

State of the Judiciary  
Chief Justice Jimmy Blacklock, Texas Supreme Court  
Message to the Legislature  
February 26, 2025

Thank you, Mr. Speaker, Governor Patrick, Senators and Representatives, Judges from across our great state, my fellow Texans.

It's my great honor to stand before you, on this beautiful day, in this beautiful and historic chamber, as the Chief Justice of the Texas Supreme Court and to report to you, that the State of the Judiciary in Texas is **STRONG**.

In one way, though, we've just become weaker. Our Constitution required Chief Justice Nathan Hecht to retire at the age of 75. He served 12 years as Chief Justice—36 years as a Justice on the Supreme Court—and 43 total years as a judge. He first became a judge just a few days after my first birthday, in 1981. He joined the Supreme Court at a difficult time in its history. But he left the Court, I'm pleased to say, far, far stronger than he found it.

Nathan Hecht's legacy of service to the People of Texas is unparalleled. All his fellow Justices are so very grateful for his wise leadership and loyal friendship over the years. But all his fellow Texans—young and old, rich and poor, Republican and Democrat—owe Nathan Hecht a great debt of gratitude for his tireless and principled work to promote the Rule of Law and to make justice a greater reality for every Texan. Please join me in honoring Chief Justice Nathan Lincoln Hecht.

I want to also express my gratitude to Governor Abbott, for the honor of this appointment, and for giving me this unique opportunity to continue serving my fellow Texans. But more than anything, I want to say thank you to my wife, Jessica—the love of my life, the beautiful mother of our three beautiful girls, a better lawyer than I am, and the greatest blessing God has ever given me. Thank you, my love.

We also need to show our gratitude to others who are with us—the brave men and women of law enforcement, who protect and serve law-abiding Texans across our State. We judges talk a lot about the work we do to defend the Rule of Law. And rightfully so. Sometimes, judges are the Rule of Law's last line of defense.

But the front lines of the battle for the Rule of Law are not courtrooms. And the warriors are not judges. No matter what laws you pass, no matter what rulings a judge makes, there will always be bad men who mean to do evil; bad men, who don't care about the law. Men like that aren't stopped by the Constitution. They aren't stopped by laws written on paper or by judges in robes. The only thing that can stop a bad man with a gun who means to do evil, is a good man with a gun who means to do justice.

We have men and women like that with us today who stand on the front lines of the fight to preserve, protect, and defend our Constitution. Would all those in law enforcement please stand and let us say thank you?

Before I propose anything else, I ask you to do everything you can to support the Thin Blue Line, support their families, give them the tools they need to win the fight against crime and chaos and

drugs. It's a fight that is often fought in the poorest and most-troubled neighborhoods in our state. And the consequences of that fight often fall on the poorest and most vulnerable Texans.

One thing I know you're considering is changing the law, and asking the People to change the Constitution, so that after these officers have risked their lives to take violent criminals off the streets, our judges are empowered—even required—to keep those violent criminals in custody, as they await a speedy trial. The Governor has made this an emergency item, and I want to thank Senator Joan Huffman for her leadership on this vital issue of public safety.

Our gratitude to Chief Justice Hecht and to law enforcement is just part of a deeper sense of gratitude I hope we all feel for the extraordinary blessing it is to live in the State of Texas in the Year of our Lord 2025.

Our State is a beacon of liberty and hope for so many people across our country and around the world. Texas isn't perfect, but no place on earth is perfect, and no place in this life ever will be. The legislative session encourages everyone to air their grievances and complaints. That's what it's for.

But instead of comparing life in Texas to perfection, let's compare it to life in any other time and place in all of human history. When we do that, we see that the peace, and comfort, and freedom, and prosperity that we enjoy are rare and priceless treasures—treasures unknown to the vast majority of people who have ever lived.

How grateful, then, must we be to the God whose providence has put us in this time and place. How grateful must we be to the men and women who came before us, who made possible, by their toil and their blood, all the blessings we enjoy in modern-day Texas. We're surrounded by their portraits in this Chamber, and we can all think of our own parents and our grandparents and everything they sacrificed so we could be here today.

