCHLEICHER | TTL | 2,990 | 27 | 0.9% | 1,061 | 35.5% | 36.4% | 1,896 | 63.4% | 0.2% |
| | VAP | 2017 | 22 | 1.1% | 619 | 30.7% | 31.8% | 1372 | 68.0% | 0.2% |
| STERLING | TTL | 1,438 | 0 | 0.0% | 387 | 25.5% | 25.5% | 1,067 | 74.2% | 0.3% |
| | VAP | 955 | 0 | 0.0% | 219 | 22.9% | 22.9% | 732 | 76.7% | 0.4% |
| TOM GREEN | TTL | 98,458 | 4135 | 4.2% | 25,501 | 25.9% | 30.1% | 67,444 | 68.5% | 1.4% |
| | VAP | 71840 | 2802 | 3.9% | 15805 | 22.0% | 25.9% | 52300 | 72.8% | 1.3% |
| TRAVIS | TTL | 576,407 | 63405 | 11.0% | 121,822 | 21.1% | 32.1% | 372,935 | 64.7% | 3.2% |
| | VAP | 438196 | 43381 | 9.9% | 80628 | 18.4% | 28.3% | 299726 | 68.4% | 3.3% |
| WILLIAMSON | TTL | 139,551 | 6838 | 4.9% | 19,956 | 14.3% | 19.2% | 110,524 | 79.2% | 1.6% |
| | VAP | 96362 | 4433 | 4.6% | 12142 | 12.6% | 17.2% | 78246 | 81.2% | 1.6% |
| Total | TTL | 1,339,830 | 127,972 | 9.6% | 258,812 | 18.4% | 29.0% | 821,641 | 68.8% | 2.3% |
| | VAP | 989,505 | 86,196 | 8.7% | 167,443 | 16.9% | 25.6% | 712,806 | 72.0% | |
| 4th | | | | | | | | | | |
| ATACOSA | TTL | 30,533 | 153 | 0.5% | 18,060 | 52.6% | 53.1% | 14,167 | 46.4% | 0.5% |
| | VAP | 20441 | 102 | 0.5% | 9873 | 48.3% | 48.8% | 10343 | 50.6% | 0.6% |
| BANDERA | TTL | 10,562 | 21 | 0.2% | 1,172 | 11.1% | 11.3% | 9,273 | 87.8% | 0.9% |
| | VAP | 8054 | 8 | 0.1% | 797 | 9.9% | 10.0% | 7176 | 89.1% | 0.9% |
| BEXAR | TTL | 1,185,394 | 84163 | 7.1% | 589,141 | 49.7% | 56.8% | 493,124 | 41.6% | 1.6% |
| | VAP | 839453 | 58762 | 7.0% | 382791 | 45.6% | 52.6% | 384409 | 45.8% | 1.6% |
| BROOKS | TTL | 8,204 | 0 | 0.0% | 7,334 | 89.4% | 89.4% | 829 | 10.1% | 0.5% |
| | VAP | 5490 | 0 | 0.0% | 4820 | 87.8% | 87.8% | 642 | 11.7% | 0.5% |
| DIMMIT | TTL | 10,433 | 63 | 0.6% | 8,691 | 83.3% | 83.9% | 1,638 | 15.7% | 0.4% |
| | VAP | 6642 | 33 | 0.5% | 5387 | 81.1% | 81.6% | 1196 | 18.0% | 0.4% |
| DUVAL | TTL | 12,918 | 13 | 0.1% | 11,284 | 87.2% | 87.3% | 1,602 | 12.4% | 0.3% |
| | VAP | 8690 | 9 | 0.1% | 7447 | 85.7% | 85.8% | 1208 | 13.9% | 0.3% |
| EDWARDS | TTL | 2,266 | 0 | 0.0% | 1,183 | 52.2% | 52.2% | 1,074 | 47.4% | 0.4% |
| | VAP | 1520 | 0 | 0.0% | 684 | 45.0% | 45.0% | 831 | 54.7% | 0.3% |
| FRIO | TTL | 13,472 | 189 | 1.4% | 9,754 | 72.4% | 73.8% | 3,462 | 25.7% | 0.5% |
| | VAP | 8787 | 167 | 1.9% | 5949 | 67.7% | 69.6% | 2619 | 29.8% | 0.6% |
| GILLESPIE | TTL | 17,204 | 34 | 0.2% | 7,071 | 41.1% | 41.3% | 10,030 | 58.3% | 0.4% |
| | VAP | 13196 | 13 | 0.1% | 145 | 1.1% | 1.2% | 12998 | 98.5% | 0.3% |
| GUADALUPE | TTL | 64,873 | 3633 | 5.6% | 19,267 | 29.7% | 35.3% | 41,259 | 63.6% | 1.1% |
| | VAP | 46382 | 2551 | 5.5% | 11967 | 25.8% | 31.3% | 31354 | 67.6% | 1.1% |
| JIM HOGG | TTL | 5,109 | 5 | 0.1% | 4,659 | 91.2% | 91.3% | 419 | 8.2% | 0.5% |

Appendix A

Ethnic Population per County and Court of Appeals District

| Court of Appeals | | Black | | | Hispanic | | B&H | Anglo | | Other |
|------------------|-----|------------|--------|------|-----------|-------|-------|---------|-------|-------|
| | | Population | Pop | % | Pop | % | % | Pop | % | % |
| JIM WELLS | VAP | 3441 | 3 | 0.1% | 3100 | 90.1% | 90.2% | 320 | 9.3% | 0.5% |
| | TTL | 37,679 | 226 | 0.6% | 27,204 | 72.2% | 72.6% | 10,060 | 26.7% | 0.5% |
| KARNES | VAP | 25425 | 127 | 0.5% | 17645 | 69.4% | 69.9% | 7526 | 29.6% | 0.5% |
| | TTL | 12,455 | 361 | 2.9% | 5,916 | 47.5% | 50.4% | 6,115 | 49.1% | 0.5% |
| KENDALL | VAP | 8657 | 242 | 2.8% | 3619 | 41.8% | 44.6% | 4761 | 55.0% | 0.4% |
| | TTL | 14,589 | 58 | 0.4% | 2,393 | 16.4% | 16.8% | 12,036 | 82.5% | 0.7% |
| KERR | VAP | 10759 | 32 | 0.3% | 1485 | 13.8% | 14.1% | 9156 | 85.1% | 0.8% |
| | TTL | 36,304 | 799 | 2.2% | 5,990 | 16.5% | 18.7% | 29,261 | 80.6% | 0.7% |
| KIMBLE | VAP | 27873 | 530 | 1.9% | 3819 | 13.7% | 15.6% | 23358 | 83.8% | 0.6% |
| | TTL | 4,122 | 0 | 0.0% | 771 | 18.7% | 18.7% | 3,335 | 80.9% | 0.4% |
| KINNEY | VAP | 3070 | 3 | 0.1% | 476 | 15.5% | 15.6% | 2582 | 84.1% | 0.3% |
| | TTL | 3,119 | 56 | 1.8% | 1,569 | 50.3% | 52.1% | 1,457 | 46.7% | 1.2% |
| LA SALLE | VAP | 2334 | 33 | 1.4% | 1074 | 46.0% | 47.4% | 1197 | 51.3% | 1.3% |
| | TTL | 5,254 | 53 | 1.0% | 4,067 | 77.4% | 78.4% | 1,103 | 21.0% | 0.6% |
| MASON | VAP | 3509 | 53 | 1.5% | 2604 | 74.2% | 75.7% | 835 | 23.8% | 0.5% |
| | TTL | 3,423 | 7 | 0.2% | 671 | 19.6% | 19.8% | 2,732 | 79.8% | 0.4% |
| MAVERICK | VAP | 2618 | 3 | 0.1% | 416 | 15.9% | 16.0% | 2189 | 83.6% | 0.4% |
| | TTL | 36,378 | 36 | 0.1% | 34,013 | 93.5% | 93.6% | 1,564 | 4.3% | 2.1% |
| MCMULLEN | VAP | 22544 | 23 | 0.1% | 20786 | 92.2% | 92.3% | 1217 | 5.4% | 2.3% |
| | TTL | 817 | 0 | 0.0% | 320 | 39.2% | 39.2% | 493 | 60.3% | 0.5% |
| MEDINA | VAP | 815 | 0 | 0.0% | 224 | 36.4% | 36.4% | 389 | 63.3% | 0.3% |
| | TTL | 27,312 | 82 | 0.3% | 12,127 | 44.4% | 44.7% | 14,912 | 54.6% | 0.7% |
| MENARD | VAP | 19209 | 77 | 0.4% | 7780 | 40.5% | 40.9% | 11237 | 58.5% | 0.6% |
| | TTL | 2,252 | 7 | 0.3% | 725 | 32.2% | 32.5% | 1,511 | 67.1% | 0.4% |
| REAL | VAP | 1703 | 5 | 0.3% | 473 | 27.8% | 28.1% | 1218 | 71.5% | 0.4% |
| | TTL | 2,412 | 0 | 0.0% | 574 | 23.8% | 23.8% | 1,814 | 75.2% | 1.0% |
| STARR | VAP | 1847 | 0 | 0.0% | 393 | 21.3% | 21.3% | 1439 | 77.9% | 0.8% |
| | TTL | 40,518 | 41 | 0.1% | 39,383 | 97.2% | 97.3% | 972 | 2.4% | 0.3% |
| SUTTON | VAP | 24553 | 25 | 0.1% | 23743 | 96.7% | 96.8% | 712 | 2.9% | 0.3% |
| | TTL | 4,135 | 0 | 0.0% | 1,865 | 45.1% | 45.1% | 2,245 | 54.3% | 0.6% |
| UVALDE | VAP | 2666 | 3 | 0.1% | 1221 | 42.6% | 42.7% | 1622 | 56.6% | 0.7% |
| | TTL | 23,340 | 47 | 0.2% | 14,097 | 60.4% | 60.6% | 9,033 | 38.7% | 0.7% |
| VAL VERDE | VAP | 15848 | 32 | 0.2% | 8780 | 55.4% | 55.6% | 6941 | 43.8% | 0.6% |
| | TTL | 38,721 | 774 | 2.0% | 27,298 | 70.5% | 72.5% | 10,339 | 26.7% | 0.8% |
| WEBB | VAP | 25965 | 519 | 2.0% | 17111 | 65.9% | 67.9% | 8101 | 31.2% | 0.9% |
| | TTL | 133,239 | 133 | 0.1% | 125,111 | 93.9% | 94.0% | 7,328 | 5.5% | 0.5% |
| WILSON | VAP | 84362 | 84 | 0.1% | 78372 | 92.9% | 93.0% | 5484 | 6.5% | 0.5% |
| | TTL | 22,650 | 249 | 1.1% | 8,083 | 35.6% | 36.7% | 14,247 | 62.8% | 0.4% |
| ZAPATA | VAP | 15637 | 156 | 1.0% | 5066 | 32.4% | 33.4% | 10352 | 66.2% | 0.4% |
| | TTL | 9,279 | 0 | 0.0% | 7,516 | 81.0% | 81.0% | 1,726 | 18.6% | 0.4% |
| ZAVALA | VAP | 6051 | 0 | 0.0% | 4581 | 75.7% | 75.7% | 1446 | 23.9% | 0.4% |
| | TTL | 12,162 | 292 | 2.4% | 10,873 | 89.4% | 91.8% | 949 | 7.8% | 0.4% |
| | VAP | 7815 | 281 | 3.6% | 6729 | 86.1% | 89.7% | 774 | 9.9% | 0.4% |
| Total | TTL | 1,831,128 | 91,494 | 5.0% | 1,006,145 | 54.9% | 59.9% | 710,109 | 38.8% | 1.3% |
| | VAP | 1,275,356 | 63,876 | 5.0% | 639,355 | 50.1% | 55.1% | 555,693 | 43.6% | 1.3% |

