

**ANNUAL  
STATISTICAL REPORT  
FOR THE  
TEXAS JUDICIARY**



***FISCAL YEAR 2008***

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STATISTICAL REPORT  
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# OFFICE OF COURT ADMINISTRATION

## *A Message from the Administrative Director*



Welcome to the Annual Statistical Report for the Texas Judiciary. We hope this is a useful and relevant document for those interested in the administration of justice in our great state.

The last year was one of heightened interest in the administration of justice, due to a number of factors: the work of the State Bar of Texas Court Administration Task Force, studying issues raised in the 80<sup>th</sup> (2007) Texas Legislature; the appointment by the Supreme Court of Texas of a Permanent Judicial Commission for Children, Youth and Families, to improve court outcomes in child protection cases; and the appointment by the Supreme Court of Texas of the Task Force to Ensure Judicial Readiness in Times of Emergency, to promote judicial branch involvement in and awareness of the need for continuity of operations in a variety of emergencies (as exemplified by Hurricane Ike).

Other recent accomplishments for OCA included:

- Publication by the National Center for State Courts, with extensive assistance by OCA, of the report of the Texas district court weighted caseload study.
- Completion of the Functional Requirements Study, a reference model to give case management software designers an authoritative set of requirements for the creation of child protection case management modules in their systems.
- Receipt of funding for and beginning the development of the Texas Appeals Management and Efiling System.
- Development and review of over 60 legislative proposals by the Texas Judicial Council.
- The award of a \$90,000 grant from the State Justice Institute to the Task Force on Indigent Defense for a research project entitled, *Representing the Mentally Ill Offender: An Evaluation of Advocacy Alternatives*.
- Publication by the Task Force on Indigent Defense of findings from a recent survey entitled *Judicial Perspectives on Substance Abuse & Mental Health Diversionary Programs and Treatment*.
- After nearly four years of development, completion of the district and county-level court phase of the Judicial Data Project, which sought to review and improve the current monthly case activity reports to make them more useful. The new reports will be effective September 1, 2010.

Our office is dedicated to providing resources and information for the efficient administration of the judicial branch of government. Please contact me if there is anything we can do in furtherance of that mission.

Sincerely,

A handwritten signature in black ink, appearing to be "C. J. [unclear]".

# Texas Courts: A Descriptive Summary

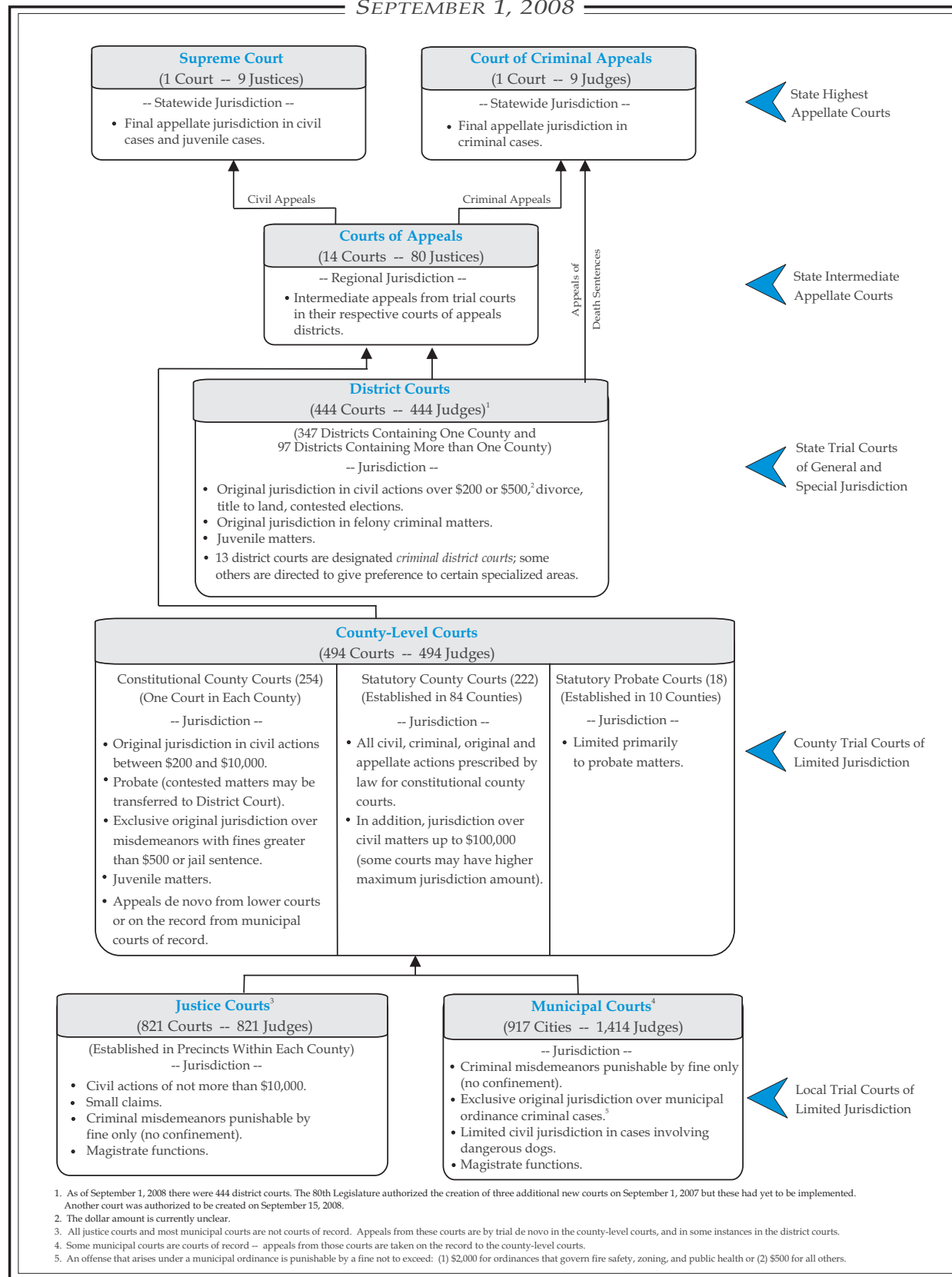


Photo courtesy of TexasCourthouses.com

*Victoria County Courthouse - Victoria*

# COURT STRUCTURE OF TEXAS

SEPTEMBER 1, 2008



## Introduction

As reflected on page 2, there were 3,271 elected (or appointed, in the case of most municipal judges) judicial positions in Texas as of September 1, 2008. In addition, there were more than 120 associate judges appointed to serve in district, county-level, child protection, and child support (Title IV-D) courts, as well as numerous magistrates, masters, referees and other officers supporting the judiciary. More than 260 retired and former judges were also eligible to serve for assignment.

The basic structure of the present court system of Texas was established by an 1891 constitutional amendment. The amendment established the Supreme Court as the highest state appellate court for civil matters, and the Court of Criminal Appeals, which makes the final determination in criminal matters. Today, there are also 14 courts of appeals that exercise intermediate appellate jurisdiction in civil and criminal cases.

District courts are the state trial courts of general jurisdiction. The geographical area served by each district court is established by the specific statute creating that court.

In addition to these state courts, the Texas Constitution provides for a county court in each county, presided over by the county judge. The county judge also serves as head of the county commissioners court, the governing body of the county. To aid the constitutional county court with its judicial functions, the Legislature has established statutory county courts, generally designated as county courts at law or statutory probate courts, in the more populous counties. The Texas Constitution also authorizes not less than one nor more than 16 justices of the peace in each county. The justice courts serve as small claims courts and have jurisdiction in misdemeanor cases where punishment upon conviction may be by fine only.

By statute, the Legislature has created municipal courts in each incorporated city in the state. These courts have original jurisdiction over violations of municipal ordinances and concurrent jurisdiction with the justice courts over misdemeanor state law violations, limited to the geographical confines of the municipality.

Trials in the justice courts and most municipal courts are not of record, and appeals therefrom are by new trial (“trial *de novo*”) to the county court, except in certain counties, where the appeal is to a county court at law or to a district court. When an appeal is by trial *de novo*, the case is tried again in the higher court, just as if the original trial had not occurred.

Jurisdiction of the various levels of courts is established by constitutional provision and by statute. Statutory jurisdiction is established by general statutes providing jurisdiction for all courts on a particular level, as well as by the statutes establishing individual courts. Thus, to determine the jurisdiction of a particular court, recourse must be had first to the Constitution, second to the general statutes establishing jurisdiction for that level of court, third to the specific statute authorizing the establishment of the particular court in question, fourth to statutes creating other courts in the same county (whose jurisdictional provisions may affect the court in question), and fifth to statutes dealing with specific subject matters (such as the Family Code, which requires, for example, that judges who are lawyers hear appeals from cases heard by non-lawyer judges in juvenile cases).

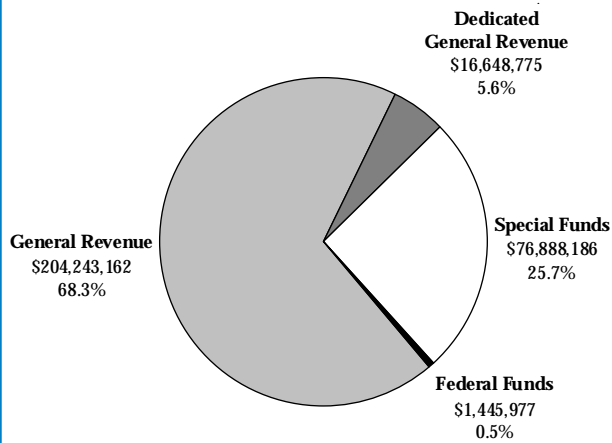
## Funding of the Texas Judicial Branch

The State provides full funding for the Supreme Court and the Court of Criminal Appeals, as well as a base salary and some expenses for the appellate and district judges of Texas. Most counties supplement the base salary for judges of district courts and courts of appeals. Counties pay the costs of constitutional county courts, county courts at law, justice courts, and the operating costs of district courts. Cities finance the operation of municipal courts.

In fiscal year 2008, state appropriations for the Texas judicial system increased 5.1 percent from the previous fiscal year and accounted for approximately 0.32 percent of all state appropriations (\$299,226,100 of the \$85,739,174,238 appropriated from all funds in fiscal year 2008). Approximately 68 percent of the financing for the judicial system came from General Revenue in fiscal year 2008. Another 5.6 percent came from dedicated General Revenue funds, such as the Compensation to Victims of Crime Account and the Fair Defense Account, while the remaining 26.2 percent came from other funds, including the Judicial Fund, Judicial and Court Personnel Training Fund, other special state funds, and criminal justice grants.

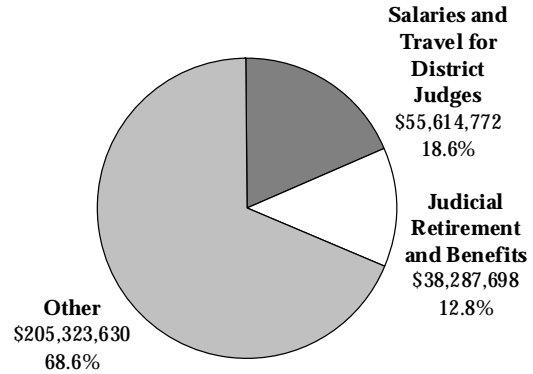
In fiscal year 2008, salaries for district judges and travel expenses for those district judges with jurisdiction in more than one county accounted for 18.6 percent of appropriations for the judicial system, and judicial retirement and benefits comprised another 12.8 percent.