For all of us in these powerful positions God has given us, it's our job to point out imperfections in this treasure we've been given and to propose ways to fix them. But let us proceed first with humility, with gratitude, with an awareness of our own imperfections, and with the knowledge of just how precious and how rare is this treasure, this Texas, that we love.

I hope you'll take the rest of my remarks in that spirit. I'm going to make a few suggestions, perhaps a few complaints. But none of us should dare complain without first acknowledging both how grateful we are for our many blessings, and also acknowledging the source of those blessings. That's exactly what our Founding Fathers did when they wrote the Texas Constitution, which begins by "Humbly invoking the blessings of Almighty God..."

So, on to the suggestions. And I'll start with the top priority. If we want to attract and retain hard-working, rule-of-law judges who are qualified to wield the extraordinary power our Constitution gives them, it is absolutely essential that we raise judicial salaries significantly, this session.

Texas ranks 48th out of 50 states for how much we pay district judges. That's embarrassing! We're attracting people and businesses from all over the country, and a big reason is because we have a reputation as a place where people can have confidence in the Rule of Law—and in all of the peace, and freedom, and flourishing that comes with it. But if we want the Rule of Law to be not just pretty words—but a reality in the daily lives of Texans—then the most important thing we can do is to encourage smart and hard-working people of high integrity, who are committed

to the Rule of Law, to serve as judges—and to stay as judges. More and more, it's hard to do that because of what we pay.

Look, if these were just any government employees, I'd be recommending a Department of Government Efficiency, not a pay raise. If you know me, you know that's true. But we're not talking about paper-pushing bureaucrats. We're talking about the constitutional officers of a co-equal branch of government, the officers who wield the judicial power of the State of Texas.

Officers prohibited by their ethical obligations from earning additional income, which distinguishes them from your positions in the Legislature. And let me say, thank you, for the extraordinarily hard work you do for almost no pay at all. But judges are full-time constitutional officers who we pay significantly less than hundreds and hundreds of lawyers employed in our executive branch—even though the judges' jobs are so much more important, and their power is so much greater. Think about the power your local judges have over the families and businesses in your district. The power to take your money, to take your property, to take your freedom, to take your children.

In terms of the economic impact on the eighth-largest economy in the world, by my rough calculations the total amount of money at stake in Texas courtrooms every two years might be even higher than the budget of the State of Texas you'll vote on. And that's not to mention the enormous impact on the litigation climate, on the business climate, and the employment climate. Who do we want wielding all that power? Surely, we want the most qualified, hardest working judges we can get.

And the bottom line is this: You get what you pay for. Higher pay means more highly qualified people will apply. It means more highly qualified people will stay in the job longer. That's true of any job. If we're serious about attracting and retaining great judges, salaries are not the only piece of the puzzle. But they are an essential piece, and we cannot continue to ignore it.

But we have ignored it. The Legislature has not raised the base pay for district judges since 2013—even as inflation has raged and as salaries for qualified lawyers in both the private and public sectors have increased dramatically. The Judicial Compensation Commission has recommended a 30% increase in the base pay for judges this session—and that is what I am asking you to do—30%. If 30% sounds high, it's only because the salary hasn't gone up in 12 years. Do you know what total inflation has been since 2013? 34.5%. So, when I ask for 30%, I'm not even asking you to keep up with inflation. And I'm only asking you to bring Texas from number 48 to number 31 out of 50. The money is there, and this session is the time for the Legislature to demonstrate, in a dramatic and lasting way, how serious we are in Texas about promoting the Rule of Law in our courtrooms.

The question of who sits on our courts is of vital importance to the future of our State. But the Legislature's role in choosing judges is limited. You can't control who wins elections. You can't control who the Governor appoints. But that doesn't mean you have no role to play in choosing judges. You have enormous influence over what the applicant pool looks like. Whether a respected lawyer in your community looks at the pay cut to become a judge and says, "Yes, I can manage that," or "No, I can't make it work," that is up to you, this session. Whether a respected judge who has served for a decade decides to stay on the bench or leaves because he can't justify the pay gap to his family any longer, that is up to you, this session.

I know you have a lot of people asking you for a lot of money right now. So, you might listen to this and think, well, those judges are just another group with their hands out—just another pig at the trough with all the others.