Appendix A

Ethnic Population per County and Court of Appeals District

| Court of Appeals | | Population | Black Pop | Black % | Hispanic Pop | Hispanic % | B&H % | Anglo Pop | Anglo % | Other % |
|------------------|-----|------------|-----------|---------|--------------|------------|-------|-----------|---------|---------|
| 5th | | | | | | | | | | |
| COLLIN | TTL | 264,036 | 10825 | 4.1% | 18,218 | 6.9% | 11.0% | 226,543 | 85.8% | 3.2% |
| | VAP | 187534 | 7126 | 3.8% | 11627 | 6.2% | 10.0% | 163155 | 87.0% | 3.0% |
| DALLAS | TTL | 1,852,810 | 368709 | 19.9% | 314,978 | 17.0% | 36.9% | 1,109,833 | 59.9% | 3.2% |
| | VAP | 1357162 | 248361 | 18.3% | 199503 | 14.7% | 33.0% | 867227 | 63.9% | 3.1% |
| GRAYSON | TTL | 95,021 | 6556 | 6.9% | 2,756 | 2.9% | 9.8% | 84,284 | 88.7% | 1.5% |
| | VAP | 70913 | 4397 | 6.2% | 1702 | 2.4% | 8.6% | 63822 | 90.0% | 1.4% |
| HUNT | TTL | 64,343 | 6820 | 10.6% | 2,895 | 4.5% | 15.1% | 53,984 | 83.9% | 1.0% |
| | VAP | 47338 | 4450 | 9.4% | 1799 | 3.8% | 13.2% | 40663 | 85.9% | 0.9% |
| KAUFMAN | TTL | 5,220 | 731 | 14.0% | 334 | 6.4% | 20.4% | 4,113 | 78.8% | 0.8% |
| | VAP | 36858 | 4865 | 13.2% | 1953 | 5.3% | 18.5% | 29744 | 80.7% | 0.8% |
| ROCKWALL | TTL | 25,804 | 845 | 3.3% | 1,511 | 5.9% | 9.2% | 22,967 | 89.7% | 1.1% |
| | VAP | 18082 | 579 | 3.2% | 922 | 5.1% | 8.3% | 16382 | 90.6% | 1.1% |
| VAN ZANDT | TTL | 37,944 | 1442 | 3.8% | 1,518 | 4.0% | 7.8% | 34,795 | 91.7% | 0.5% |
| | VAP | 28223 | 960 | 3.4% | 931 | 3.3% | 6.7% | 26191 | 92.8% | 0.5% |
| Total | TTL | 2,344,978 | 395,929 | 16.9% | 342,210 | 14.6% | 31.5% | 1,536,518 | 65.5% | 3.0% |
| | VAP | 1,746,110 | 270,737 | 15.5% | 218,438 | 12.5% | 28.0% | 1,207,184 | 68.1% | 2.8% |
| 6th | | | | | | | | | | |
| BOWIE | TTL | 81,865 | 17803 | 21.8% | 1,307 | 1.6% | 23.4% | 61,902 | 75.8% | 0.8% |
| | VAP | 59471 | 11537 | 19.4% | 952 | 1.6% | 21.0% | 46506 | 78.2% | 0.8% |
| CAMP | TTL | 9,904 | 2357 | 23.8% | 505 | 5.1% | 28.9% | 7,002 | 70.7% | 0.4% |
| | VAP | 7297 | 1671 | 22.9% | 314 | 4.3% | 27.2% | 5283 | 72.4% | 0.4% |
| CASS | TTL | 29,982 | 6056 | 20.2% | 360 | 1.2% | 21.4% | 23,446 | 78.2% | 0.4% |
| | VAP | 21785 | 3965 | 18.2% | 218 | 1.0% | 19.2% | 17515 | 80.4% | 0.4% |
| DELTA | TTL | 4,857 | 403 | 8.3% | 68 | 1.4% | 9.7% | 4,342 | 89.4% | 0.9% |
| | VAP | 3680 | 261 | 7.1% | 37 | 1.0% | 8.1% | 3349 | 91.0% | 0.9% |
| FANNIN | TTL | 24,804 | 1637 | 6.6% | 496 | 2.0% | 8.6% | 22,448 | 90.5% | 0.9% |
| | VAP | 18832 | 1111 | 5.9% | 282 | 1.5% | 7.4% | 17288 | 91.8% | 0.8% |
| FRANKLIN | TTL | 7,802 | 351 | 4.5% | 359 | 4.6% | 9.1% | 7,037 | 90.2% | 0.7% |
| | VAP | 5815 | 238 | 4.1% | 215 | 3.7% | 7.8% | 5321 | 91.5% | 0.7% |
| GREGG | TTL | 104,948 | 19940 | 19.0% | 3,778 | 3.6% | 22.6% | 80,285 | 76.5% | 0.9% |
| | VAP | 76227 | 13187 | 17.3% | 2287 | 3.0% | 20.3% | 60067 | 78.8% | 0.9% |
| HARRISON | TTL | 57,483 | 18038 | 27.9% | 1,265 | 2.2% | 30.1% | 39,836 | 69.3% | 0.6% |
| | VAP | 40928 | 10764 | 26.3% | 737 | 1.8% | 28.1% | 29182 | 71.3% | 0.6% |
| LAMAR | TTL | 43,949 | 6417 | 14.6% | 483 | 1.1% | 15.7% | 36,478 | 83.0% | 1.3% |
| | VAP | 32510 | 4161 | 12.8% | 293 | 0.9% | 13.7% | 27699 | 85.2% | 1.1% |
| MARION | TTL | 9,984 | 3095 | 31.0% | 150 | 1.5% | 32.5% | 6,689 | 67.0% | 0.5% |
| | VAP | 7513 | 2119 | 28.2% | 98 | 1.3% | 29.5% | 5267 | 70.1% | 0.4% |
| MORRIS | TTL | 13,200 | 3221 | 24.4% | 238 | 1.8% | 26.2% | 9,662 | 73.2% | 0.6% |
| | VAP | 9577 | 2145 | 22.4% | 134 | 1.4% | 23.8% | 7240 | 75.6% | 0.6% |
| PANOLA | TTL | 22,035 | 4054 | 18.4% | 485 | 2.2% | 20.6% | 17,408 | 79.0% | 0.4% |
| | VAP | 15896 | 2686 | 16.9% | 286 | 1.8% | 18.7% | 12860 | 80.9% | 0.4% |
| RED RIVER | TTL | 14,317 | 2878 | 20.1% | 272 | 1.9% | 22.0% | 11,081 | 77.4% | 0.6% |