### State Judicial Branch Funding Sources Fiscal Year 2008



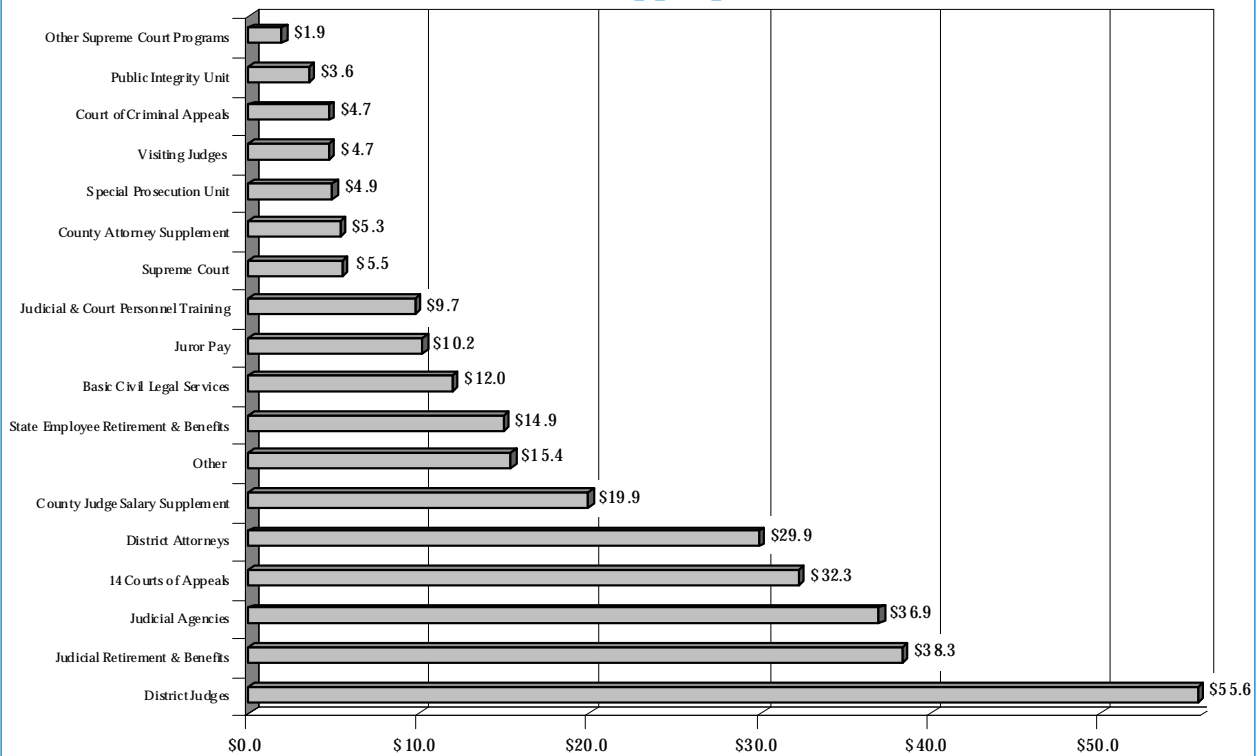
Note: Does not total to 100 percent due to rounding.

### Judicial Compensation as Percentage of Total State Appropriations for the State Judicial Branch



Note: "Other" includes salaries of appellate judges. Data on judges' salaries was not available separate from each court's overall budget.

### State Judicial Branch Appropriations, FY 2008



- Notes:
1. "Visiting Judges" includes salaries and per diem expenses.
  2. "Other" includes Social Security and Benefit Replacement Pay and lease payments.
  3. Judicial Branch Agencies include the Office of Court Administration, Texas Judicial Council; Office of the State Prosecuting Attorney; State Law Library; and State Commission on Judicial Conduct. Appropriations for Judicial Agencies include approximately \$5.9 million in interagency contracts.
  4. "District Judges" includes salaries, travel, and local administrative judge salary supplement.

Millions



# Court Structure and Function

## Appellate Courts

The appellate courts of the Texas Judicial System are: (1) the Supreme Court, the highest state appellate court for civil and juvenile cases; (2) the Court of Criminal Appeals, the highest state appellate court for criminal cases; and (3) the 14 courts of appeals, the intermediate appellate courts for civil and criminal appeals from the trial courts.

Appellate courts do not try cases, have juries, or hear witnesses. Rather, they review actions and decisions of the lower courts on questions of law or allegations of procedural error. In carrying out this review, the appellate courts are usually restricted to the evidence and exhibits presented in the trial court.

### The Supreme Court

The Supreme Court of Texas was first established in 1836 by the Constitution of the Republic of Texas, which vested the judicial power of the Republic in “...one Supreme Court and such inferior courts as the Congress may establish.” This court was re-established by each successive constitution adopted throughout the course of Texas history and currently consists of one chief justice and eight justices.<sup>1</sup>

The Supreme Court has statewide, final appellate jurisdiction in most civil and juvenile cases.<sup>2</sup> Its caseload is directly affected by the structure and jurisdiction of Texas’ appellate court system, as the 14 courts of appeals handle most of the state’s criminal and civil appeals from the district and county-level courts, and the Court of Criminal Appeals handles all criminal appeals beyond the intermediate courts of appeals.

The Supreme Court’s caseload can be broken down into three broad categories: determining whether to grant review of the final judgment of a court of appeals (i.e., to grant or not grant a petition for review); disposition of regular causes<sup>3</sup> (i.e., granted petitions for review, accepted petitions for writs of mandamus or habeas corpus, certified questions, accepted parental notification appeals, and direct appeals); and disposition of numerous motions related to petitions and regular causes.

Much of the Supreme Court’s time is spent determining which petitions for review will be granted, as it must consider all petitions for review that are filed. However, the Court exercises some control over its caseload in deciding which petitions will be granted. The Court usually takes only those cases that present the most significant Texas legal issues in need of clarification.

The Supreme Court also has jurisdiction to answer questions of state law certified from a federal appellate court;<sup>4</sup> has original jurisdiction to issue writs and to conduct proceedings for the involuntary retirement or removal of judges; and reviews cases involving attorney discipline upon appeal from the Board of Disciplinary Appeals of the State Bar of Texas.

In addition, the Court:

- promulgates all rules of civil trial practice and procedure, evidence, and appellate procedure;
- promulgates rules of administration to provide for the efficient administration of justice in the state;
- monitors the caseloads of the 14 courts of appeals and orders the transfer of cases between the courts in order to make the workloads more equal;<sup>5</sup> and
- with the assistance of the Texas Equal Access to Justice Foundation, administers funds for the Basic Civil Legal Services Program, which provides basic civil legal services to the indigent.<sup>6</sup>

### The Court of Criminal Appeals

To relieve the Supreme Court of some of its caseload, the Constitution of 1876 created the Court of Appeals, composed of three elected judges, with appellate jurisdiction in all criminal cases and in those civil cases tried by the county courts. In 1891, a constitutional amendment changed the name of this court to the Court of Criminal Appeals and limited its jurisdiction to appellate jurisdiction in criminal cases only. Today, the court consists of one presiding judge and eight associate judges.<sup>7</sup>

The Court of Criminal Appeals is the highest state court for criminal appeals.<sup>8</sup> Its caseload consists of both mandatory and discretionary matters. All cases that result in the death penalty are automatically directed to the Court of Criminal Appeals from the trial court level. A significant portion of the Court’s workload also involves the mandatory review of applications for post conviction habeas corpus relief in felony cases without a death penalty,<sup>9</sup> over which the Court has sole authority. In

addition, decisions made by the intermediate courts of appeals in criminal cases may be appealed to the Court of Criminal Appeals by petition for discretionary review, which may be filed by the State, the defendant, or both. However, the Court may also review a decision on its own motion.

In conjunction with the Supreme Court of Texas, the Court of Criminal Appeals promulgates rules of appellate procedure and rules of evidence for criminal cases. The Court of Criminal Appeals also administers public funds that are appropriated for the education of judges, prosecuting attorneys, criminal defense attorneys who regularly represent indigent defendants, clerks and other personnel of the state's appellate, district, county-level, justice, and municipal courts.<sup>10</sup>

## ***The Courts of Appeals***

The first intermediate appellate court in Texas was created by the Constitution of 1876, which created a Court of Appeals with appellate jurisdiction in all criminal cases and in all civil cases originating in the county courts. In 1891, an amendment was added to the Constitution authorizing the Legislature to establish intermediate courts of civil appeals located at various places throughout the State. The purpose of this amendment was to preclude the large quantity of civil litigation from further congesting the docket of the Supreme Court, while providing for a more convenient and less expensive system of intermediate appellate courts for civil cases. In 1980, a constitutional amendment extended the appellate jurisdiction of the courts of civil appeals to include criminal cases and changed the name of the courts to the "courts of appeals."

Each court of appeals has jurisdiction over appeals from the trial courts located in its respective district. The appeals heard in these courts are based upon the "record" (a written transcription of the testimony given, exhibits introduced, and the documents filed in the trial court) and the written and oral arguments of the appellate lawyers. The courts of appeals do not receive testimony or hear witnesses in considering the cases on appeal, but they may hear oral argument on the issues under consideration.

The Legislature has divided the State into 14 court of appeals districts and has established a court of appeals in each. One court of appeals is currently located in each of the following cities: Amarillo, Austin, Beaumont, Dallas, Eastland, El Paso, Fort Worth, San Antonio, Texarkana, Tyler, and Waco. In addition, two courts are located in Houston, and one court maintains two locations—one in Corpus Christi and one in Edinburgh.

Each of the courts of appeals has at least three judges—a chief justice and two associate justices. There are now 80 judges serving on the 14 intermediate courts of appeals. However, the Legislature is empowered to increase this number whenever the workload of an individual court requires additional judges.

## ***Trial Courts***

In trial courts, witnesses are heard, testimony is received, exhibits are offered into evidence, and a verdict is rendered. The trial court structure in Texas has several different levels, each level handling different types of cases, with some overlap. The state trial court of general jurisdiction is known as the district court. The county-level courts consist of the constitutional county courts, the statutory county courts, and the statutory probate courts. In addition, there is at least one justice court located in each county, and there are municipal courts located in each incorporated city.

## ***District Courts***

District courts are the primary trial courts in Texas. The Constitution of the Republic provided for not less than three or more than eight district courts, each having a judge elected by a joint ballot of both houses of the legislature for a term of four years. Most constitutions of the State continued the district courts but provided that the judges were to be elected by the qualified voters. (The exceptions were the Constitutions of 1845 and 1861 which provided for the appointment of judges by the Governor with confirmation by the Senate.) All constitutions have provided that the judges of these courts must be chosen from defined districts (as opposed to statewide election). In many locations, the geographical jurisdiction of two or more district courts is overlapping. As of September 1, 2008, there were 444 district courts in Texas. The 80th Legislature authorized the creation of three additional new courts on September 1, 2007, but judges had yet to be appointed or elected to fill the vacancies. Another court was authorized to be created on September 15, 2008.

District courts are courts of general jurisdiction. Article V, Section 8 of the Texas Constitution extends a district court's potential jurisdiction to "all actions" but makes such jurisdiction relative by excluding any matters in which exclusive, appellate, or original jurisdiction is conferred by law upon some other court. For this reason, while one can speak of the "general" jurisdiction of a district court, the actual jurisdiction of any specific court will always be limited by the constitutional or statutory provisions that confer exclusive, original, or appellate jurisdiction on other courts serving the same county or counties.

With this caveat, it can be said that district courts generally have the following jurisdiction: original jurisdiction in all criminal cases of the grade of felony and misdemeanors involving official misconduct; cases of divorce; suits for title to land or enforcement of liens on land; contested elections; suits for slander or defamation; and suits on behalf of the State for penalties, forfeitures and escheat. Most district courts exercise criminal and civil jurisdiction, but in the metropolitan areas there is a tendency for the courts to specialize in civil, criminal, or family law matters. Twelve district courts are designated “criminal district courts” but have general jurisdiction. A limited number of district courts also exercise the subject-matter jurisdiction normally exercised by county courts.

The district courts also have jurisdiction in civil matters with a minimum monetary limit but no maximum limit. The amount of the lower limit is currently unclear. The courts of appeals have split opinions on whether the minimum amount in controversy must exceed \$200 or \$500.<sup>11</sup> In those counties having statutory county courts, the district courts generally have exclusive jurisdiction in civil cases where the amount in controversy is \$100,000 or more, and concurrent jurisdiction with the statutory county courts in cases where the amount in controversy exceeds \$500 but is less than \$100,000.

The district courts may also hear contested matters in probate cases and have general supervisory control over commissioners’ courts. In addition, district courts have the power to issue writs of habeas corpus, mandamus, injunction, certiorari, sequestration, attachment, garnishment, and all writs necessary to enforce their jurisdiction. Appeals from judgments of the district courts are to the courts of appeals (except appeals of sentences of death).

A 1985 constitutional amendment established the Judicial Districts Board to reapportion Texas judicial districts, subject to legislative approval. The same amendment also allows for more than one judge per judicial district.

## County-Level Courts

### Constitutional County Courts

The Texas Constitution provides for a county court in each of the 254 counties of the State, though all such courts do not exercise judicial functions. In populous counties, the “county judge” may devote his or her full attention to the administration of county government.