But that's not what this is. I'm not asking you to do this for the judges, and I'm certainly not asking you to do it for me. Do whatever you want with my salary. But truly, don't do this for the judges. Do it, for your constituents—it's their money, so of course it should only be spent for their benefit. Do it for your constituents who have to appear before judges with the power to take their property or their house or their children. Do it for the thousands of Texans whose families and fortunes are on the line every day in courtrooms across our State. Do it so that you know you've done your part to help us attract and retain the kind of truly excellent people of high integrity who ought to be putting on robes and making decisions of enormous consequence for your constituents. Do it because you have a constitutional obligation to fund the judicial branch at a level that allows fair and efficient justice to be done in our State, not for the benefit of the judges, but for the benefit of the People of Texas, who deserve to see fair and efficient justice done.

I understand the concern that a few judges are not pulling their weight and, frankly, don't deserve a raise. I agree. I'm not asking you to give this person or that person a raise. I'm asking you to raise the stature and the appeal of the offices themselves, which encourages more good people to pursue them. But I won't deny that a few judges may not be working as hard as the job demands. I have no tolerance for that. I'm proud of the vast majority of my fellow judges who work hard every day delivering justice for your constituents. But I have no patience for the small minority who don't.

Article V, section 31 of the Constitution makes the Supreme Court responsible for the efficient administration of the judicial branch. Using that authority, as well as authority you've given us, we are gathering data to help us identify problem judges. We don't want to use statistical metrics like case clearance rates as blunt instruments because they don't tell the whole story, but they are very useful tools. I believe current law provides all the tools we need to identify the problems and to deal with them, and this Supreme Court intends to do that, with the help of the Regional Presiding Judges and others. We don't need to burden all the good judges across our state with extra paperwork mandated by the Legislature. We don't need to do that in order to figure out where the problems are. We can find the problems, and we intend to do so.

And when we find a serious problem, we can put the judge on notice that his performance is unacceptable. If he can't turn it around, the Constitution says we can do something about it. Article 15, section 8 allows the Legislature, on the Governor's recommendation, to remove a judge for several reasons, including willful neglect of duty or incompetence. Article 15, section 6 allows the Supreme Court, on the petition of ten lawyers, to remove a district judge who "negligently fails to perform his duties as Judge; or who shall fail to execute in a reasonable measure the business in his courts." These provisions show us that the Framers of our Constitution knew that judges have to be capable, qualified people who can manage a courtroom. The Framers also knew that elections might occasionally give us unqualified judges. Their answer wasn't—tough luck, vote them out in four years. No. They gave us tools to fix these problems in the rare cases when they arise. And if we forget about these tools or we don't use them because we're afraid it will be difficult or we'll be criticized for it, then we're not allowing our Constitution to operate as it was designed.

Instead of holding down the salaries of 98% of our judges because 2% of them aren't doing their job, we should use the power the Constitution gives us to make the 2% find another job—and we should pay all our judges a salary that is commensurate with the extraordinary responsibility our Constitution asks them to bear.

I've spoken of the Legislature's constitutional obligation to adequately fund the courts. The courts also have a constitutional obligation to the Legislature to faithfully and consistently apply the laws you write. Our promise to you is to apply the laws you write based strictly on their text. We ask ourselves, what words have been enacted into law, and what do those words mean to an ordinary reader of English? That's it. We don't ask ourselves, did the Legislature really mean what they said? Or wouldn't something a little different be more sensible? And we certainly don't ask, do we like this law or not? The text of the statute IS the law, whether the judges like it or not—and we are bound to follow it. And the words of an enacted bill—not the aspirations of the bill's supporters—are what has passed both Houses and the Governor and thereby achieved the status of law. Our obligation is to follow the text you choose—and only the text.

The only exception is if that text violates the Constitution. But again, when it comes to the Constitution, we are bound by text chosen by someone else. And we're bound not just by the constitutional text, but also by what that text meant to the people who originally ratified it. Our Constitution means the same thing yesterday, today, and tomorrow—until the People of Texas decide to change it. This is called Constitutional Originalism, and under this Supreme Court, it is the law in Texas.