| Court of Appeals | | Black | | | Hispanic | | B&H | Anglo | | Other |
|------------------|-----|------------|---------|-------|----------|-------|-------|---------|-------|-------|
| | | Population | Pop | % | Pop | % | % | Pop | % | % |
| RUSK | VAP | 10874 | 1925 | 17.7% | 152 | 1.4% | 19.1% | 8743 | 80.4% | 0.5% |
| | TTL | 43,735 | 8968 | 20.5% | 1,749 | 4.0% | 24.5% | 32,845 | 75.1% | 0.4% |
| TITUS | VAP | 31567 | 5935 | 18.8% | 1010 | 3.2% | 22.0% | 24496 | 77.6% | 0.4% |
| | TTL | 24,009 | 3217 | 13.4% | 2,545 | 10.6% | 24.0% | 18,103 | 75.4% | 0.6% |
| UPSHUR | VAP | 17157 | 2093 | 12.2% | 1561 | 9.1% | 21.3% | 13417 | 78.2% | 0.5% |
| | TTL | 31,370 | 3890 | 12.4% | 827 | 2.0% | 14.4% | 26,696 | 85.1% | 0.5% |
| WOOD | VAP | 22704 | 2656 | 11.7% | 386 | 1.7% | 13.4% | 19548 | 86.1% | 0.5% |
| | TTL | 29,380 | 2409 | 8.2% | 793 | 2.7% | 10.9% | 26,031 | 88.6% | 0.5% |
| | VAP | 22317 | 1763 | 7.9% | 491 | 2.2% | 10.1% | 19951 | 89.4% | 0.5% |
| | | | | | | | | | | |
| Total | TTL | 553,424 | 102,732 | 18.6% | 15,480 | 2.8% | 21.4% | 431,201 | 77.0% | 0.7% |
| | VAP | 404,1501 | 68,219 | 16.9% | 9,452 | 2.3% | 19.2% | 323,731 | 80.1% | 0.7% |
| 7th | | | | | | | | | | |
| ARMSTRONG | TTL | 2,021 | 0 | 0.0% | 55 | 2.7% | 2.7% | 1,952 | 96.6% | 0.7% |
| | VAP | 1459 | 0 | 0.0% | 34 | 2.3% | 2.3% | 1414 | 96.9% | 0.8% |
| BAILEY | TTL | 7,064 | 127 | 1.8% | 2,741 | 38.8% | 40.6% | 4,175 | 59.1% | 0.3% |
| | VAP | 4814 | 82 | 1.7% | 1569 | 32.6% | 34.3% | 3148 | 65.4% | 0.3% |
| BRISCOE | TTL | 1,971 | 69 | 3.5% | 387 | 18.6% | 22.1% | 1,531 | 77.7% | 0.2% |
| | VAP | 1420 | 38 | 2.7% | 202 | 14.2% | 16.9% | 1176 | 82.8% | 0.3% |
| CARSON | TTL | 6,576 | 13 | 0.2% | 355 | 5.4% | 5.6% | 6,155 | 93.6% | 0.8% |
| | VAP | 4609 | 9 | 0.2% | 189 | 4.1% | 4.3% | 4374 | 94.9% | 0.8% |
| CASTRO | TTL | 9,070 | 263 | 2.9% | 4,190 | 46.2% | 49.1% | 4,562 | 50.3% | 0.6% |
| | VAP | 5774 | 150 | 2.6% | 2263 | 39.2% | 41.8% | 3326 | 57.6% | 0.6% |
| CHILDRESS | TTL | 5,953 | 321 | 5.4% | 851 | 14.3% | 19.7% | 4,733 | 79.5% | 0.8% |
| | VAP | 4400 | 207 | 4.7% | 458 | 10.4% | 15.1% | 3709 | 84.3% | 0.6% |
| COCHRAN | TTL | 4,377 | 232 | 5.3% | 1,856 | 42.4% | 47.7% | 2,276 | 52.0% | 0.3% |
| | VAP | 2918 | 143 | 4.9% | 1053 | 36.1% | 41.0% | 1713 | 58.7% | 0.3% |
| COLUNGSWORT | TTL | 3,573 | 229 | 6.4% | 561 | 15.7% | 22.1% | 2,748 | 76.9% | 1.0% |
| | VAP | 2622 | 147 | 5.6% | 299 | 11.4% | 17.0% | 2153 | 82.1% | 0.9% |
| COTTLE | TTL | 2,247 | 200 | 8.9% | 366 | 16.3% | 25.2% | 1,672 | 74.4% | 0.4% |
| | VAP | 1669 | 115 | 6.9% | 195 | 11.7% | 18.6% | 1352 | 81.0% | 0.4% |
| CROSBY | TTL | 7,304 | 321 | 4.4% | 3,112 | 42.6% | 47.0% | 3,842 | 52.6% | 0.4% |
| | VAP | 5022 | 221 | 4.4% | 1768 | 35.2% | 39.6% | 3018 | 60.1% | 0.3% |
| DALLAM | TTL | 5,461 | 115 | 2.1% | 1,152 | 21.1% | 23.2% | 4,145 | 75.9% | 0.9% |
| | VAP | 3801 | 65 | 1.7% | 692 | 18.2% | 19.9% | 3003 | 79.0% | 1.1% |
| DEAF SMITH | TTL | 19,153 | 306 | 1.6% | 9,347 | 48.8% | 50.4% | 9,404 | 49.1% | 0.5% |
| | VAP | 12387 | 186 | 1.5% | 5240 | 42.3% | 43.8% | 6900 | 55.7% | 0.5% |
| DICKENS | TTL | 2,571 | 113 | 4.4% | 478 | 18.6% | 23.0% | 1,962 | 76.3% | 0.7% |
| | VAP | 1960 | 73 | 3.7% | 292 | 14.9% | 18.6% | 1586 | 80.9% | 0.5% |
| DONLEY | TTL | 3,696 | 126 | 3.4% | 140 | 3.8% | 7.2% | 3,415 | 92.4% | 0.4% |
| | VAP | 2895 | 84 | 2.9% | 78 | 2.7% | 5.6% | 2724 | 94.1% | 0.3% |
| FLOYD | TTL | 8,497 | 323 | 3.8% | 3,382 | 39.8% | 43.6% | 4,750 | 55.9% | 0.5% |
| | VAP | 5811 | 209 | 3.6% | 1865 | 32.1% | 35.7% | 3707 | 63.8% | 0.5% |
| FOARD | TTL | 1,794 | 88 | 4.9% | 233 | 13.0% | 17.9% | 1,462 | 81.5% | 0.6% |
| | VAP | 1365 | 55 | 4.0% | 145 | 10.6% | 14.6% | 1158 | 84.8% | 0.6% |