Generally, the “constitutional” county courts have concurrent jurisdiction with justice courts in civil cases where the matter in controversy exceeds \$200 but does not exceed \$10,000; concurrent jurisdiction with the district courts in civil cases where the matter in controversy exceeds \$500 but does not exceed \$5,000; general jurisdiction over probate cases; juvenile jurisdiction; and exclusive original jurisdiction over misdemeanors, other than those involving official misconduct, where punishment for the offense is by fine exceeding \$500 or a jail sentence not to exceed one year. County courts generally have appellate jurisdiction (usually by trial *de novo*) over cases tried originally in the justice and municipal courts. Original and appellate judgments of the county courts may be appealed to the courts of appeals.

In 36 counties, the county court, by special statute, has been given concurrent jurisdiction with the justice courts in all civil matters over which the justice courts have jurisdiction.

### Statutory County Courts and Probate Courts

Under its constitutional authorization to “...establish such other courts as it may deem necessary...[and to] conform the jurisdiction of the district and other inferior courts thereto,” the Legislature created the first statutory county court in 1907. As of September 1, 2008, 222 statutory county courts and 18 statutory probate courts were operating in 84 (primarily metropolitan) counties to relieve the county judge of some or all of the judicial duties of office. Statutory county courts include county courts at law, county civil courts at law, county criminal courts at law, county criminal courts, and county criminal courts of appeal.

Section 25.003 of the Texas Government Code provides statutory county courts with jurisdiction over all causes and proceedings prescribed by law for constitutional county courts. In general, statutory county courts that exercise civil jurisdiction concurrent with the constitutional county court also have concurrent civil jurisdiction with the district courts in: 1) civil cases in which the matter in controversy exceeds \$500 but does not exceed \$100,000, and 2) appeals of final rulings and decisions of the Texas Workers’ Compensation Commission. However, the actual jurisdiction of each statutory county court varies considerably according to the statute under which it was created. In addition, some of these courts have been established to exercise subject-matter jurisdiction in only limited fields, such as civil, criminal, or appellate cases (from justice or municipal courts).

In general, statutory probate courts have general jurisdiction provided to probate courts by the Texas Probate Code, as well as the jurisdiction provided by law for a county court to hear and determine cases and matters instituted under various sections and chapters of the Texas Health and Safety Code.

## Associate Judges

The legislature has authorized the appointment of various judicial officers to assist the judges of the district courts and county-level courts. These judicial officers are usually known as associate judges. They have some, but not all, of the powers of the judges they assist.

### Judicial Officers Appointed under Government Code, Chapter 54

Most of the 26 judicial officer positions authorized by Chapter 54 of the Government Code are unique to a particular county. Many of these judicial officers are called associate judges, but others are known as masters, magistrates, referees or hearing officers. Generally, judicial officers are appointed by local judges with the consent of the county commissioners court, and the positions are funded by the county.

Some of the judicial officers hear criminal cases. Others specialize in family law matters or juvenile cases. Still others hear a wide range of cases. The subject matter of any particular judicial officer is specified in the statute that creates the position. Cases are not directly filed with judicial officers, but are referred to them by district judges and county-level judges. Rather than rendering final orders, the judicial officers generally make recommendations to the referring court.

### Associate Judges Appointed under Family Code, Chapter 201

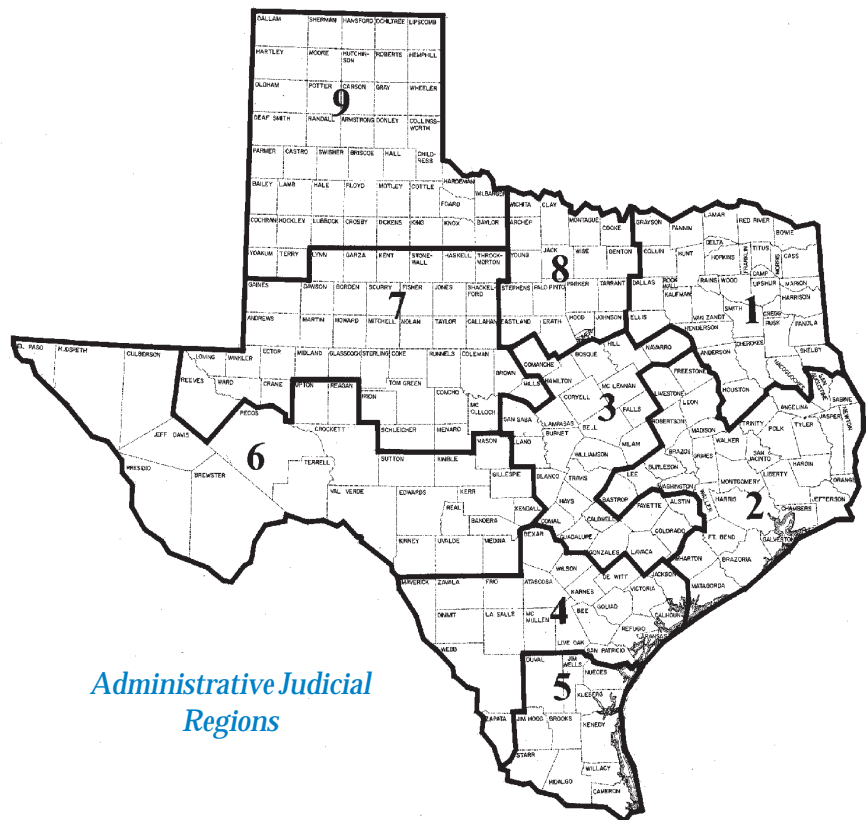
Like judicial officers appointed under Chapter 54 of the Government Code, district and county-level judges refer certain cases to associate judges appointed under Chapter 201 of the Family Code.

Three types of associate judges are appointed under Chapter 201. Associate judges authorized by Subchapter A of Chapter 201 are appointed by local judges with the consent of the commissioners court and are county employees. They are authorized to hear cases brought under Titles 1, 4 and 5 of the Family Code.

Associate judges authorized by Subchapters B and C of Chapter 201 are appointed by the presiding judge of the respective administrative judicial region and are state employees. The judges appointed under Subchapter B are authorized to hear child support cases. Those appointed under Subchapter C are authorized to hear child protection cases.

## “Assigned” or “Visiting” Judges

The presiding judge of an administrative judicial region may assign a judge to handle a case or docket of an active judge in the region who is unable to preside (due to recusal, illness, vacation, etc.) or who needs assistance with a heavy docket or docket backlog. These “assigned judges” may be active judges of other courts in the region or may be individuals residing in the region who used to serve as active judges. Sections 74.054, 74.056, and 74.057 of the Government Code discuss the assignment of judges by the presiding judges and the chief justice of the Supreme Court.



## Justice Courts

As amended in November 1983, the Texas Constitution provides that each county is to be divided, according to population, into at least one, and not more than eight, justice precincts, in each of which is to be elected one or more justices of the peace. As of September 1, 2008, 821 justice courts were in operation.

Justice courts have original jurisdiction in misdemeanor criminal cases where punishment upon conviction may be by fine only. These courts generally have exclusive jurisdiction of civil matters when the amount in controversy does not exceed \$200, and concurrent jurisdiction with the county courts when the amount in controversy exceeds \$200 but does not exceed \$10,000.<sup>12</sup> Justice courts also have jurisdiction over forcible entry and detainer cases and function as small claims courts. Trials in justice courts are not “of record.” Appeals from these courts are by trial *de novo* in the constitutional county court, the county court at law, or the district court.

The justice of the peace also serves in the capacity of a committing magistrate, with the authority to issue warrants for the apprehension and arrest of persons charged with the commission of both felony and misdemeanor offenses. As a magistrate, the justice of the peace may hold preliminary hearings, reduce testimony to writing, discharge the accused, or remand the accused to jail and set bail. In addition, the justice of the peace serves as the coroner in those counties where there is no provision for a medical examiner, serves as an *ex officio* notary public, and may perform marriage ceremonies for additional compensation.

## Municipal Courts

Under its constitutional authority to create “such other courts as may be provided by law,” the Legislature has created municipal courts in each incorporated municipality in the state. In lieu of a municipal court created by the Legislature, municipalities may choose to establish municipal courts of record. As of September 1, 2008, municipal courts were operating in 917 cities.

The jurisdiction of municipal courts is provided in Chapters 29 and 30 of the Texas Government Code. Municipal courts have original and exclusive jurisdiction over criminal violations of certain municipal ordinances and airport board rules, orders, or resolutions that do not exceed \$2,500 in some instances and \$500 in others. Municipal courts also have concurrent jurisdiction with the justice courts in certain misdemeanor criminal cases.

In addition to the jurisdiction of a regular municipal court, municipal courts of record also have jurisdiction over criminal cases arising under ordinances authorized by certain provisions of the Texas Local Government Code. The municipality may also provide by ordinance that a municipal court of record have additional jurisdiction in certain civil and criminal matters.

Municipal judges also serve in the capacity of a committing magistrate, with the authority to issue warrants for the apprehension and arrest of persons charged with the commission of both felony and misdemeanor offenses. As a magistrate, the municipal judge may hold preliminary hearings, reduce testimony to writing, discharge the accused, or remand the accused to jail and set bail.

Trials in municipal courts are not generally “of record”; many appeals go to the county court, the county court at law, or the district court by a trial *de novo*. Appeals from municipal courts of record are generally heard in the county criminal courts, county criminal courts of appeal or municipal courts of appeal. If none of these courts exist in the county or municipality, appeals are to the county courts at law.

## Judicial Administration

The Texas Supreme Court has constitutional responsibility for the efficient administration of the judicial system and possesses the authority to make rules of administration applicable to the courts.<sup>13</sup> Under the direction of the chief justice, the Office of Court Administration aids the Supreme Court in carrying out its administrative duties by providing administrative support and technical assistance to all courts in the state.

The Supreme Court and the Texas Legislature also receive recommendations on long-range planning and improvements in the administration of justice from the Texas Judicial Council, a 22-member advisory board composed of appointees of the judicial, executive, and legislative branches of government.

The chief justice of the Supreme Court, the presiding judge of the Court of Criminal Appeals, the chief justices of each of the 14 courts of appeals, and the judges of each of the trial courts are generally responsible for the administration of their respective

courts. Furthermore, there is a local administrative district judge in each county, as well as a local administrative statutory county court judge in each county that has a statutory county court. In counties with two or more district courts, a local administrative district judge is elected by the district judges in the county for a term not to exceed two years.<sup>14</sup> Similarly, in counties with two or more statutory county courts, a local administrative statutory county court judge is elected by the statutory county court judges for a term not to exceed two years. The local administrative judge is charged with implementing the local rules of administration, supervising the expeditious movement of court caseloads, and other administrative duties.<sup>15</sup>

To aid in the administration of justice in the trial courts, the State is divided into nine administrative judicial regions. With the advice and consent of the Senate, the Governor appoints one of the active or retired district judges, or a retired appellate court judge who has district court experience, residing in each region as the presiding judge.

The chief justice of the Supreme Court may convene periodic conferences of the chief justices of the courts of appeals, as well as periodic conferences of the nine presiding judges to ensure the efficient administration of justice in the courts of the State.

## Notes

1. The various constitutions and amendments provided for different numbers of judges to sit on the Court and different methods for the selection of the judges. The Constitution of 1845 provided that the Supreme Court consist of a chief justice and two associate justices. The Constitution of 1866 provided for five justices, and the Constitution of 1869 reverted to a three-judge court; the Constitution of 1873 increased the number to five, and the Constitution of 1876 again reduced the membership to three. To aid the three justices in disposing of the ever increasing workload, the legislature created two "Commissions of Appeals," each to consist of three judges appointed by the Supreme Court. This system, begun in 1920, continued until the adoption of the constitutional amendment of 1945 which abolished the two Commissions of Appeals and increased the number of justices on the Supreme Court to nine, the present number.

2. A constitutional amendment adopted in 1980 provides that "The Supreme Court shall exercise the judicial power of the state except as otherwise provided in this Constitution. Its jurisdiction shall be coextensive with the limits of the State and its determinations shall be final except in criminal law matters. Its appellate jurisdiction shall be final and shall extend to all cases except in criminal law matters and as otherwise provided in this Constitution or by law."

3. "Regular causes" involve cases in which four or more of the justices of the Supreme Court have decided in conference that a petition for review, petition for writ of mandamus or habeas corpus, or parental notification appeal should be reviewed. Regular causes also include direct appeals the court has agreed to review and questions of law certified to it by a federal appellate court that the court has agreed to answer. Most regular causes are set for oral argument in open court and are reported in written opinions. However, a petition may be granted and an unsigned opinion (per curiam) issued without oral argument if at least six members of the court vote accordingly.

