



The Weekly Update of Texas Insurance News

TEXAS INSURANCE LAW NEWSBRIEF



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SPECIAL TEXAS ELECTION REPORT

REPUBLICAN RULE OF HARRIS COUNTY COURTS ENDS

In Tuesday's election, Democratic challengers unseated the vast majority of Harris County judges. This includes judges with more than 20 years experience on the bench like Judge Mark Davidson who has had significant administrative responsibilities and for the last several years has overseen the Texas asbestos MDL. The margins of victory in the races are reported as a mere 2% and have not yet been certified.

Republicans retained Judge Patricia Kerrigan in the 190th and Judge Sharon McCally in the 334th. Judge Kerrigan was appointed last December when Judge Elrod was appointed to the Fifth Circuit. We expect that Republicans will also fill the two courts whose judges resigned in August and will be filled by appointment in the near future.

Judge Tad Halbach maintains a 351 vote lead over his Democratic challenger, Goodwill Pierre, for the 333th. Judge Halbach was behind by a few hundred votes before some 8,000 mail-in votes were counted. The clerk still needs to count provisional and overseas ballots.

Many predicted a Democratic sweep following the results of the 2004 election in Dallas County. In 2004, Republican judicial candidates on the bottom half of the Harris County ballot won by an average of fewer than four percentage points — 52 percent to 48 percent. The average margin in 2000 was more than nine points. In light of the judicial turnover in Dallas two years ago, the turnover experienced this week in Houston was the realization of a Republican fear which had been growing for several months.

Political commentators agree this week's shocking turnover at the Houston courthouse this is not because Republicans failed to vote; it occurred because the demographics of Harris County are changing. According to U.S. Census estimates, Harris County has about 3.9 million residents, with the Hispanic and black populations increasing to 1.5 million and 764,000 respectively, and the white population dropping to 1.4 million.

Notably, Obama won Harris County. A Democratic presidential nominee has not won Harris County in 40 years. Harris County also has a new Democratic District Clerk. Loren Jackson defeated Theresa Chang.

APPELLATE COURT UPDATE

The three incumbent Texas Supreme Court justices won their races meaning the high court remains all-Republican. The courts of appeals saw some changes including in the Austin Court of Appeals, where former Justice Woodie Jones was elected chief over incumbent Ken Law. On the Houston appellate bench, one Democratic challenger ousted a Republican incumbent from the Houston 1st Court of Appeals. On the 1st Court, Democratic challenger Jim Sharp defeated Republican Ed Hubbard, but incumbent Laura Higley held on to her seat over Democrat Leslie Taylor. On the Houston 14th Court of Appeals, Chief Justice Adele Hedges defeated challenger Joe Beverley, and Republican incumbents Jeff Brown, Bill Boyce, and Kem Frost all kept their seats by narrow margins.

THE 2008 DEMOCRATIC WINS IN MAJOR METROPOLITAN AREAS COULD SIGNAL A RETURN TO POWER FOR DEMOCRATIC JUDGES

Dallas County Democrats maintained their momentum from 2006, when they swept 42 judicial races and six other countywide offices. On Tuesday, Democrats won six judicial races and two countywide offices, including that of Sheriff Lupe Valdez.

"Getting a beachhead in Harris County probably means with Harris, Dallas, Bexar, El Paso and the Rio Grande Valley all in the Democratic column and the changing demographics, Texas is certainly on the verge of being available to be Democratic again," Harris County Democratic Chairman Gerry Birnberg was quoted Wednesday by the Dallas Morning News.

For a complete report of the results in Harris County, or to check the results of individual courts go to <http://www.khou.com/elections/results/>.

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