Appendix A

Ethnic Population per County and Court of Appeals District

| Court of Appeals | | Black | | | Hispanic | | B&H | Anglo | | Other |
|------------------|-----|------------|-------|------|----------|-------|-------|---------|-------|-------|
| | | Population | Pop | % | Pop | % | % | Pop | % | % |
| GARZA | TTL | 5,143 | 329 | 6.4% | 1,455 | 28.3% | 34.7% | 3,328 | 64.7% | 0.6% |
| | VAP | 3515 | 190 | 5.4% | 823 | 23.4% | 28.8% | 2485 | 70.7% | 0.5% |
| GRAY | TTL | 23,967 | 911 | 3.8% | 1,893 | 7.9% | 11.7% | 20,803 | 86.8% | 1.5% |
| | VAP | 17630 | 582 | 3.3% | 1040 | 5.9% | 9.2% | 15761 | 89.4% | 1.4% |
| HALE | TTL | 34,671 | 1838 | 5.3% | 14,423 | 41.6% | 46.9% | 18,098 | 52.2% | 0.9% |
| | VAP | 23507 | 1175 | 5.0% | 8180 | 34.8% | 39.8% | 13940 | 59.3% | 0.9% |
| HALL | TTL | 3,905 | 305 | 7.8% | 726 | 18.6% | 26.4% | 2,847 | 72.9% | 0.7% |
| | VAP | 2978 | 203 | 6.8% | 405 | 13.6% | 20.4% | 2356 | 79.1% | 0.5% |
| HANSFORD | TTL | 5,848 | 0 | 0.0% | 1,175 | 20.1% | 20.1% | 4,637 | 79.3% | 0.6% |
| | VAP | 4028 | 0 | 0.0% | 665 | 16.5% | 16.5% | 3339 | 82.9% | 0.6% |
| HARDEMAN | TTL | 5,283 | 322 | 6.1% | 586 | 11.1% | 17.2% | 4,327 | 81.9% | 0.9% |
| | VAP | 3904 | 211 | 5.4% | 308 | 7.9% | 13.3% | 3354 | 85.9% | 0.8% |
| HARTLEY | TTL | 3,634 | 7 | 0.2% | 200 | 5.5% | 5.7% | 3,391 | 93.3% | 1.0% |
| | VAP | 2581 | 5 | 0.2% | 116 | 4.5% | 4.7% | 2431 | 94.2% | 1.1% |
| HEMPHILL | TTL | 3,720 | 7 | 0.2% | 413 | 11.1% | 11.3% | 3,274 | 88.0% | 0.7% |
| | VAP | 2570 | 5 | 0.2% | 213 | 8.3% | 8.5% | 2331 | 90.7% | 0.8% |
| HOCKLEY | TTL | 24,199 | 1018 | 4.2% | 7,647 | 31.6% | 35.8% | 15,391 | 63.6% | 0.6% |
| | VAP | 16386 | 639 | 3.9% | 4359 | 26.6% | 30.5% | 11290 | 68.9% | 0.6% |
| HUTCHINSON | TTL | 25,689 | 668 | 2.6% | 2,518 | 9.8% | 12.4% | 22,093 | 86.0% | 1.6% |
| | VAP | 18216 | 419 | 2.3% | 1403 | 7.7% | 10.0% | 16085 | 88.3% | 1.7% |
| KENT | TTL | 1,010 | 6 | 0.6% | 120 | 11.9% | 12.5% | 883 | 87.4% | 0.1% |
| | VAP | 749 | 5 | 0.7% | 75 | 10.0% | 10.7% | 668 | 89.2% | 0.1% |
| KING | TTL | 354 | 0 | 0.0% | 53 | 15.0% | 15.0% | 301 | 85.0% | 0.0% |
| | VAP | 245 | 0 | 0.0% | 32 | 13.1% | 13.1% | 213 | 86.9% | 0.0% |
| LAMB | TTL | 15,072 | 829 | 5.5% | 5,516 | 36.6% | 42.1% | 8,651 | 57.4% | 0.5% |
| | VAP | 10558 | 517 | 4.9% | 3189 | 30.2% | 35.1% | 6810 | 64.5% | 0.4% |
| LIPSCOMB | TTL | 3,143 | 0 | 0.0% | 380 | 12.1% | 12.1% | 2,722 | 86.6% | 1.3% |
| | VAP | 2228 | 0 | 0.0% | 196 | 8.8% | 8.8% | 2003 | 89.9% | 1.3% |
| LUBBOCK | TTL | 222,636 | 17143 | 7.7% | 50,984 | 22.9% | 30.6% | 150,947 | 67.8% | 1.6% |
| | VAP | 183771 | 11136 | 6.8% | 31116 | 19.0% | 25.8% | 118734 | 72.5% | 1.7% |
| LYNN | TTL | 6,756 | 223 | 3.3% | 2,616 | 41.7% | 45.0% | 3,663 | 54.5% | 0.5% |
| | VAP | 4706 | 151 | 3.2% | 1718 | 36.5% | 39.7% | 2814 | 59.8% | 0.5% |
| MOORE | TTL | 17,865 | 89 | 0.5% | 5,699 | 31.9% | 32.4% | 11,684 | 65.4% | 2.2% |
| | VAP | 11963 | 60 | 0.5% | 3182 | 26.6% | 27.1% | 8470 | 70.8% | 2.1% |
| MOTLEY | TTL | 1,532 | 67 | 4.4% | 136 | 8.9% | 13.3% | 1,319 | 86.1% | 0.6% |
| | VAP | 1175 | 51 | 4.3% | 81 | 6.9% | 11.2% | 1036 | 88.2% | 0.6% |
| OCHILTREE | TTL | 9,128 | 0 | 0.0% | 1,643 | 18.0% | 18.0% | 7,375 | 80.8% | 1.2% |
| | VAP | 6306 | 0 | 0.0% | 927 | 14.7% | 14.7% | 5303 | 84.1% | 1.2% |
| OLDHAM | TTL | 2,278 | 9 | 0.4% | 200 | 8.8% | 9.2% | 2,018 | 88.6% | 2.2% |
| | VAP | 1338 | 0 | 0.0% | 84 | 6.3% | 6.3% | 1224 | 91.5% | 2.2% |
| PARMER | TTL | 9,863 | 118 | 1.2% | 4,093 | 41.5% | 42.7% | 5,602 | 56.8% | 0.5% |
| | VAP | 6601 | 79 | 1.2% | 2291 | 34.7% | 35.9% | 4198 | 63.6% | 0.5% |
| POTTER | TTL | 97,874 | 8711 | 8.9% | 19,281 | 19.7% | 28.8% | 66,554 | 68.0% | 3.4% |
| | VAP | 69734 | 5509 | 7.9% | 11227 | 16.1% | 24.0% | 50908 | 73.0% | 3.0% |
| RANDALL | TTL | 89,673 | 1076 | 1.2% | 6,187 | 6.9% | 8.1% | 81,333 | 90.7% | 1.2% |
| | VAP | 65169 | 717 | 1.1% | 3780 | 5.8% | 6.9% | 59890 | 91.9% | 1.2% |

| Court of Appeals | | Black | | | Hispanic | | B&H | Anglo | | Other |
|------------------|-----|------------|--------|------|----------|-------|-------|---------|-------|-------|
| | | Population | Pop | % | Pop | % | % | Pop | % | % |
| ROBERTS | TTL | 1,025 | 0 | 0.0% | 34 | 3.3% | 3.3% | 988 | 96.4% | 0.3% |
| | VAP | 718 | 0 | 0.0% | 14 | 1.9% | 1.9% | 702 | 97.8% | 0.3% |
| SHERMAN | TTL | 2,858 | 3 | 0.1% | 537 | 18.8% | 18.9% | 2,304 | 80.6% | 0.5% |
| | VAP | 2022 | 2 | 0.1% | 319 | 15.8% | 15.9% | 1692 | 83.7% | 0.4% |
| SWISHER | TTL | 8,133 | 342 | 4.2% | 2,497 | 30.7% | 34.9% | 5,246 | 64.5% | 0.6% |
| | VAP | 5675 | 218 | 3.8% | 1385 | 24.4% | 28.2% | 4046 | 71.3% | 0.5% |
| TERRY | TTL | 13,218 | 449 | 3.4% | 5,195 | 39.3% | 42.7% | 7,468 | 56.5% | 0.8% |
| | VAP | 8844 | 265 | 3.0% | 2901 | 32.8% | 35.8% | 5625 | 63.6% | 0.6% |
| WHEELER | TTL | 5,879 | 153 | 2.6% | 376 | 6.4% | 9.0% | 5,291 | 90.0% | 1.0% |
| | VAP | 4312 | 82 | 1.9% | 207 | 4.8% | 6.7% | 3980 | 92.3% | 1.0% |
| WILBARGER | TTL | 15,121 | 1346 | 8.9% | 2,193 | 14.5% | 23.4% | 11,418 | 75.5% | 1.1% |
| | VAP | 11130 | 913 | 8.2% | 1247 | 11.2% | 19.4% | 8859 | 79.6% | 1.0% |
| YOAKUM | TTL | 8,786 | 88 | 1.0% | 3,216 | 36.6% | 37.6% | 5,439 | 61.9% | 0.5% |
| | VAP | 5725 | 52 | 0.9% | 1803 | 31.5% | 32.4% | 3841 | 67.1% | 0.5% |
| Total | TTL | 759,593 | 38,902 | 5.1% | 171,383 | 22.6% | 27.7% | 538,196 | 70.9% | 1.5% |
| | VAP | 485,460 | 23,446 | 4.8% | 85,295 | 17.6% | 22.4% | 369,253 | 76.1% | 1.5% |