4. A constitutional amendment, effective January 1, 1986, gave the Supreme Court, along with the Court of Criminal Appeals, jurisdiction to answer certified questions.

5. The Supreme Court has a rider in its appropriation pattern in the General Appropriations Act (HB 1, 80th Leg., R.S., Art. IV, page IV-3, Rider 4) that states, "It is the intent of the Legislature that the Supreme Court equalize the dockets of the 14 courts of appeals. Equalization shall be considered achieved if the new cases filed each year per justice are equalized by 10 percent or less among all the courts of appeals." Although the rider requiring the transfer of cases first appeared in fiscal year 2000 in the General Appropriations Act (HB 1, 76th Leg., R.S., Art. IV, page IV-1, Rider 3), the Supreme Court has transferred cases between the courts of appeals since 1895 (24th Leg., R.S., Ch. 53, 1895 Tex. Gen. Laws 79).

6. In 1997, the 75th Legislature enacted Chapter 51, Texas Government Code, Subchapter J, requiring the Texas Supreme Court to administer funds for provision of basic civil legal services to the indigent.

7. The Court of Criminal Appeals was originally composed of three judges. As the court's workload increased, the legislature granted it the authority to appoint commissioners to aid in the disposition of pending cases. In 1966, a constitutional amendment increased the number of judges on the court to five, and in 1977, a further amendment to the Constitution added another four judges, for the current total of nine judges on the court.

8. A constitutional amendment adopted in 1980 provides that "The Court of Criminal Appeals shall have final appellate jurisdiction coextensive with the limits of the State, and its determination shall be final, in all criminal cases of whatever grade, with such exceptions and under such regulations as may be provided in this Constitution or as prescribed by law."

9. Under Article 11.07, Texas Code of Criminal Procedure.

10. In accordance with Chapter 56 and Section 74.025, Texas Government Code.

11. See *Arteaga v. Jackson*, 994 S.W.2d 342, 342 (Tex. App. - Texarkana 1999, pet. denied), *Arnold v. West Bend Co.*, 983 S.W.2d 365, 366 n.1 (Tex. App. - Houston [1st Dist.] 1998, no pet.) and *Chapa v. Spivey*, 999 S.W.2d 833, 835-836 (Tex. App. - Tyler 1999, no pet.).

12. In 2007, the 80th Legislature raised the jurisdiction of justice courts in civil actions from \$5,000 to \$10,000 (80th Leg. R.S., Ch. 383, 2007 Tex. Gen. Laws 687).

13. Article V, Section 31 of the Texas Constitution.

14. In accordance with Section 74.091 or Section 74.0911, Texas Government Code.

15. The administrative responsibilities of the local administrative judge are detailed in Section 74.092, Texas Government Code.

# Information About Texas Judges

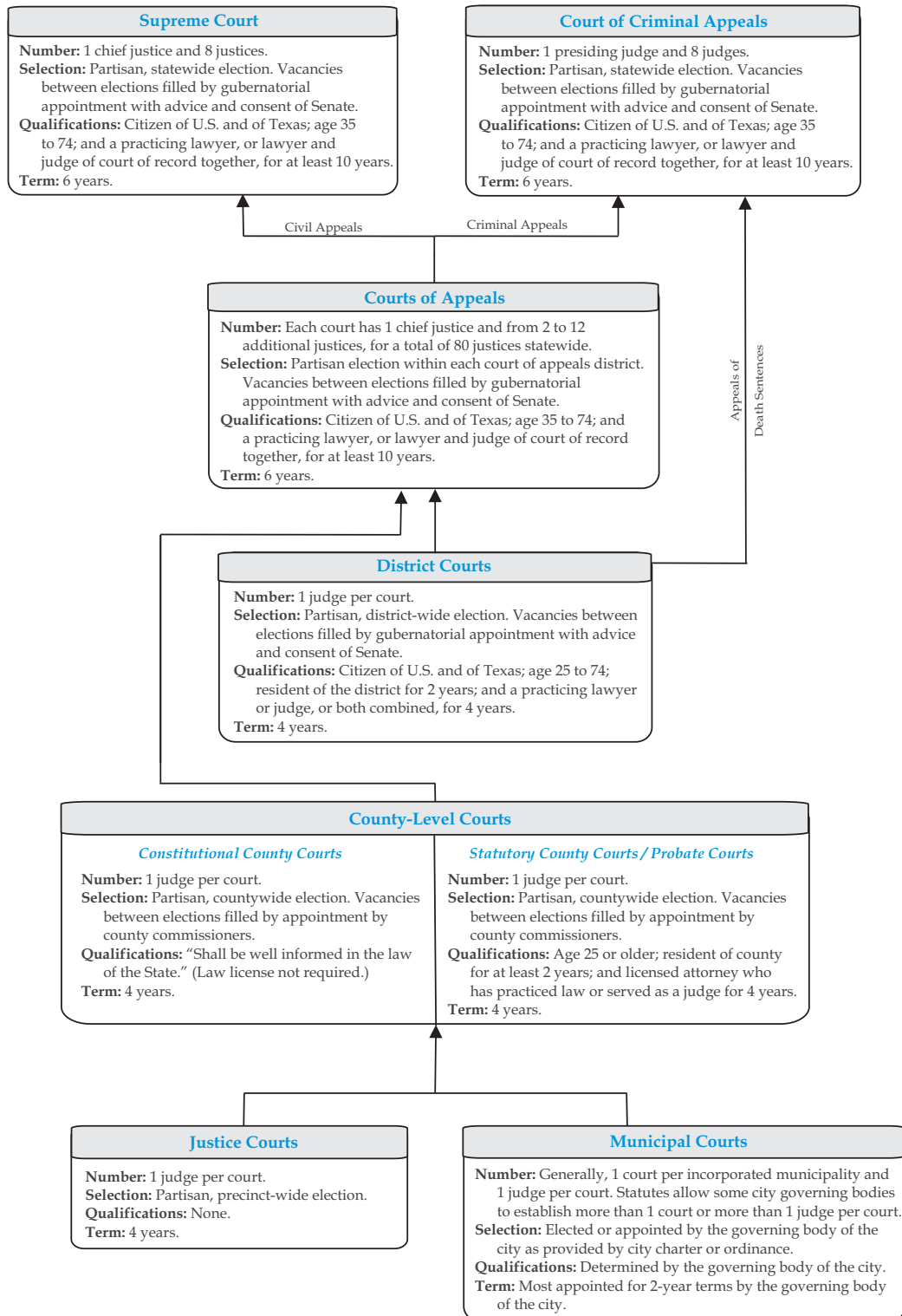
For the Fiscal Year  
Ended August 31, 2008



Photo courtesy of TexasCourthouses.com

*Parker County Courthouse - Weatherford*

# Judicial Qualifications, Selection and Terms of Office





## Profile of Appellate and Trial Judges\*

(as of September 1, 2008)

	Supreme Court	Court of Criminal Appeals	Court of Appeals	District Courts	Criminal District Courts	County Courts at Law	Probate Courts	County Courts	Justice Courts	Municipal Courts
<b>NUMBER OF JUDGES:</b>										
Number of Judge Positions	9	9	80	431	13	222	18	254	821	1414
Number of Judges	9	9	79	429	13	222	18	254	819	1406
Number of Vacant Positions	0	0	1	2	0	0	0	0	2	8
Number of Municipalities w/ Courts	--	--	--	--	--	--	--	--	--	917
Cities with No Courts	--	--	--	--	--	--	--	--	--	277
<b>AGE OF JUDGES:</b>										
Mean	(n = 9) 53	(n = 9) 65	(n = 79) 56	(n = 429) 56	(n = 13) 52	(n = 185) 61	(n = 16) 67	(n = 199) 56	(n = 700) 80	(n = 1179) 58
Oldest	63	75	74	75	64	84	77	80	89	90
Youngest	42	55	38	36	40	37	56	31	25	26
<b>RANGE OF AGE:</b>										
Under 25	0	0	0	0	0	0	0	0	0	0
25 through 34	0	0	0	0	0	0	0	1	10	18
35 through 44	1	0	9	50	3	21	0	11	53	150
45 through 54	5	0	26	138	5	75	0	39	173	298
55 through 64	3	7	33	201	5	69	12	98	289	408
65 through 74	0	1	11	38	0	15	3	44	143	224
Over 75	0	1	0	2	0	5	1	6	32	81
<b>GENDER OF JUDGES:</b>										
Males	(n = 9) 8	(n = 9) 5	(n = 79) 48	(n = 429) 306	(n = 13) 10	(n = 185) 153	(n = 16) 14	(n = 199) 225	(n = 700) 548	(n = 1179) 930
Females	1	4	31	123	3	69	4	29	270	473
<b>ETHNICITY OF JUDGES:</b>										
African-American	(n=9) 2	(n=9) 0	(n=79) 2	(n=429) 12	(n=13) 2	(n=185) 7	(n=16) 0	(n=199) 2	(n=700) 26	(n=1179) 50
American Indian or Alaska Native	0	0	1	2	0	0	0	0	1	12
Asian or Pacific Islander	0	0	1	2	0	0	0	0	0	10
Hispanic/Latino	1	0	11	61	0	35	2	17	127	175
White (Non-Hispanic)	6	9	63	340	10	145	10	189	513	835
Other	0	0	0	4	0	2	0	1	0	10
<b>LENGTH OF SERVICE:</b>										
Average	(n=9) 6 Yr 9 Mo	(n=9) 9 Yr 5 Mo	(n=79) 7 Yr 3 Mo	(n=429) 9 Yr 0 Mo	(n=13) 5 Yr 6 Mo	(n=185) 9 Yr 1 Mo	(n=16) 14 Yr 7 Mo	(n=199) 7 Yr 7 Mo	(n=700) 9 Yr 7 Mo	(n=1179) 8 Yr 9 Mo
Longest	19 Yr 8 Mo	15 Yr 8 Mo	21 Yr 8 Mo	28 Yr 7 Mo	18 Yr 4 Mo	32 Yr 5 Mo	27 Yr 0 Mo	30 Yr 7 Mo	45 Yr 5 Mo	44 Yr 1 Mo
<b>RANGE OF SERVICE ON THIS COURT IN YEARS:</b>										
Under 1 Year	0	0	2	13	1	0	0	2	13	70
1 through 4	5	0	20	113	6	55	3	96	230	491
5 through 9	3	5	32	125	2	84	3	93	274	336
10 through 14	0	3	19	72	2	31	3	28	130	229
15 through 19	1	1	5	76	2	21	4	20	96	90
20 through 24	0	0	1	21	0	23	3	10	37	72
25 through 29	0	0	0	12	0	7	2	4	31	43
30 through 34	0	0	0	0	0	1	0	1	6	14
35 through 39	0	0	0	0	0	0	0	0	1	6
Over 40	0	0	0	0	0	0	0	0	1	2
<b>FIRST ASSUMED OFFICE BY:</b>										
Appointment	(n=9) 5 (56%)	(n=9) 1 (11%)	(n=79) 45 (57%)	(n=429) 172 (40%)	(n=13) 4 (31%)	(n=185) 67 (30%)	(n=16) 7 (39%)	(n=199) 46 (18%)	(n=700) 217 (26%)	(n=1179) 1374 (99%)
Election	4 (44%)	8 (89%)	34 (43%)	257 (60%)	9 (69%)	155 (70%)	11 (61%)	208 (82%)	602 (74%)	14 (1%)
<b>EDUCATION:</b>										
<b>HIGH SCHOOL:</b>										
Attended	--	--	--	--	--	--	--	--	40 (6%)	26 (2%)
Graduated	--	--	--	--	--	--	--	--	662 (93%)	1148 (89%)
<b>COLLEGE:</b>										
Attended	0 (0%)	0 (0%)	0 (0%)	6 (1%)	0 (0%)	5 (2%)	0 (0%)	35 (16%)	168 (24%)	136 (11%)
Graduated	9 (100%)	9 (100%)	77 (97%)	395 (93%)	12 (92%)	187 (85%)	15 (83%)	140 (65%)	232 (33%)	799 (62%)
<b>LAW SCHOOL:</b>										
Attended	0 (0%)	0 (0%)	0 (0%)	4 (1%)	0 (0%)	3 (1%)	0 (0%)	0 (0%)	3 (0%)	5 (0%)
Graduated	9 (100%)	9 (100%)	79 (100%)	423 (99%)	13 (100%)	216 (99%)	18 (100%)	28 (13%)	62 (9%)	724 (56%)
<b>LICENSED TO PRACTICE LAW:</b>										
Number Licensed	9 (100%)	9 (100%)	79 (100%)	429 (100%)	13 (100%)	222 (100%)	18 (100%)	27 (11%)	61 (7%)	735 (52%)
Mean Year Licensed	1983	1974	1979	1980	1982	1982	1975	1978	1982	1983
<b>RANGE OF YEAR LICENSED:</b>										
Before 1955	0	0	0	1	0	1	1	0	0	6
1955 through 1959	0	1	1	2	0	1	0	1	1	7
1960 through 1964	0	0	2	6	0	3	1	1	1	21
1965 through 1969	0	1	5	26	1	11	1	5	5	58
1970 through 1974	1	2	12	64	1	22	4	5	12	79
1975 through 1979	2	3	16	104	2	40	8	3	7	113
1980 through 1984	2	2	21	94	4	40	2	4	10	108
1985 through 1989	1	0	14	56	2	56	0	3	5	96
1990 through 1994	3	0	7	58	2	31	1	2	9	121
1995 through 1999	0	0	1	17	1	17	0	3	10	97
Since 2000	0	0	0	2	0	0	0	0	1	29
<b>ORIGINALLY CAME TO THIS COURT FROM:</b>										
Attorney Private Practice	1 (11%)	2 (22%)	22 (28%)	--	--	--	--	--	--	--
Judge of Lower Court	6 (67%)	4 (44%)	14 (18%)	--	--	--	--	--	--	--
Legislative Service	1 (11%)	3 (33%)	3 (4%)	--	--	--	--	--	--	--
Other Governmental Service	1 (11%)	0 (0%)	0 (0%)	--	--	--	--	--	--	--
<b>PREVIOUS EXPERIENCE:</b>										
Prosecutor	0 (0%)	5 (56%)	14 (18%)	177 (41%)	5 (38%)	95 (43%)	3 (17%)	9 (4%)	--	--
Attorney Private Practice	6 (67%)	9 (100%)	43 (54%)	314 (73%)	12 (92%)	141 (64%)	15 (83%)	23 (9%)	--	--
Judge of Lower Court	4 (44%)	2 (22%)	15 (19%)	67 (16%)	1 (8%)	34 (15%)	3 (17%)	13 (5%)	--	--
County Commissioner	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	16 (6%)	--	--