There's a competing way of interpreting the Constitution. It's called The Living Constitution. It says that the Constitution's meaning evolves with the times—in response to fashionable moral trends or so-called evolving standards of decency. It says the Constitution is a living document, and the Supreme Court's job is to give it life, to decide for us when its meaning is to change. The problem, of course, is that this way of understanding our Constitution puts the judges—not the People—in charge of whether the Constitution will change. And that's not the Rule of Law. It's the Rule of Judges.

If we can all agree that judges shouldn't replace the Legislature's policy choices with their own, then surely we can agree that judges shouldn't put their own policy choices into the Constitution, but that is exactly what the Living Constitution invites judges to do. For that reason, the Texas Supreme Court has repeatedly held that Originalism—not Living Constitutionalism—is the right way to interpret our Constitution. Hear me say this. In Texas, under this Supreme Court, the Living Constitution is Dead.

That fact is a big reason why I can confidently say that the State of our Judiciary is strong. But another big reason is one I've already mentioned. It's the hundreds of hard-working judges all over our state who go to work every day to deliver fair and consistent justice under the law. That includes the judges on our two new courts, the 15th Court of Appeals, and the Business Court, which you created last session. These courts are up and running, the Governor has made excellent appointments, and these judges are now doing the important work you asked them to do. I especially want to thank Chief Justice Scott Brister of the 15th Court of Appeals for returning to the bench. He had to leave the bench to afford to send his daughters to the college of their dreams. But his daughters are grown, and he's back on the bench, which means the State of the Judiciary is stronger.

Consistency, predictability, fealty to the law—these are the marks of good judging. And the more consistent, predictable, and accurate our judging is—then it’s not just that there will be less uncertainty and expense in litigation. There will also be less litigation—fewer lawsuits. The very best litigation is the case that’s never brought—the case that doesn’t have to be brought because the parties know what the law is, can predict how the courts will handle their dispute, and can settle their differences out of court instead of bothering with litigation.

It’s awfully hard for parties to rely on consistent and predictable rulings when they might have one judge at today’s hearing, but a different judge at the next hearing, who may not know what happened at the first hearing. That’s not a common practice, but it does exist in two Texas counties. It’s an outlier compared to nearly all courts across the state and across the country, where each case is assigned to a single judge, whose job it is to manage the case from filing to judgment. I’ve asked the Court’s Advisory Committee to recommend rules to eliminate this rotating docket—sometimes called the central docket. We’re open to opposing arguments. But the Constitution charges the Court to make rules “for the efficient and uniform administration of justice in the various courts,” and it’s hard for me to see how assigning a different judge for each hearing throughout the life of a case promotes efficient and uniform justice in our courts.

In an ideal world, every lawsuit would be resolved based on its merits, not based on non-merits factors like the expense, trouble, and uncertainty of litigation. That’s an aspirational idea, but we should work toward it. We should do everything we can to streamline and simplify litigation for both plaintiffs and defendants, and to reduce the extraordinary burden in time and money of modern litigation, particularly of discovery. The Supreme Court can amend the Rules of Civil Procedure, and I welcome your ideas for changes along these lines.

But I don’t want to just complain about how other courts do business. We at the Supreme Court also need to ask whether our own procedures promote the efficient administration of justice. And we’re doing that. I’ve asked the Advisory Committee to study whether our Court should join nearly every other Supreme Court in the nation by waiting until we’ve granted a petition for review before making the parties pay for full merits briefing. We welcome your thoughts on that—and any other ideas you have for reducing the expense and burden of litigation at all levels of our courts.

Chief Justice Hecht often used this speech to highlight the Court’s dedication to helping low-income Texans get basic legal services. That dedication remains, and the Court appreciates the Legislature’s continued funding for those programs. While the Court as a whole will keep up that effort, my focus will be on systemic reforms that make legal services more affordable for everybody, both by simplifying and streamlining the law and the rules of procedure, as I mentioned, but also by looking at how we regulate the legal profession.