8th

| | | | | | | | | | | |
|------------|-----|---------|-------|------|---------|-------|-------|---------|-------|------|
| ANDREWS | TTL | 14,338 | 272 | 1.9% | 4,545 | 31.7% | 33.6% | 9,277 | 64.7% | 1.7% |
| | VAP | 9375 | 169 | 1.8% | 2438 | 26.0% | 27.8% | 6609 | 70.5% | 1.7% |
| BREWSTER | TTL | 8,681 | 87 | 1.0% | 3,698 | 42.6% | 43.6% | 4,827 | 55.6% | 0.8% |
| | VAP | 6629 | 73 | 1.1% | 2559 | 38.6% | 39.7% | 3938 | 59.4% | 0.8% |
| CRANE | TTL | 4,852 | 130 | 2.8% | 1,577 | 33.9% | 36.7% | 2,917 | 62.7% | 0.6% |
| | VAP | 3038 | 79 | 2.6% | 857 | 28.2% | 30.8% | 2084 | 68.6% | 0.6% |
| CROCKETT | TTL | 4,078 | 41 | 1.0% | 2,023 | 49.6% | 50.6% | 2,006 | 49.2% | 0.2% |
| | VAP | 2822 | 31 | 1.1% | 1273 | 45.1% | 46.2% | 1510 | 53.5% | 0.3% |
| CULBERSON | TTL | 3,407 | 3 | 0.1% | 2,419 | 71.0% | 71.1% | 947 | 27.8% | 1.1% |
| | VAP | 2219 | 0 | 0.0% | 1462 | 65.9% | 65.9% | 737 | 33.2% | 0.9% |
| ECTOR | TTL | 118,934 | 5590 | 4.7% | 37,345 | 31.4% | 36.1% | 74,572 | 62.7% | 1.2% |
| | VAP | 81223 | 3574 | 4.4% | 21280 | 26.2% | 30.6% | 55394 | 68.2% | 1.2% |
| EL PASO | TTL | 591,610 | 21890 | 3.7% | 411,761 | 69.6% | 73.3% | 149,677 | 25.3% | 1.4% |
| | VAP | 398798 | 15154 | 3.8% | 261611 | 65.6% | 69.4% | 116050 | 29.1% | 1.5% |
| GAINES | TTL | 14,123 | 339 | 2.4% | 4,604 | 32.6% | 35.0% | 9,081 | 64.3% | 0.7% |
| | VAP | 8982 | 189 | 2.1% | 2569 | 28.6% | 30.7% | 6182 | 68.8% | 0.7% |
| GLASSCOCK | TTL | 1,447 | 0 | 0.0% | 424 | 29.3% | 29.3% | 1,019 | 70.4% | 0.3% |
| | VAP | 936 | 0 | 0.0% | 247 | 26.4% | 26.4% | 686 | 73.3% | 0.3% |
| HUDSPETH | TTL | 2,915 | 15 | 0.5% | 1,936 | 66.4% | 66.9% | 950 | 32.6% | 0.5% |
| | VAP | 1987 | 14 | 0.7% | 1234 | 62.1% | 62.8% | 729 | 36.7% | 0.5% |
| JEFF DAVIS | TTL | 1,946 | 8 | 0.4% | 771 | 39.6% | 40.0% | 1,152 | 59.2% | 0.8% |
| | VAP | 1433 | 1 | 0.1% | 532 | 37.1% | 37.2% | 898 | 62.7% | 0.1% |
| LOVING | TTL | 107 | 0 | 0.0% | 14 | 13.1% | 13.1% | 93 | 86.9% | 0.0% |
| | VAP | 79 | 0 | 0.0% | 11 | 13.9% | 13.9% | 68 | 86.1% | 0.0% |
| MARTIN | TTL | 4,956 | 89 | 1.8% | 1,958 | 39.5% | 41.3% | 2,879 | 58.1% | 0.6% |
| | VAP | 3262 | 62 | 1.9% | 1116 | 34.2% | 36.1% | 2065 | 63.3% | 0.6% |
| MIDLAND | TTL | 106,611 | 8316 | 7.8% | 22,815 | 21.4% | 29.2% | 74,201 | 69.6% | 1.2% |

Appendix A

Ethnic Population per County and Court of Appeals District

| Court of Appeals | | Black | | | Hispanic | | B&H | Anglo | | Other |
|------------------|-----|------------|---------|-------|----------|-------|-------|---------|-------|-------|
| | | Population | Pop | % | Pop | % | % | Pop | % | % |
| PECOS | VAP | 73188 | 5341 | 7.3% | 13170 | 18.0% | 25.3% | 53778 | 73.5% | 1.2% |
| | TTL | 14,675 | 59 | 0.4% | 8,335 | 56.8% | 57.2% | 6,193 | 42.2% | 0.6% |
| PRESIDIO | VAP | 9608 | 38 | 0.4% | 5006 | 52.1% | 52.5% | 4507 | 46.9% | 0.6% |
| | TTL | 6,637 | 7 | 0.1% | 5,416 | 81.6% | 81.7% | 1,195 | 18.0% | 0.3% |
| REAGAN | VAP | 4494 | 0 | 0.0% | 3523 | 78.4% | 78.4% | 953 | 21.2% | 0.4% |
| | TTL | 4,514 | 126 | 2.8% | 1,941 | 43.0% | 45.8% | 2,438 | 54.0% | 0.2% |
| REEVES | VAP | 2798 | 78 | 2.8% | 1035 | 37.0% | 39.8% | 1676 | 59.9% | 0.3% |
| | TTL | 15,852 | 349 | 2.2% | 11,540 | 72.8% | 75.0% | 3,900 | 24.6% | 0.4% |
| TERRELL | VAP | 10537 | 232 | 2.2% | 7176 | 68.1% | 70.3% | 3077 | 29.2% | 0.5% |
| | TTL | 1,410 | 1 | 0.1% | 752 | 53.3% | 53.4% | 650 | 46.1% | 0.5% |
| UPTON | VAP | 993 | 0 | 0.0% | 491 | 49.4% | 49.4% | 497 | 50.1% | 0.5% |
| | TTL | 4,447 | 93 | 2.1% | 1,668 | 37.5% | 39.6% | 2,659 | 59.8% | 0.6% |
| WARD | VAP | 2859 | 60 | 2.1% | 935 | 32.7% | 34.8% | 1847 | 64.6% | 0.6% |
| | TTL | 13,115 | 459 | 3.5% | 4,826 | 36.8% | 40.3% | 7,699 | 58.7% | 1.0% |
| WINKLER | VAP | 8769 | 281 | 3.2% | 2824 | 32.2% | 35.4% | 5566 | 63.7% | 0.9% |
| | TTL | 8,626 | 164 | 1.9% | 3,174 | 36.8% | 38.7% | 5,227 | 60.6% | 0.7% |
| | VAP | 5757 | 115 | 2.0% | 1762 | 30.6% | 32.6% | 3840 | 66.7% | 0.7% |
| Total | TTL | 947,081 | 38,038 | 4.0% | 533,541 | 58.3% | 60.4% | 363,558 | 38.4% | 1.3% |
| | VAP | 639,767 | 25,481 | 4.0% | 333,110 | 52.1% | 56.1% | 272,681 | 42.6% | 1.3% |
| 9th | | | | | | | | | | |
| ANGELINA | TTL | 69,884 | 10762 | 15.4% | 6,080 | 8.7% | 24.1% | 52,553 | 75.2% | 0.7% |
| | VAP | 49869 | 6932 | 13.9% | 3391 | 6.8% | 20.7% | 39247 | 78.7% | 0.6% |
| HARDIN | TTL | 41,320 | 3471 | 8.4% | 661 | 1.6% | 10.0% | 37,023 | 89.6% | 0.4% |
| | VAP | 29206 | 2190 | 7.5% | 409 | 1.4% | 8.9% | 26490 | 90.7% | 0.4% |
| JASPER | TTL | 31,102 | 5878 | 18.9% | 591 | 1.9% | 20.8% | 24,508 | 78.8% | 0.4% |
| | VAP | 22293 | 3678 | 16.5% | 334 | 1.5% | 18.0% | 18213 | 81.7% | 0.3% |
| JEFFERSON | TTL | 239,397 | 74452 | 31.1% | 12,688 | 5.3% | 36.4% | 146,511 | 61.2% | 2.4% |
| | VAP | 174707 | 49267 | 28.2% | 8211 | 4.7% | 32.9% | 113734 | 65.1% | 2.0% |
| LIBERTY | TTL | 52,726 | 6907 | 13.1% | 2,900 | 5.5% | 18.6% | 42,603 | 80.8% | 0.6% |
| | VAP | 37323 | 4740 | 12.7% | 1680 | 4.5% | 17.2% | 30680 | 82.2% | 0.6% |
| MONTGOMERY | TTL | 182,201 | 7835 | 4.3% | 13,301 | 7.3% | 11.6% | 159,244 | 87.4% | 1.0% |
| | VAP | 128109 | 4996 | 3.9% | 7943 | 6.2% | 10.1% | 113889 | 88.9% | 1.0% |
| NEWTON | TTL | 13,589 | 3039 | 22.4% | 149 | 1.1% | 23.5% | 10,326 | 76.1% | 0.4% |
| | VAP | 9560 | 1931 | 20.2% | 105 | 1.1% | 21.3% | 7485 | 78.3% | 0.4% |
| ORANGE | TTL | 80,509 | 6763 | 8.4% | 1,932 | 2.4% | 10.8% | 71,089 | 88.3% | 0.9% |
| | VAP | 57508 | 4371 | 7.6% | 1208 | 2.1% | 9.7% | 51470 | 89.5% | 0.8% |
| POLK | TTL | 30,687 | 3897 | 12.7% | 1,596 | 5.2% | 17.9% | 24,488 | 79.6% | 2.3% |
| | VAP | 23083 | 2516 | 10.9% | 946 | 4.1% | 15.0% | 19159 | 83.0% | 2.0% |
| SAN JACINTO | TTL | 16,372 | 2538 | 15.5% | 426 | 2.6% | 18.1% | 13,327 | 81.4% | 0.5% |
| | VAP | 12074 | 1702 | 14.1% | 266 | 2.2% | 16.3% | 10046 | 83.2% | 0.5% |
| M E R | TTL | 16,646 | 1998 | 12.0% | 183 | 1.1% | 13.1% | 14,415 | 86.6% | 0.3% |
| | VAP | 12493 | 1237 | 9.9% | 125 | 1.0% | 10.9% | 11094 | 88.8% | 0.3% |
| Total | TTL | 774,413 | 127,540 | 16.5% | 40,507 | 5.2% | 21.7% | 596,087 | 77.0% | 1.3% |
| | VAP | 556,225 | 83,561 | 15.0% | 24,618 | 4.4% | 19.4% | 441,506 | 79.4% | 1.2% |