\* Data may be incomplete, as this chart includes only information reported to OCA.  
District and county-level associate judges not included in data. Data for municipal courts includes associate judges.

# Salaries of Elected State Judges

In August 2005, the 79<sup>th</sup> Legislature amended statutes relating to the compensation of state judges (H.B. 11, 79<sup>th</sup> Legislature, Second Called Session). Effective December 1, 2005, the annual state salary of a district judge increased to \$125,000. While Chapter 32 of the Government Code authorizes the state salaries of district court judges to be supplemented from county funds, amendments made to Section 659.012 of the Government Code limit the total annual salary for a district judge to a combined sum from state and county sources of \$5,000 less than the combined salary from state and county sources provided for a justice of a court of appeals.<sup>1</sup> In addition, the enactment eliminated special provisions created in Chapter 32 during the 78th Legislature allowing unrestricted payment by certain counties of an annual supplemental salary to district judges.

The annual state salary of a justice of a court of appeals increased to 110 percent of the annual state salary of a district judge. The chief justice of an appellate court receives \$2,500 more than the other justices of the court. While Chapter 31 of the Government Code authorizes the counties in each court of appeals district to pay each justice of the court of appeals for that district for judicial and administrative services rendered, amendments made to Section 659.012 of the Government Code limit the total salary for a justice of a court of appeals to a combined sum from state and county sources of \$5,000 less than the state salary paid to a justice of the Supreme Court. This same provision limits the chief justices of the courts of appeals to receive a combined salary of \$2,500 less than the state salary paid to justices of the Supreme Court.

Finally, the annual state salary of a justice of the Supreme Court or a judge of the Court of Criminal Appeals increased to 120 percent of the annual state salary of a district judge. The chief justice or presiding judge of these courts receives \$2,500 more than the other justices or judges on the courts.

Beginning September 1, 2007, judges became entitled to monthly longevity pay of \$20 for each year of service credited in the retirement system (maximum of \$320 per month) after completing 16 years of service. In addition, district judges presiding over silica or asbestos multi-district litigation became entitled to receive, in addition to their regular district judge salary and supplement, the maximum amount of compensation set by the Texas Judicial Council for a presiding judge of an administrative judicial region under Sec. 74.051 (b) of the Government Code.

1. Attorney General Opinion GA-0437 (2006).

## Salary Summary for Elected State Judges as of September 1, 2007

Judge <sup>1</sup>	State Salary	Additional Compensation <sup>2</sup>	Other	Total
Supreme Court - Chief Justice	\$152,500	N/A		\$152,500
Supreme Court - Justice	\$150,000	N/A		\$150,000
Ct. of Criminal Appeals - Presiding Judge	\$152,500	N/A		\$152,500
Ct. of Criminal Appeals - Judge	\$150,000	N/A		\$150,000
Court of Appeals - Chief	\$140,000	up to \$7,500 <sup>3</sup>		\$147,500
Court of Appeals - Justice	\$137,500	up to \$7,500 <sup>3</sup>		\$145,000
Presiding Judge - Admin. Judicial Region (Active District Judge)	\$125,000	up to \$15,000 <sup>3</sup>	not to exceed \$33,000 <sup>4</sup>	up to \$173,000
Presiding Judge - Admin. Judicial Region (Retired or Former Judge)	N/A	N/A	\$35,000 - 50,000 <sup>5</sup>	up to \$50,000
District Judge - Local Admin. Judge who serves in county with more than 5 district courts	\$125,000	up to \$15,000 <sup>3</sup>	\$5,000 <sup>6</sup>	\$145,000
District Judge	\$125,000	up to \$15,000 <sup>3</sup>		\$140,000
District Judge - Presiding judge of silica or asbestos multi-district litigation	\$125,000	up to \$15,000 <sup>3</sup>	not to exceed \$33,000 <sup>7</sup>	up to \$173,000

**Notes:**

- Entitled to monthly longevity pay of \$20 for each year of service credited in the retirement system (maximum of \$320 per month) after completing 16 years of service.
- Additional compensation provided by counties in judicial and appellate districts for extra judicial service performed by judges and justices. Tex. Gov't Code Secs. 31.001 and 32.001.
- The state salary of a district judge whose county supplement exceeds \$15,000, or appellate justice whose county supplement exceeds \$7,500, will be reduced by the amount of the excess so that the maximum salary the judge or justice receives from state and county sources is \$140,000 (district judge), \$145,000 (appellate justice), or \$147,500 (appellate chief justice). Tex. Gov't Code Secs. 659.012, 31.001 and 32.001.
- Presiding judges' salary set by Texas Judicial Council. Tex. Gov't Code Sec. 74.051(b). Paid by counties in administrative judicial region on a pro rata basis based on population.
- Presiding judges' salary based on number of courts and judges in region. Tex. Gov't Code Sec. 74.051(c). Paid by counties in administrative judicial region on a pro rata basis based on population.
- Tex. Gov't Code Sec. 659.012(d).
- Tex. Gov't Code Sec. 659.0125.

# ***State Judges Appointed***

***September 1, 2007 to August 31, 2008***

**Hon. William J. Boyce**  
*Justice, 14th Court of Appeals*  
*Appointed December 24, 2007*  
*Succeeding Hon. J. Harvey Hudson*

**Hon. Jeffrey V. Brown**  
*Justice, 14th Court of Appeals*  
*Appointed December 24, 2007*  
*Succeeding Hon. Richard H. Edelman*

**Hon. Christopher A. Antcliff**  
*Judge, 448th District Court*  
*Appointed November 16, 2007*  
*Newly Created Court*

**Hon. Travis B. Bryan, III**  
*Judge, 272nd District Court*  
*Appointed March 17, 2008*  
*Succeeding Hon. Richard Davis*

**Hon. David D. Farr**  
*Judge, 312th District Court*  
*Appointed November 26, 2007*  
*Succeeding Hon. Douglas Squier*

**Hon. Melissa Goodwin**  
*Judge, 427th District Court*  
*Appointed September 27, 2007*  
*Newly Created Court*

**Hon. Charlotte G. Hinds**  
*Judge, 423rd District Court*  
*Appointed November 1, 2007*  
*Newly Created Court*

**Hon. Patricia J. Kerrigan**  
*Judge, 190th District Court*  
*Appointed November 1, 2008*  
*Succeeding Hon. Jennifer Elrod*

**Hon. Albert M. McCaig, Jr.**  
*Judge, 506th District Court*  
*Appointed October 1, 2007*  
*Newly Created Court*

**Hon. Stuart M. Messer**  
*Judge, 100th District Court*  
*Appointed March 17, 2008*  
*Succeeding Hon. David McCoy*

**Hon. Don W. Minton**  
*Judge, Criminal District Court No. 1*  
*Appointed January 1, 2008*  
*Newly Created Court*

**Hon. Jay M. Phelan**  
*Judge, 286th District Court*  
*Appointed November 2, 2007*  
*Succeeding Hon. Harold Phelan*

**Hon. Daniel G. Rios**  
*Judge, 449th District Court*  
*Appointed November 21, 2007*  
*Newly Created Court*

**Hon. Mike Seiler**  
*Judge, 435th District Court*  
*Appointed May 28, 2008*  
*Newly Created Court*

**Hon. Jeff A. Shadwick**  
*Judge, 55th District Court*  
*Appointed December 25, 2007*  
*Succeeding Hon. Jeffrey Brown*

# Activity of the Texas Courts

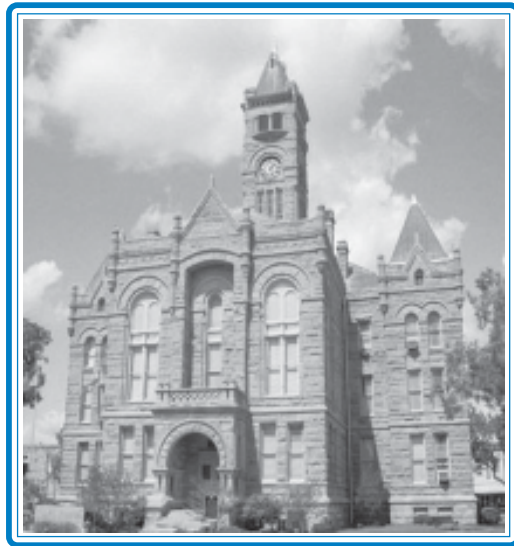


Photo courtesy of TexasCourthouses.com

*Lavaca County Courthouse - Hallettsville*

## Cautionary Statement

Perhaps more caution should be used in drawing general conclusions from court statistics than from statistics on other subjects. These statistics do not attempt to portray everything courts or judges do, or how much time is spent on court-related activities not represented by these court statistics.

Regarding appellate courts, temporary emergencies such as illness of a judge or unusually burdensome cases may distort the statistical picture. In addition, there is no reliable way to ascertain the time spent by appellate or trial judges in study or research in the composing of their opinions and decisions.

At least three factors are not represented in the district court statistics presented and should be borne in mind when evaluating judicial output:

1. One very complicated case may consume an inordinate amount of time compared to less complicated cases.
2. The judges of district courts in most rural areas spend more time traveling than do their urban counterparts. Unlike most urban district courts, the district courts in rural areas often serve multiple counties to which the judge must regularly travel. Also, a metropolitan complex of many judges of identical jurisdiction permits judicial efficiencies not available in rural areas.
3. Judges have to spend many hours on administrative matters and other judicial functions not reported in this statistical report, e.g., preparing and submitting the necessary budget requests for the operation of the court to the county commissioners, impaneling grand juries, managing petit jury requirements, supervising community supervision and county auditor departments, handling juvenile corrections duties and responsibilities, and performing many other duties not related to their judicial functions.

As a result of their official position, many county-level court judges, justices of the peace, and municipal court judges also have non-judicial responsibilities in the community that are not reflected in these statistics.

