

## **COMMENTS SUBMITTED BY TEXAS WATCH (WARE WENDELL) TO THE HOUSE COMMITTEE ON JUDICIARY & CIVIL JURISPRUDENCE (3/21/23)**

### 1. Opposition to HB 1745 (Rideshare)

I am the Executive Director of Texas Watch, a statewide, nonpartisan, nonprofit organization that has worked to protect consumers and our courts for nearly 25 years. We write today in opposition to HB 1745 because it creates unnecessary obstacles for Texans harmed in rideshare vehicles, aligning corporate incentives toward danger and away from safety.

Many passengers in rideshare vehicles are in a vulnerable state. Reports from major rideshare corporations like Uber and Lyft demonstrate far too many rapes, sexual assaults, physical assaults, and even fatalities occurring during these trips. If a passenger is harmed, their rights must be protected and the corporation causing the harm, whether it is an assault or a wreck, should be held fully accountable.

Instead, HB 1745 places legal hurdles in front of those harmed in a rideshare vehicle. The legislation applies to Texans seeking damages for death, bodily injury, or loss of property. It requires special affidavits from the victim, including the signature of a third-party expert if the damages exceed standard insurance coverage limits. If the victim does not comply with this unique law, their case would be dismissed with prejudice. And if rideshare companies are not held accountable, safety suffers for all of us.

This is the wrong public policy for our state. Our laws should improve safety, not increase danger. For no reason, HB 1745 will treat rideshare victims differently under the law, raising costs, creating more delays for them, and effectively benefiting rideshare corporations that have created the harm. There is no need to give special protections to special interests like big, out-of-state corporations that hurt Texans.

We, therefore, urge you to please vote no on HB 1745.

### 2. Opposition to HB 19 (Business Courts)

I am the Executive Director of Texas Watch, a statewide, nonpartisan, nonprofit organization that has worked to protect consumers and our courts for nearly 25 years. We write today in opposition to HB 19 because it consolidates power in the executive at the expense of the electorate.

Section 24A.008 in the proposed legislation states that the governor shall appoint the justices to the newly-created “business court.” The power to select judges currently resides completely in the people, exercised through open elections where the candidates are fully vetted. This ensures our judiciary is directly accountable to the electorate it serves. Voters have the right to hire and fire judges depending on the quality of their service. This keeps our courts close to the communities they serve.

Giving this power to the governor amounts to a power grab. We fear appointed statewide judges will threaten the independence of our judiciary in time, as these “business” judges will be beholden to the governor for their position. We can see no compelling public policy reason to take power from the Texas electorate, which has exercised its judgment wisely through the years.

We stand for the proposition of equal justice under the law and view the “business courts” set forth in HB 19 as unnecessary. Corporations do not require their own special court. Trial judges across our state currently adjudicate business disputes fairly, efficiently, and in accordance with the law. Our trial courts serve their communities well, dispensing justice across a wide range of cases, serving litigants of all kinds, independently and without fear or favor.

Judges should serve the people, not the governor. The governor should not possess the power to hand-pick judges that have statewide authority over corporate cases. Please respect our citizens and protect their freedom to elect judges in our state.

For these reasons, Texas Watch respectfully opposes HB 19. We appreciate your consideration of our concerns and urge you to vote no as this legislation will needlessly disempower your constituents.

### 3. Opposition to HB 3166 (15th Court of Appeals)

I am the Executive Director of Texas Watch, a statewide, nonpartisan, nonprofit organization that has worked to protect consumers and our courts for nearly 25 years. We write today in opposition to HB 3166 because it is a solution in search of a problem.

Stated plainly, we believe HB 3166 is not necessary. Texas simply does not need a Fifteenth Court of Appeals. The Third Court of Appeals is handling its caseload well and fulfilling all of its duties; there is no compelling reason to single this court out or strip it of its jurisdiction over matters involving the state.

If something isn't broken, the government shouldn't "fix" it. Governmental meddling and misadventures often produce many unintended consequences. For example, the creation of the Fifteenth Court and the use of other courts' facilities may very well impede their important work.

Furthermore, taking power from local appellate justices and shifting it to statewide justices will create pressure on those judicial candidates to raise even more money to run and serve. This will empower wealthy interests in our urban centers but disempower the less wealthy, rural parts of our state.

Importantly, [Art. 5, Sec. 6 \(b\)](#) of the Texas Constitution requires local appellate courts with justices "elected by the qualified voters of their respective districts," not statewide courts. Therefore, we believe the legislation runs afoul of our state's highest law. Precious legislative time and energy should not be wasted on unconstitutional measures.

For these reasons, we respectfully oppose HB 3166. We appreciate your consideration of our concerns and urge you to vote no.