Appendix A

Ethnic Population per County and Court of Appeals District

| Court of Appeals | | Population | Black Pop | Black % | Hispanic Pop | Hispanic % | B&H % | Anglo Pop | Anglo % | Other % |
|------------------|-----|------------|-----------|---------|--------------|------------|-------|-----------|---------|---------|
| 10th | | | | | | | | | | |
| BOSQUE | TTL | 15,125 | 318 | 2.1% | 1,437 | 9.5% | 11.6% | 13,310 | 88.0% | 0.4% |
| | VAP | 11563 | 208 | 1.8% | 821 | 7.1% | 8.9% | 10488 | 90.7% | 0.4% |
| CORYELL | TTL | 64,213 | 13613 | 21.2% | 6,229 | 9.7% | 30.9% | 42,381 | 66.0% | 3.1% |
| | VAP | 47273 | 10116 | 21.4% | 4207 | 8.9% | 30.3% | 31484 | 66.6% | 3.1% |
| ELLIS | TTL | 85,167 | 8517 | 10.0% | 11,242 | 13.2% | 23.2% | 64,812 | 76.1% | 0.7% |
| | VAP | 58765 | 5406 | 9.2% | 6523 | 11.1% | 20.3% | 46424 | 79.0% | 0.7% |
| FALLS | TTL | 17,712 | 4818 | 27.2% | 2,072 | 11.7% | 38.9% | 10,751 | 60.7% | 0.4% |
| | VAP | 13188 | 3389 | 25.7% | 1358 | 10.3% | 36.0% | 8388 | 63.6% | 0.4% |
| FREESTONE | TTL | 15,818 | 3005 | 19.0% | 617 | 3.9% | 22.9% | 12,117 | 76.6% | 0.5% |
| | VAP | 11531 | 2110 | 18.3% | 369 | 3.2% | 21.5% | 9006 | 78.1% | 0.4% |
| HAMILTON | TTL | 7,733 | 0 | 0.0% | 402 | 5.2% | 5.2% | 7,284 | 94.2% | 0.6% |
| | VAP | 6007 | 0 | 0.0% | 222 | 3.7% | 3.7% | 5781 | 95.9% | 0.4% |
| HILL | TTL | 27,146 | 2525 | 9.3% | 2,226 | 8.2% | 17.5% | 22,287 | 82.1% | 0.4% |
| | VAP | 20292 | 1623 | 8.0% | 1339 | 6.6% | 14.6% | 17248 | 85.0% | 0.4% |
| JOHNSON | TTL | 87,165 | 2526 | 2.6% | 7,482 | 7.7% | 10.3% | 86,380 | 88.9% | 0.8% |
| | VAP | 68829 | 1652 | 2.4% | 4543 | 6.6% | 9.0% | 62084 | 90.2% | 0.8% |
| LEON | TTL | 12,665 | 1621 | 12.8% | 507 | 4.0% | 16.8% | 10,487 | 82.8% | 0.4% |
| | VAP | 9390 | 1193 | 12.7% | 310 | 3.3% | 16.0% | 7850 | 83.6% | 0.4% |
| LIMESTONE | TTL | 20,946 | 4147 | 19.8% | 1,466 | 7.0% | 26.8% | 15,207 | 72.6% | 0.6% |
| | VAP | 15438 | 2794 | 18.1% | 834 | 5.4% | 23.5% | 11717 | 75.9% | 0.6% |
| MADISON | TTL | 10,931 | 2580 | 23.6% | 1,181 | 10.8% | 34.4% | 7,094 | 64.9% | 0.7% |
| | VAP | 8579 | 2016 | 23.5% | 935 | 10.9% | 34.4% | 5576 | 65.0% | 0.6% |
| MCLENNAN | TTL | 189,123 | 29503 | 15.6% | 23,640 | 12.5% | 28.1% | 134,088 | 70.9% | 1.0% |
| | VAP | 139885 | 19304 | 13.8% | 14408 | 10.3% | 24.1% | 104634 | 74.8% | 1.1% |
| NAVARRO | TTL | 39,926 | 7586 | 19.0% | 2,875 | 7.2% | 26.2% | 29,066 | 72.8% | 1.0% |
| | VAP | 29168 | 5046 | 17.3% | 1808 | 6.2% | 23.5% | 22022 | 75.5% | 1.0% |
| ROBERTSON | TTL | 15,511 | 4266 | 27.5% | 1,908 | 12.3% | 39.8% | 9,307 | 60.0% | 0.2% |
| | VAP | 11075 | 2769 | 25.0% | 1130 | 10.2% | 35.2% | 7154 | 64.6% | 0.2% |
| SOMERVELL | TTL | 5,360 | 11 | 0.2% | 750 | 14.0% | 14.2% | 4,545 | 84.8% | 1.0% |
| | VAP | 3643 | 4 | 0.1% | 393 | 10.8% | 10.9% | 3209 | 88.1% | 1.0% |
| Total | TTL | 624,541 | 85,035 | 13.6% | 64,033 | 10.3% | 23.9% | 469,115 | 75.1% | 1.0% |
| | VAP | 454,626 | 57,631 | 12.7% | 39,201 | 8.6% | 21.3% | 353,045 | 77.7% | 1.0% |
| 11th | | | | | | | | | | |
| BAYLOR | TTL | 4,385 | 180 | 4.1% | 333 | 7.6% | 11.7% | 3,850 | 87.8% | 0.5% |
| | VAP | 3406 | 109 | 3.2% | 184 | 5.4% | 8.6% | 3093 | 90.8% | 0.6% |
| BORDEN | TTL | 799 | 2 | 0.3% | 12 | 1.5% | 1.8% | 774 | 96.9% | 1.3% |
| | VAP | 575 | 2 | 0.3% | 61 | 10.6% | 10.9% | 507 | 88.1% | 1.0% |
| BROWN | TTL | 34,371 | 1547 | 4.5% | 3,815 | 11.1% | 15.6% | 28,769 | 83.7% | 0.7% |
| | VAP | 25134 | 905 | 3.6% | 2187 | 8.7% | 12.3% | 21867 | 87.0% | 0.7% |
| CALLAHAN | TTL | 11,859 | 0 | 0.0% | 486 | 4.1% | 4.1% | 11,290 | 95.2% | 0.7% |
| | VAP | 8601 | 0 | 0.0% | 292 | 3.4% | 3.4% | 8248 | 95.9% | 0.7% |
| COLEMAN | TTL | 9,710 | 243 | 2.5% | 1,136 | 11.7% | 14.2% | 8,292 | 85.4% | 0.4% |