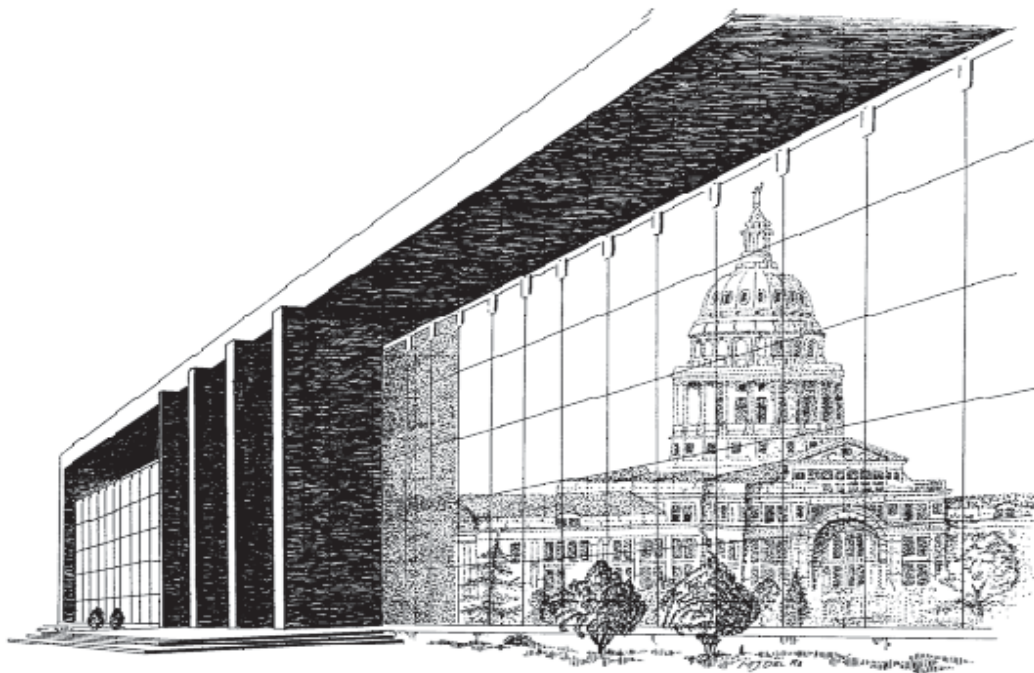
The court activity in this report contains the reported activity from: 1) all appellate courts as reported by the appellate clerks; 2) district and county-level courts as reported by the district and county clerks; and 3) justice and municipal courts as reported by these courts. **However, it should be noted that not all trial courts have reported all their activity.**

In addition, clerks, judges, or other interested individuals may later discover inaccuracies in the data that were reported. As a result, amended reports may be filed after the release of this publication. Clerks may also later submit reports that had been missing at the time of publication, making the data more complete.

The latest trial court data are available from OCA's website at [www.dm.courts.state.tx.us/oca/reportselection.aspx](http://www.dm.courts.state.tx.us/oca/reportselection.aspx).

# Caseload Trends in the Appellate Courts

Analysis of Activity for the Fiscal Year  
Ended August 31, 2008



*Reflection of State Capitol on Supreme Court Building*

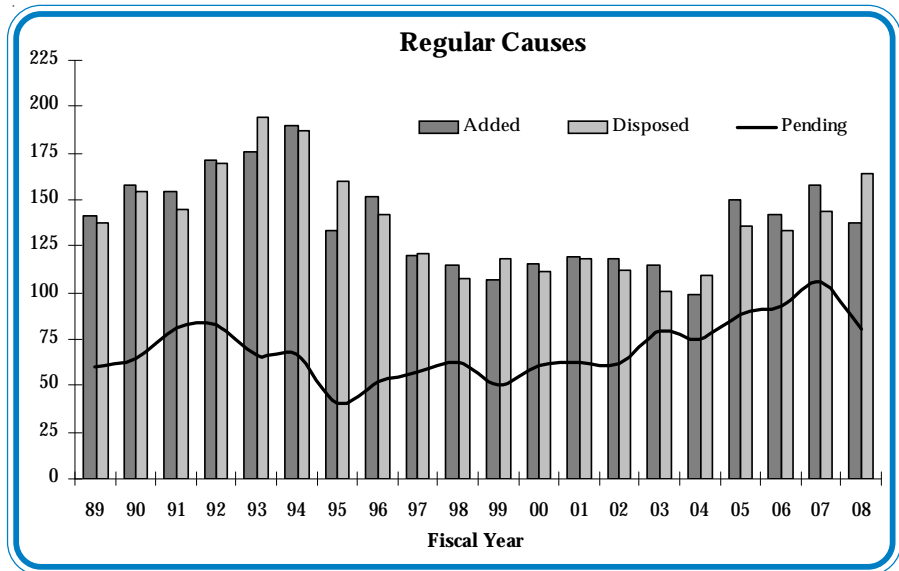


# The Supreme Court

**Regular Causes<sup>1</sup>** - The 138 regular causes added to the court's docket in 2008 was 12.7 percent lower than the number added the year before (158 causes) but was in line with the five-year average of 137 causes added per year.

The court disposed of 13.9 percent more causes in 2008 than it did in the previous year. With the decrease in added causes and increase in dispositions, the clearance rate jumped to 118.8 percent. As a result, the number of causes pending at the end of the year fell to 80—the lowest number pending since 2003.

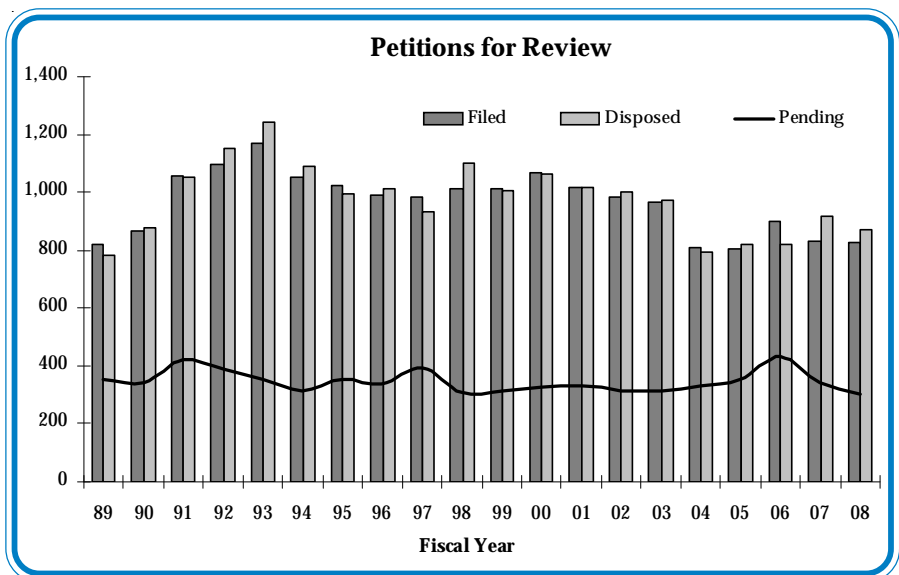
In 2008, the Supreme Court reversed the decision of the intermediate appellate court in 60.3 percent of cases in which it granted a petition for review, and it affirmed a decision in 7.9 percent of cases. Another 11.9 percent of cases had a mixed disposition (i.e., affirmed in part and reversed in part).



## Petitions for Review<sup>2</sup>

In 2008, 825 petitions for review were filed in the Supreme Court—a decrease of less than one percent from the previous year. Since 2004, an average of 834 petitions were filed each year, much lower than the average 1,033 petitions that were filed each year from 1991 to 2003.

Half (49.7 percent) of the petitions for review filed during 2008 came from the five most populous counties—Harris, Dallas, Tarrant, Bexar and Travis.



1. "Regular causes" involve cases in which four or more of the justices have decided in conference that a petition for review, petition for writ of mandamus or habeas corpus, or parental notification appeal should be reviewed. Regular causes also include direct appeals the court has agreed to review and questions of law certified to it by a federal appellate court that the court has agreed to answer. Most regular causes are set for oral argument in open court and are reported in written opinions. However, a petition may be granted and an unsigned opinion (per curiam) issued without oral argument if at least six members of the court vote accordingly.

2. Petitions for review do not include petitions for writs of mandamus, petitions for writs of habeas corpus, petitions for writs of prohibition and injunction, petitions to publish, parental notification appeals, or petitions for temporary injunctions.

Harris County alone accounted for 18.5 percent of petitions filed. Nearly one-quarter (22.1 percent) of petitions for review were filed from the 1st and 14th Courts of Appeals in Houston.

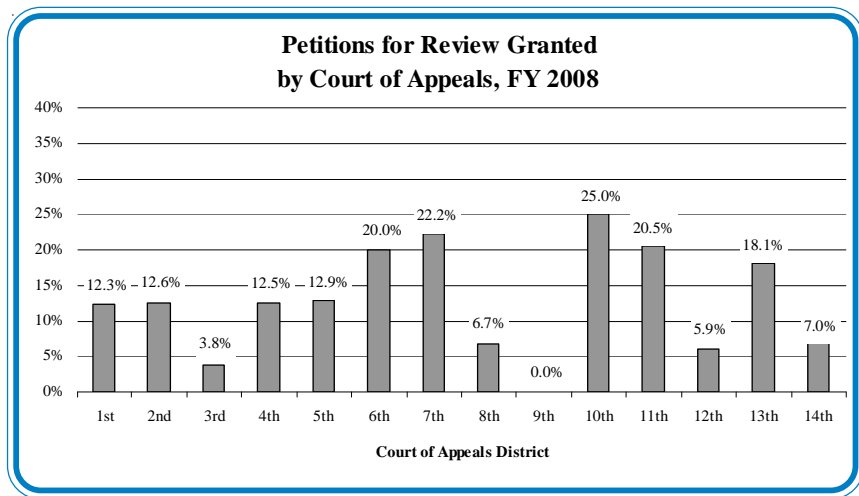
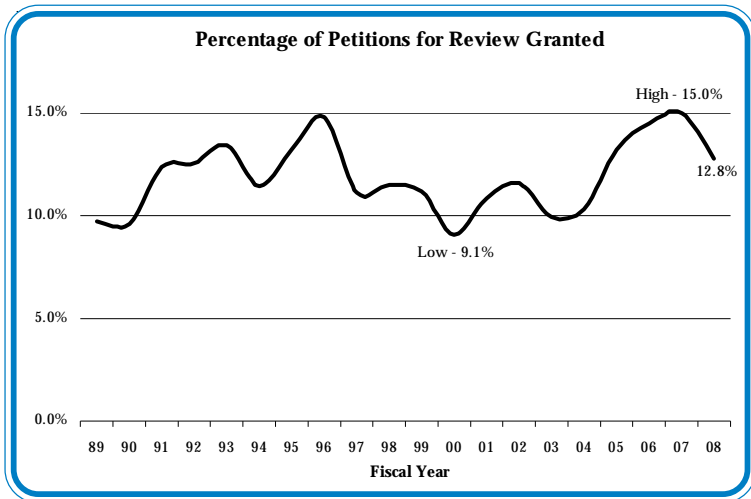
The Supreme Court disposed of 874 petitions for review in 2008, a decrease of 4.9 percent from the previous year (919 petitions). Petitions disposed out-numbered petitions filed, resulting in a 105.9 percent clearance rate. As a result, the number of petitions pending dropped to 301—the lowest number of petitions pending since 1987 (267 petitions).

Initial review was granted in 12.8 percent of the petitions for review disposed of in 2008, the lowest percentage since 2004, when 10.4 percent of petitions were granted. Initial review was granted most frequently (25 percent) in petitions filed from the 10th (Waco) Court of Appeals. No petitions for review were granted from the 9th (Beaumont) Court of Appeals.

**Case Processing Times -**

The time from filing to disposition for all cases disposed of in 2008 increased to 213 days—the highest level in five years. The average time that an active case had been pending decreased from 203 to 163 days; the average time from date of oral argument to disposition increased from 411 to 439 days; and the average time from granting of a petition to oral argument increased from 99 to 111 days.

**Opinions Written -** The justices of the Supreme Court issued 212 opinions in 2008, an increase of nearly 25 percent from the number issued the previous year (170 opinions) and the largest number issued since 1998, when the court issued 222 opinions. Approximately 36 percent were majority opinions, 28 percent were per curiam, 10 percent were concurring, and 14 percent were dissenting. Over the past 10 years, justices issued an average of 156 opinions per year.