It’s not just the poor who have trouble affording lawyers. It’s most Texans. It’s many small businesses. Basic economics tells us that if the supply of legal services goes up, the price will come down—for everybody. It also tells us that government regulation of a service drives up the price. So how do we raise the supply and reduce the price of legal services? We should be open, I think, to carefully changing the way we regulate the legal profession. One idea is to follow other states that have allowed qualified non-lawyers to provide some basic legal services for a profit—perhaps under the supervision of a lawyer, perhaps independently. There are plenty of other ideas, and I’m not committed to any particular version of them. Nor am I interested in a conflict with the Legislature over which branch of government has the power to do this kind of

thing. We should work together on this. If we can agree that the average Texan has been priced out of the market for many legal services, then we've all got to ask whether the way we regulate the profession is part of that problem. Some people will oppose it. And if that opposition comes from a genuine desire to protect people from fraud and incompetence, then I'm all ears. But if the opposition comes from a desire to protect lawyers from economic competition, then I'm not interested. The Court wants to work with the Legislature on this to see if together we can make legal services more affordable and accessible for all Texans.

The American Bar Association recently issued a political statement aggressively taking sides in the fight going on in Washington about the scope of the President's executive power. Of course, the ABA is just a private membership organization with a particular point of view, and its views—as far as I'm concerned—ought to carry no more weight than those of the Federalist Society or the ACLU or any other opinionated interest group. But, the State Bar of Texas is a public organization that all Texas lawyers are compelled to join. It is therefore absolutely essential that the State Bar remain completely politically neutral in everything it does—both as a matter of substance and as a matter of the perception its actions give to people on both sides of the aisle. The Supreme Court will accept nothing less, and if the Bar does not live up to that high standard, I want to hear about it.

Finally, let me return to where I started. I mentioned that the consequences of whether we win the fight against crime and drugs fall most heavily on the poorest and most vulnerable Texans. At the Court, we see this most vividly in cases where the State is attempting to terminate the legal bond between a parent and a child. In nearly all those cases, families have been damaged or destroyed by drugs, often methamphetamine. If there's one thing you could do to help these families, it would be to help law enforcement win the war on hard drugs like meth. But innocent children are always the victims in these cases. And it's tempting when we see children in these circumstances to want them removed from their failing parents as soon as possible, for their protection.

But we have to remember this—just as surely as God made those precious children, God also made that family. Using the coercive power of the State to take children from their God-given parents—to destroy a family—should never be our first instinct. It should ALWAYS be our very last resort. I want to thank the Legislature for requiring DFPS to keep more families together. Senator Kolkhorst, Representative Dutton, and others have been leaders on this, and I urge you to continue those efforts this Session.

One suggestion is to repeal what we call subsection (O)—it's section 161.001(b)(1)(O) of the Family Code, and it allows a parent's rights to be terminated forever if the parent fails to check every box on a long list of things the state wants them to do to get their child back. The thing is—there's another provision that allows termination of rights if the parent endangers the child. So, the State only needs to use subsection (O) if it can't prove that the parent has endangered the child. But if the State can't prove that, then why on earth would we destroy that family?

Termination of parental rights is the civil death penalty. When the State goes to court to take somebody's children, it's not opening up a collaborative therapy session. It's initiating adversarial litigation of the highest stakes imaginable. We need to do more to ensure that desperate parents in these cases have vigorous representation, and we need to make sure the Family Code doesn't stack the deck against the parent before the case starts. Repealing

subsection (O) would be a good start. Representative Dutton has a bill that would do this, and I commend his bill to your consideration.

I'll close with this. The Supreme Court's official motto, inscribed in Latin on the bench where we sit is: *Sicut Patribus Sit Deus Nobis*. "May God be With Us, as He Was With Our Fathers." Surely God was with our Fathers, who built and sustained this beautiful state we've inherited. And surely, He has been with us, as Texas has grown and prospered. Our duty now, together—across the branches of government and across the political parties—is to be good stewards of this treasure we've been given; to polish it of its imperfections, but only with great care and love; to live out the oaths we have all taken to preserve, protect, and defend our Constitution; and to deliver equal justice, under the law, for every Texan—young and old, rich and poor, Republican and Democrat. And as we work together to do all of these things. May God Be With Us, As He Was With Our Fathers!

**Thank you all! God Bless You! God Bless TEXAS!**