Appendix A

Ethnic Population per County and Court of Appeals District

| Court of Appeals | | Population | Black Pop | Black % | Hispanic Pop | Hispanic % | B&H % | Anglo Pop | Anglo % | Other % |
|------------------|-----|------------|-----------|---------|--------------|------------|-------|-----------|---------|---------|
| | VAP | 7382 | 155 | 2.1% | 694 | 9.4% | 11.5% | 6504 | 88.1% | 0.4% |
| COMANCHE | TTL | 13,381 | 13 | 0.1% | 2,208 | 16.5% | 16.6% | 11,106 | 83.0% | 0.4% |
| | VAP | 10242 | 10 | 0.1% | 1331 | 13.0% | 13.1% | 8870 | 86.6% | 0.3% |
| DAWSON | TTL | 14,349 | 617 | 4.3% | 6,127 | 42.7% | 47.0% | 7,548 | 52.6% | 0.4% |
| | VAP | 9807 | 402 | 4.1% | 3540 | 36.1% | 40.2% | 5825 | 59.4% | 0.4% |
| EASTLAND | TTL | 18,488 | 388 | 2.1% | 1,405 | 7.6% | 9.7% | 16,602 | 89.8% | 0.5% |
| | VAP | 14185 | 326 | 2.3% | 837 | 5.9% | 8.2% | 12951 | 91.3% | 0.5% |
| ERATH | TTL | 27,991 | 196 | 0.7% | 2,463 | 8.8% | 9.5% | 25,108 | 89.7% | 0.8% |
| | VAP | 21294 | 170 | 0.8% | 1469 | 6.9% | 7.7% | 19505 | 91.6% | 0.7% |
| FISHER | TTL | 4,842 | 189 | 3.9% | 997 | 20.6% | 24.5% | 3,651 | 75.4% | 0.1% |
| | VAP | 3590 | 126 | 3.5% | 617 | 17.2% | 20.7% | 2840 | 79.1% | 0.2% |
| HASKELL | TTL | 6,820 | 246 | 3.6% | 1,309 | 19.2% | 22.8% | 5,224 | 76.6% | 0.6% |
| | VAP | 5117 | 154 | 3.0% | 783 | 15.3% | 18.3% | 4160 | 81.3% | 0.4% |
| HOWARD | TTL | 32,343 | 1229 | 3.8% | 8,603 | 26.6% | 30.4% | 22,187 | 68.6% | 1.0% |
| | VAP | 23626 | 874 | 3.7% | 5505 | 23.3% | 27.0% | 17011 | 72.0% | 1.0% |
| JONES | TTL | 16,490 | 660 | 4.0% | 2,787 | 16.9% | 20.9% | 12,961 | 78.6% | 0.5% |
| | VAP | 11939 | 430 | 3.6% | 1636 | 13.7% | 17.3% | 9814 | 82.2% | 0.5% |
| KNOX | TTL | 4,837 | 339 | 7.0% | 1,088 | 22.5% | 29.5% | 3,391 | 70.1% | 0.4% |
| | VAP | 3507 | 186 | 5.6% | 628 | 17.9% | 23.5% | 2669 | 76.1% | 0.4% |
| MITCHELL | TTL | 8,016 | 361 | 4.5% | 2,389 | 29.8% | 34.3% | 5,242 | 65.4% | 0.3% |
| | VAP | 5813 | 244 | 4.2% | 1465 | 25.2% | 29.4% | 4087 | 70.3% | 0.3% |
| NOLAN | TTL | 16,594 | 780 | 4.7% | 4,248 | 25.6% | 30.3% | 11,466 | 69.1% | 0.6% |
| | VAP | 11976 | 515 | 4.3% | 2539 | 21.2% | 25.5% | 8862 | 74.0% | 0.5% |
| PALO PINTO | TTL | 25,055 | 802 | 3.2% | 2,305 | 9.2% | 12.4% | 21,673 | 86.5% | 1.1% |
| | VAP | 18445 | 516 | 2.8% | 1346 | 7.3% | 10.1% | 16398 | 88.9% | 1.0% |
| SCURRY | TTL | 18,634 | 876 | 4.7% | 4,454 | 23.9% | 28.6% | 13,212 | 70.9% | 0.5% |
| | VAP | 13319 | 693 | 5.2% | 2664 | 20.0% | 25.2% | 9896 | 74.3% | 0.5% |
| SHACKELFORD | TTL | 3,316 | 13 | 0.4% | 272 | 8.2% | 8.6% | 3,014 | 90.9% | 0.5% |
| | VAP | 2428 | 12 | 0.5% | 141 | 5.8% | 6.3% | 2265 | 93.3% | 0.4% |
| STEPHENS | TTL | 9,010 | 262 | 2.8% | 766 | 8.5% | 11.3% | 7,929 | 88.0% | 0.7% |
| | VAP | 6550 | 170 | 2.6% | 413 | 6.3% | 8.9% | 5934 | 90.6% | 0.5% |
| STONEWALL | TTL | 2,013 | 89 | 4.4% | 238 | 11.8% | 16.2% | 1,677 | 83.3% | 0.5% |
| | VAP | 1501 | 53 | 3.5% | 144 | 9.6% | 13.1% | 1298 | 86.5% | 0.4% |
| TAYLOR | TTL | 119,855 | 7538 | 6.3% | 17,470 | 14.6% | 20.9% | 92,852 | 77.6% | 1.5% |
| | VAP | 87053 | 4875 | 5.6% | 10446 | 12.0% | 17.6% | 70426 | 80.9% | 1.5% |
| THROCKMORTON | TTL | 1,880 | 0 | 0.0% | 135 | 7.2% | 7.2% | 1,733 | 92.2% | 0.6% |
| | VAP | 1435 | 0 | 0.0% | 88 | 6.1% | 6.1% | 1339 | 93.3% | 0.6% |
| | | | | | | | | | | |
| Total | TTL | 404,838 | 16,558 | 4.1% | 65,047 | 18.1% | 20.2% | 319,552 | 78.9% | 0.9% |
| | VAP | 296,925 | 10,937 | 3.7% | 39,010 | 13.1% | 16.8% | 244,367 | 82.3% | 0.9% |
| | | | | | | | | | | |
| 12th | | | | | | | | | | |
| ANDERSON | TTL | 48,204 | 11183 | 23.2% | 3,953 | 8.2% | 31.4% | 32,731 | 67.9% | 0.7% |
| | VAP | 36744 | 8929 | 24.3% | 2976 | 8.1% | 32.4% | 24582 | 66.9% | 0.7% |
| CHEROKEE | TTL | 41,049 | 6937 | 16.9% | 2,709 | 6.6% | 23.5% | 31,115 | 75.8% | 0.7% |
| | VAP | 30290 | 4695 | 15.5% | 1727 | 5.7% | 21.2% | 23626 | 78.0% | 0.8% |