Measure	Average Time
For cases disposed in FY 2008, time from filing to disposition	213 days
<i>For cases on docket in FY 2008:</i>	
For active cases, time from filing of case to end of reporting period (Aug. 31, 2008)	163 days
Time from filing to disposition of petition/ motion	169 days
Time from granting of petition to oral argument	111 days
Time from filing of petition to release of per curiam opinion	396 days
Time from date of oral argument to date of disposition	439 days



## Supreme Court Activity Fiscal Years 1999 through 2008

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	10-Yr. Avg.
<b>Regular Causes:<sup>1</sup></b>											
Added to docket	107	116	119	118	115	99	150	142	158	138	126
Disposed	118	111	118	112	101	109	136	133	144	164	125
Pending at end of year	49	61	63	62	79	75	88	93	106	80	76
Clearance rate	110.3%	95.7%	99.2%	94.9%	87.8%	110.1%	90.7%	93.7%	91.1%	118.8%	98.7%
<b>Petitions for Review:<sup>2</sup></b>											
Filed	1,012	1,069	1,018	986	968	810	805	897	831	825	922
Disposed:											
<i>Granted</i>	113	97	96	116	98	82	109	119	138	112	108
<i>Other dispositions</i>	893	966	1,020	885	875	709	714	703	781	762	831
Pending at end of year	313	328	329	314	317	332	353	431	344	301	336
Clearance rate	99.4%	99.4%	109.6%	101.5%	100.5%	97.7%	102.2%	91.6%	110.6%	105.9%	101.8%
<b>Other Writs and Motions:</b>											
Filed	1,911	1,997	1,925	2,087	2,761	1,909	2,010	2,037	2,062	2,142	2,084
Disposed	1,940	2,011	1,877	2,117	2,775	1,788	2,031	1,985	2,098	2,188	1,081
Pending at end of year	170	139	199	187	186	308	295	352	315	268	242
Clearance rate	101.5%	100.7%	97.5%	101.4%	100.5%	93.7%	101.0%	97.4%	101.7%	102.1%	99.9%
<b>Opinions Written</b>	165	180	139	165	128	122	136	145	170	212	156

NOTES:

1. "Regular causes" involve cases in which four or more of the justices have decided in conference that a petition for review, petition for writ of mandamus or habeas corpus, or parental notification appeal should be reviewed. Regular causes also include direct appeals the court has agreed to review and questions of law certified to it by a federal appellate court that the court has agreed to answer. Most regular causes are set for oral argument in open court and are reported in written opinions. However, a petition may be granted and an unsigned opinion (per curiam) issued without oral argument if at least six members of the court vote accordingly.
2. Includes applications for writ of error. Petitions for review replaced applications for writ of error as of September 1, 1997.

### Disposition of Petitions for Review by the Supreme Court September 1, 2007 through August 31, 2008

	Affirmed	Modified	Reversed	Mixed	Dismissed	Other Disposition	Total
<b>Granted Petitions for Review</b>	10	3	76	15	4	18	126
% of Total Granted Petitions for Review	7.9%	2.4%	60.3%	11.9%	3.2%	14.3%	100%
	<b>Initial Review Granted</b>	<b>Review Denied</b>	<b>Dismissed</b>	<b>Abated</b>	<b>Struck</b>	<b>Other Disposition</b>	<b>Total</b>
<b>Petitions for Review</b>	112	689	29	5	35	4	874
% of Total Petitions for Review	12.8%	78.8%	3.3%	0.6%	4.0%	0.5%	100%



# The Court of Criminal Appeals

**Mandatory Caseload** - The caseload of the Court of Criminal Appeals consists primarily of mandatory matters—review of applications for post conviction habeas corpus relief in felony cases, original proceedings, and direct appeals. In 2008, mandatory matters comprised 79 percent of all cases added to the docket.

Filings of mandatory matters decreased 13 percent from the previous year to 6,285 cases. In particular, direct appeals declined 7 percent to 237 cases, applications for writs of habeas corpus declined 15 percent to 5,154 cases, and original proceedings fell 3 percent to 894 cases.

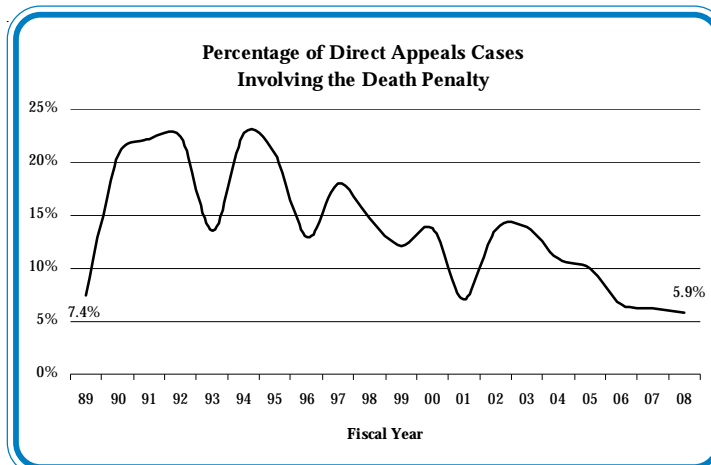
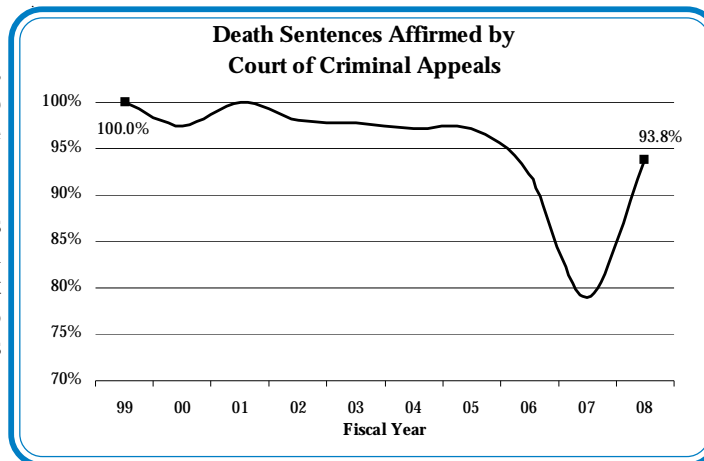
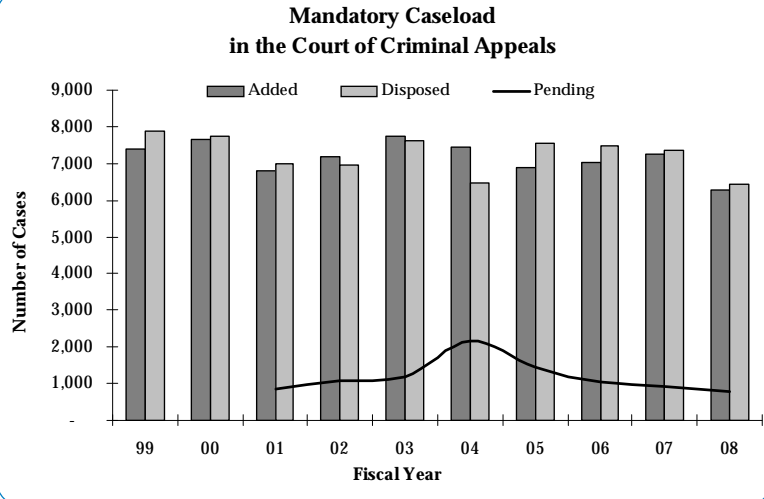
Overall, disposition of mandatory matters declined 12 percent from the previous year to 6,448 cases, but the clearance rate rose one percentage point to 102.6 percent.

The court denied 52.5 percent of applications for writs of habeas corpus (and dismissed another 32 percent) and denied 85.4 percent of original proceedings, compared to only 3.6 percent of direct appeals for habeas corpus and extraordinary matters.

## Death Penalty Appeals

Approximately 6 percent of the direct appeal cases filed in 2008 involved death penalty appeals, which is the lowest percentage in the previous two decades. In 1989, the percentage of direct appeals that involved death penalty appeals was 7.4 percent. This percentage jumped to 20.7 percent in 1990 and averaged 18.4 percent for the next 10 years, but has trended downward since 2003.

In 2008, the court affirmed 15 death penalty sentences, accounting for all but one of the cases decided. The sentence in the remaining case was reversed and the case was remanded.



### Discretionary Caseload –

The number of petitions for discretionary review and redrawn petitions for discretionary review filed with the Court of Criminal Appeals increased 8.3 percent in 2008 to 1,799 cases.

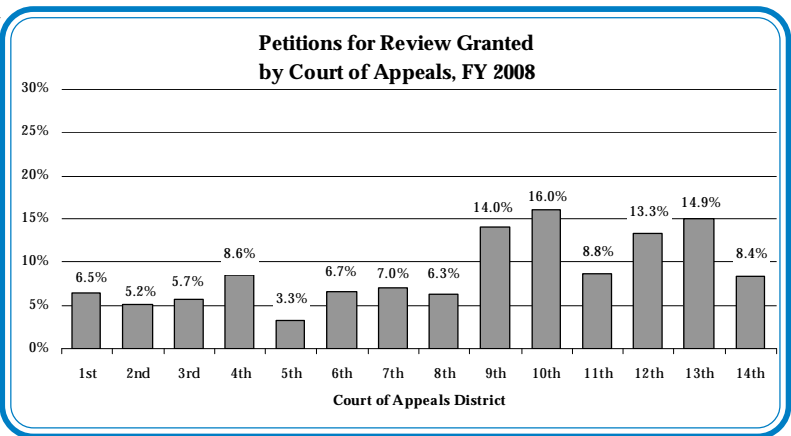
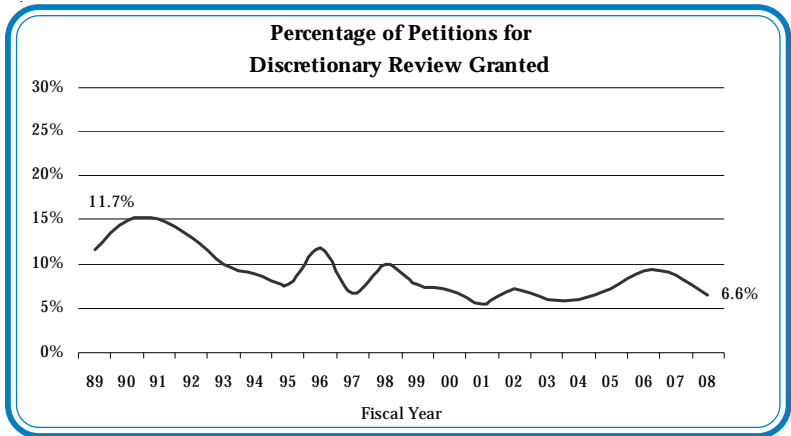
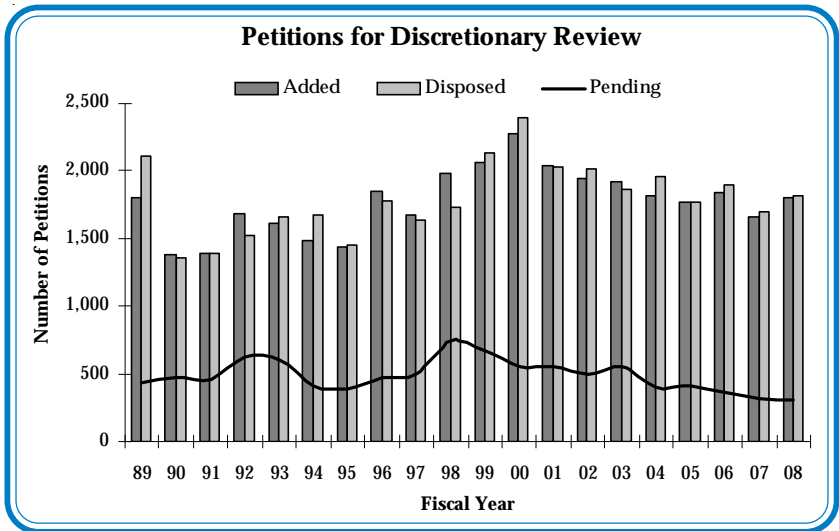
While half of petitions were filed from the five most populous counties—Harris, Dallas, Tarrant, Bexar, and Travis—petitions filed from the remaining counties in the state continued to grow, reaching a new high of 49.9 percent in 2008. Prior to 2005, these 249 counties had never accounted for more than 40 percent of petitions filed in any one fiscal year.

In 2008, dispositions of petitions for discretionary review and redrawn petitions for discretionary review rose to 1,820 cases—an increase of 7.1 percent over the previous year—and resulted in a clearance rate of 101.2 percent for this portion of the court’s caseload. At the end of the fiscal year, 302 cases were left pending—the lowest number pending in at least 20 years.