Appendix A

Ethnic Population per County and Court of Appeals District

| Court of Appeals | | Black | | | Hispanic | | B&H | Anglo | | Other |
|------------------|-----|------------|--------|-------|----------|------|-------|---------|-------|-------|
| | | Population | Pop | % | Pop | % | | Pop | % | |
| HENDERSON | TTL | 58,543 | 4742 | 8.1% | 2,342 | 4.0% | 12.1% | 51,167 | 87.4% | 0.5% |
| | VAP | 44481 | 3203 | 7.2% | 1468 | 3.3% | 10.5% | 39544 | 88.9% | 0.6% |
| HOPKINS | TTL | 28,833 | 2480 | 8.6% | 1,413 | 4.9% | 13.5% | 24,739 | 85.8% | 0.7% |
| | VAP | 21172 | 1715 | 8.1% | 889 | 4.2% | 12.3% | 18420 | 87.0% | 0.7% |
| HOUSTON | TTL | 21,375 | 6327 | 29.6% | 962 | 4.5% | 34.1% | 14,001 | 65.5% | 0.4% |
| | VAP | 15991 | 4382 | 27.4% | 672 | 4.2% | 31.6% | 10874 | 68.0% | 0.4% |
| NACOGDOCHES | TTL | 54,753 | 9034 | 16.5% | 2,792 | 5.1% | 21.6% | 42,488 | 77.6% | 0.8% |
| | VAP | 42069 | 6184 | 14.7% | 1809 | 4.3% | 19.0% | 33739 | 80.2% | 0.8% |
| RAINS | TTL | 6,715 | 289 | 4.3% | 161 | 2.4% | 6.7% | 6,225 | 92.7% | 0.6% |
| | VAP | 5031 | 201 | 4.0% | 98 | 1.9% | 5.9% | 4709 | 93.6% | 0.5% |
| SABINE | TTL | 9,586 | 1122 | 11.7% | 115 | 1.2% | 12.9% | 8,321 | 86.8% | 0.3% |
| | VAP | 7572 | 765 | 10.1% | 53 | 0.7% | 10.8% | 6739 | 89.0% | 0.2% |
| SAN AUGUSTINE | TTL | 7,999 | 2248 | 28.1% | 136 | 1.7% | 29.8% | 5,599 | 70.0% | 0.2% |
| | VAP | 6046 | 1487 | 24.6% | 85 | 1.4% | 26.0% | 4462 | 73.8% | 0.2% |
| SHELBY | TTL | 22,034 | 4737 | 21.5% | 529 | 2.4% | 23.9% | 16,702 | 75.8% | 0.3% |
| | VAP | 16269 | 3075 | 18.9% | 342 | 2.1% | 21.0% | 12804 | 78.7% | 0.3% |
| SMITH | TTL | 151,309 | 31624 | 20.9% | 8,927 | 5.9% | 26.8% | 109,548 | 72.4% | 0.8% |
| | VAP | 111026 | 21650 | 19.5% | 5329 | 4.8% | 24.3% | 83270 | 75.0% | 0.7% |
| Total | TTL | 450,400 | 80,722 | 17.9% | 24,039 | 5.3% | 23.3% | 342,634 | 76.1% | 0.7% |
| | VAP | 336,891 | 56,285 | 16.7% | 15,445 | 4.6% | 21.3% | 262,768 | 78.0% | 0.7% |

13th

| | | | | | | | | | | |
|----------|-----|---------|------|-------|---------|-------|-------|--------|-------|------|
| ARANSAS | TTL | 17,892 | 322 | 1.8% | 3,596 | 20.1% | 21.9% | 13,276 | 74.2% | 3.9% |
| | VAP | 13386 | 228 | 1.7% | 2235 | 16.7% | 18.4% | 10548 | 78.8% | 2.8% |
| BEE | TTL | 25,135 | 729 | 2.9% | 12,919 | 51.4% | 54.3% | 11,160 | 44.4% | 1.3% |
| | VAP | 17210 | 465 | 2.7% | 8123 | 47.2% | 49.9% | 8398 | 48.8% | 1.3% |
| CALHOUN | TTL | 19,053 | 553 | 2.9% | 6,897 | 36.2% | 39.1% | 11,013 | 57.8% | 3.1% |
| | VAP | 13435 | 390 | 2.9% | 4326 | 32.2% | 35.1% | 8383 | 62.4% | 2.5% |
| CAMERON | TTL | 260,120 | 780 | 0.3% | 213,038 | 81.9% | 82.2% | 45,001 | 17.3% | 0.5% |
| | VAP | 168280 | 505 | 0.3% | 129912 | 77.2% | 77.5% | 37022 | 22.0% | 0.5% |
| DEWITT | TTL | 18,840 | 2110 | 11.2% | 4,559 | 24.2% | 35.4% | 12,114 | 64.3% | 0.3% |
| | VAP | 13783 | 1447 | 10.5% | 2922 | 21.2% | 31.7% | 9372 | 68.0% | 0.3% |
| GOLIAD | TTL | 5,980 | 407 | 6.8% | 2,147 | 35.9% | 42.7% | 3,397 | 56.8% | 0.5% |
| | VAP | 4343 | 295 | 6.8% | 1425 | 32.8% | 39.6% | 2601 | 59.9% | 0.5% |
| GONZALES | TTL | 17,205 | 1721 | 10.0% | 6,142 | 35.7% | 45.7% | 9,256 | 53.8% | 0.5% |
| | VAP | 12250 | 1176 | 9.6% | 3749 | 30.6% | 40.2% | 7264 | 59.3% | 0.5% |
| HIDALGO | TTL | 383,545 | 767 | 0.2% | 326,780 | 85.2% | 85.4% | 54,080 | 14.1% | 0.5% |
| | VAP | 243124 | 486 | 0.2% | 196930 | 81.0% | 81.2% | 44492 | 18.3% | 0.5% |
| JACKSON | TTL | 13,039 | 1213 | 9.3% | 2,777 | 21.3% | 30.6% | 9,023 | 69.2% | 0.2% |
| | VAP | 9363 | 871 | 9.3% | 1751 | 18.7% | 28.0% | 6723 | 71.8% | 0.2% |
| KENEDY | TTL | 460 | 0 | 0.0% | 362 | 78.7% | 78.7% | 93 | 20.2% | 1.1% |
| | VAP | 322 | 0 | 0.0% | 244 | 75.8% | 75.8% | 73 | 22.6% | 1.6% |
| KLEBERG | TTL | 30,274 | 999 | 3.3% | 18,528 | 61.2% | 64.5% | 10,233 | 33.8% | 1.7% |
| | VAP | 21429 | 729 | 3.4% | 12343 | 57.6% | 61.0% | 7950 | 37.1% | 1.9% |
| LAVACA | TTL | 18,890 | 1346 | 7.2% | 1,589 | 8.5% | 15.7% | 15,700 | 84.0% | 0.3% |

Appendix A

Ethnic Population per County and Court of Appeals District

| Court of Appeals | | Black | | | Hispanic | | B&H | Anglo | | Other |
|------------------|-----|------------|--------|-------|----------|-------|-------|---------|-------|-------|
| | | Population | Pop | % | Pop | % | % | Pop | % | % |
| LIVE OAK | VAP | 14087 | 916 | 6.5% | 1042 | 7.4% | 13.9% | 12087 | 85.8% | 0.3% |
| | TTL | 9,556 | 10 | 0.1% | 3,325 | 34.8% | 34.9% | 6,154 | 64.4% | 0.7% |
| | VAP | 8941 | 7 | 0.1% | 2110 | 30.4% | 30.5% | 4775 | 68.8% | 0.7% |
| MATAGORDA | TTL | 36,928 | 5096 | 13.8% | 9,084 | 24.6% | 38.4% | 21,824 | 59.1% | 2.5% |
| | VAP | 25325 | 3419 | 13.5% | 5394 | 21.3% | 34.8% | 16005 | 63.2% | 2.0% |
| | TTL | 291,145 | 12810 | 4.4% | 151,978 | 52.2% | 56.6% | 122,863 | 42.2% | 1.2% |
| NUECES | VAP | 202321 | 8497 | 4.2% | 97721 | 48.3% | 52.5% | 93675 | 46.3% | 1.2% |
| | TTL | 7,976 | 648 | 8.1% | 3,166 | 39.7% | 47.8% | 4,140 | 51.9% | 0.3% |
| | VAP | 5782 | 428 | 7.4% | 2157 | 37.3% | 44.7% | 3186 | 55.1% | 0.2% |
| SAN PATRICIO | TTL | 58,749 | 940 | 1.6% | 29,788 | 50.7% | 52.3% | 27,812 | 47.0% | 0.7% |
| | VAP | 39757 | 596 | 1.5% | 18527 | 46.6% | 48.1% | 20356 | 51.2% | 0.7% |
| | TTL | 74,361 | 4908 | 6.6% | 25,357 | 34.1% | 40.7% | 43,576 | 58.6% | 0.7% |
| VICTORIA | VAP | 51824 | 3369 | 6.5% | 15806 | 30.5% | 37.0% | 32286 | 62.3% | 0.7% |
| | TTL | 39,955 | 6313 | 15.8% | 10,109 | 25.3% | 41.1% | 23,334 | 58.4% | 0.5% |
| | VAP | 28013 | 4230 | 15.1% | 6219 | 22.2% | 37.3% | 17452 | 62.3% | 0.4% |
| WHARTON | TTL | 17,705 | 71 | 0.4% | 14,943 | 84.4% | 84.8% | 2,638 | 14.9% | 0.3% |
| | VAP | 11231 | 45 | 0.4% | 9052 | 80.6% | 81.0% | 2100 | 18.7% | 0.3% |
| | | | | | | | | | | |
| WILLACY | TTL | 1,346,608 | 41,739 | 3.1% | 847,084 | 62.9% | 66.0% | 446,485 | 33.2% | 0.8% |
| | VAP | 902,206 | 28,087 | 3.1% | 521,989 | 57.9% | 61.0% | 344,749 | 38.2% | 0.8% |
| | | | | | | | | | | |
| Total | TTL | | | | | | | | | |
| | VAP | | | | | | | | | |
| | | | | | | | | | | |

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