Of the petitions and redrawn petitions for discretionary review disposed in 2008, initial review was granted in 6.6 percent of the cases—lower than the average 7.5 percent of petitions granted each year over the past five years.

Initial review was granted most frequently (16.0 percent) in petitions filed from the 10th Court of Appeals district (Waco) and was granted least frequently (3.3 percent) in petitions filed from the 5th Court of Appeals district (Dallas).

**Opinions Written** - The judges of the Court of Criminal Appeals issued 500 opinions in 2008, which was equal to the five-year average. Nearly one-third (31.6 percent) of opinions were signed, 48.2 percent were per curiam, 9.0 percent were concurring, and 10.8 percent were dissenting.



**Court of Criminal Appeals  
Case Processing Times  
FY 2008**

Average time from filing to disposition for cases involving:

<i>Capital punishment</i>	866 days
<i>Application for writ of habeas corpus</i>	27 days
<i>Petition for discretionary review</i>	57 days

## Court of Criminal Appeals Activity Fiscal Years 1999 through 2008

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	
<b>Direct Appeals:</b> <sup>1</sup>											<b>10-Yr. Avg.</b>
Added to docket	363	387	256	278	308	245	239	256	255	237	284
Disposed	377	381	254	295	306	253	239	269	268	240	288
Pending at end of year	90	109	110	92	89	84	84	72	60	58	85
Clearance rate	103.9%	98.4%	99.2%	106.1%	99.4%	103.3%	100.0%	105.1%	105.1%	101.3%	101.6%
<b>Applications for Writ of Habeas Corpus:</b> <sup>2</sup>											<b>8-Yr. Avg.</b>
Filed	7,074	7,281	5,964	6,167	6,660	6,342	6,046	5,987	6,060	5,154	6,048
Disposed	7,573	7,383	6,123	5,968	6,611	5,448	6,609	6,381	6,158	5,290	6,074
Pending at end of year	869	931	694	900	948	1,836	1,267	853	762	628	986
Clearance rate	107.1%	101.4%	102.7%	96.8%	99.3%	85.9%	109.3%	106.6%	101.6%	102.6%	100.4%
<b>Original Proceedings:</b> <sup>3</sup>											<b>8-Yr. Avg.</b>
Filed	----	----	602	732	758	834	583	796	922	894	765
Disposed	----	----	602	702	721	761	702	812	924	918	768
Pending at end of year	----	----	68	101	147	219	99	101	98	78	114
Clearance rate	----	----	100.0%	95.9%	95.1%	91.2%	120.4%	102.0%	100.2%	102.7%	100.3%
<b>Petitions for Discretionary Review:</b> <sup>4</sup>											<b>10-Yr. Avg.</b>
Filed	2,229	2,446	2,146	2,097	2,039	1,935	1,897	2,017	1,810	1,904	2,052
Disposed	2,318	2,578	2,128	2,160	2,028	2,068	1,886	2,009	1,872	1,968	2,102
Pending at end of year	802	669	685	618	629	496	507	516	450	391	576
Clearance rate	104.0%	105.4%	99.2%	103.0%	99.5%	106.9%	99.4%	99.6%	103.4%	103.4%	102.4%
<b>Motions Considered</b>	2,400	2,146	2,043	1,774	1,479	1,597	1,382	1,576	1,707	1,463	1,757
<b>Opinions Written</b>	798	709	472	595	612	471	474	486	575	500	569

**NOTES:**

1. Direct appeals include death penalty appeals, DNA appeals, and appeals involving habeas corpus or extraordinary matters.
2. Prior to fiscal year 2001, original proceedings were included in "Applications for Writ of Habeas Corpus, etc." Applications for writ of habeas corpus, though seeking relief from the Court of Criminal Appeals, must be filed in the trial court, which has 35 days in which to submit findings of fact, conclusions of law, and a recommendation to the Court of Criminal Appeals.
3. Original proceedings are filed directly with the Court of Criminal Appeals; they include writs of certiorari, writs of habeas corpus, writs of mandamus, and writs of prohibition.
4. Petitions for Discretionary Review includes petitions for discretionary review, granted petitions for discretionary review, and redrawn petitions for discretionary review.

## Disposition of Cases by the Court of Criminal Appeals September 1, 2007 through August 31, 2008

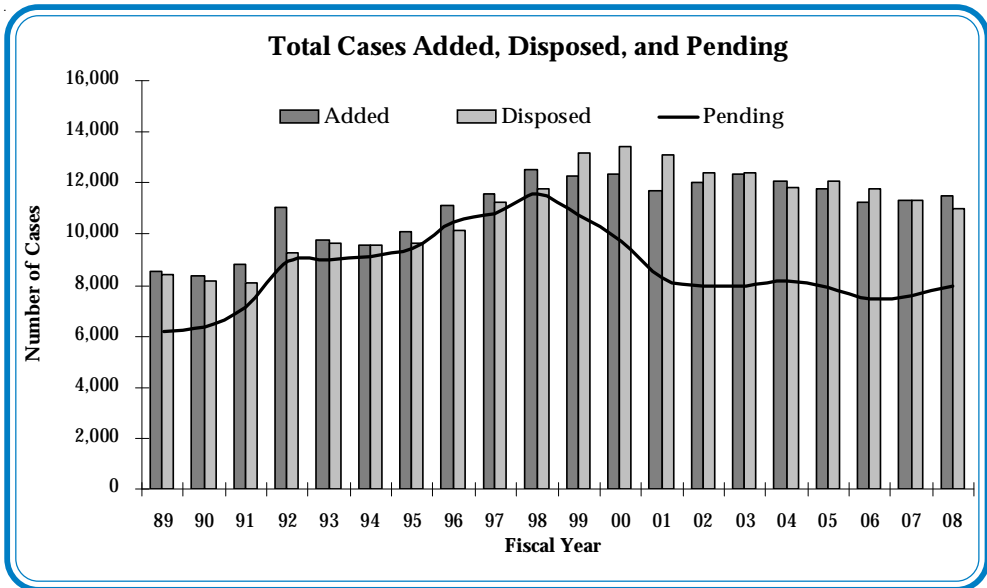
	Affirmed	Reversed & Remanded	Total							
Death Penalty Appeals	15	1	16							
DNA Appeals	1	1 <sup>1</sup>	2							
	Granted	Denied/Refused	Dismissed	Withdrawn	Struck	Untimely	Other	Total		
Habeas Corpus & Extraordinary Matters	207	8	5	0	0	0	2	222		
Petitions for Discretionary Review <sup>2</sup>	120	1,382	7	1	223	87	0	1,820		
	Affirmed	Reversed	Reversed & Remanded	Remanded	Mixed	Dismissed	Other	Total		
Granted Petitions for Discretionary Review	55	19	37	22	5	10	0	148		
	Filed & Set	Denied	Remanded	Dismissed	Returned	Abated	Other	Total		
Applications for Writ of Habeas Corpus	209	2,776	358	1,695	249	2	1	5,290		
Original Proceedings	4	784	0	3	0	127	0	918		
	Granted	Denied	Dismissed	Filed & Set	Remanded	Other	Total			
Motions for Reconsideration <sup>3</sup>	18	10	5	2	3	5	43			
Motions for Stay of Execution	3	10	0	0	0	1	14			

- NOTES:**
1. Vacated and remanded.
  2. Includes redrawn petitions for discretionary review.
  3. An additional 204 motions were disposed of with "no action" according to TRAP Rule 79.2(d).

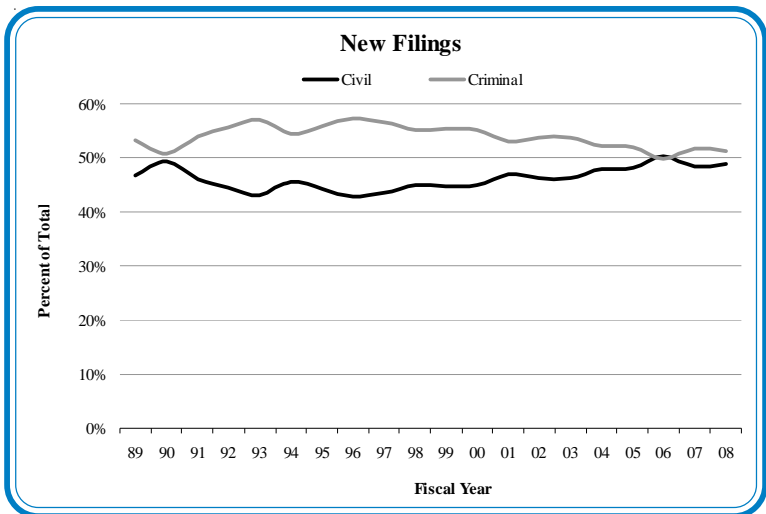


# The Courts of Appeals

**Cases Filed** – In 2008, the number of cases added overall increased by 1.4 percent from the previous year to 11,473 cases. Despite small increases over the past two years, the number of cases added was still lower than the 10-year average of 11,855 cases added per year. The increase in cases added was equally represented by new filings and other cases,<sup>1</sup> with an increase of 1.3 and 1.7 percent, respectively.



Civil cases accounted for approximately 49 percent, and criminal cases 51 percent, of all new filings in 2008. Over the last decade, new civil filings generally grew both in number as well as a proportion of all new cases filed—from 44.7 percent of all new filings in 1999 to 48.9 percent in 2008. Over the past three years, civil and criminal cases each accounted for about half of the courts' dockets.



Fewer than half (46.4 percent) of all appeals filed in 2008 came from the state's five most populous counties—Harris, Dallas, Bexar, Tarrant and Travis—16.1 percent came from Harris County alone and 13.5 came from Dallas County.

**Cases Disposed** – In 2008, the courts of appeals disposed of 11,005 cases—a decrease of 2.5 percent compared to the previous year's dispositions and the fewest number of cases disposed of since 1996. More than two-fifths (41.9 percent) of the cases disposed of in 2008 were affirmed, 6.1 percent were reversed, 2.2 percent had a mixed disposition (i.e., affirmed in part and reversed in part), and 29.0 percent were dismissed.

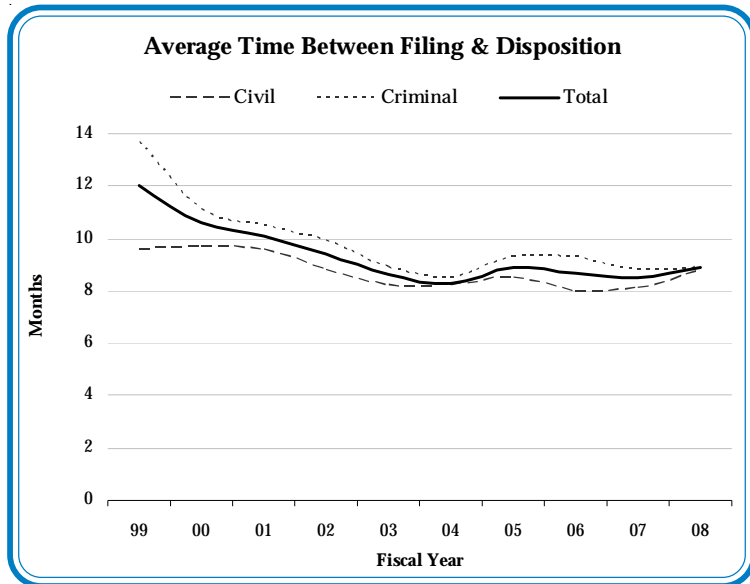
Civil Cases	Criminal Cases	Overall
Harris - 17.6%	Harris - 14.6%	Harris - 16.1%
Dallas - 13.8%	Dallas - 13.2%	Dallas - 13.5%
Tarrant - 6.6%	Bexar - 6.8%	Tarrant - 6.5%
Bexar - 5.7%	Tarrant - 6.4%	Bexar - 6.3%
Travis - 5.5%	Jefferson - 4.9%	Travis - 4.0%

1. Rehearings granted, cases reinstated, cases remanded from higher courts, and transferred cases.

The average time between filing and disposition for all cases increased to 8.9 months. For civil cases, the time to disposition increased from 8.1 months in 2007 to 8.8 months in 2008, while it remained relatively the same for criminal cases (approximately 8.9 months).

The average time between submission and disposition for all cases increased from 1.8 months in 2007 to 2.0 months in 2008. Both the average time for criminal cases and civil cases increased slightly; up to 1.6 and 2.3 months, respectively.

The number of cases disposed of by the courts of appeals were 107 less than the number added, resulting in a clearance rate of 95.9 percent, the lowest clearance rate in the past 10 years.

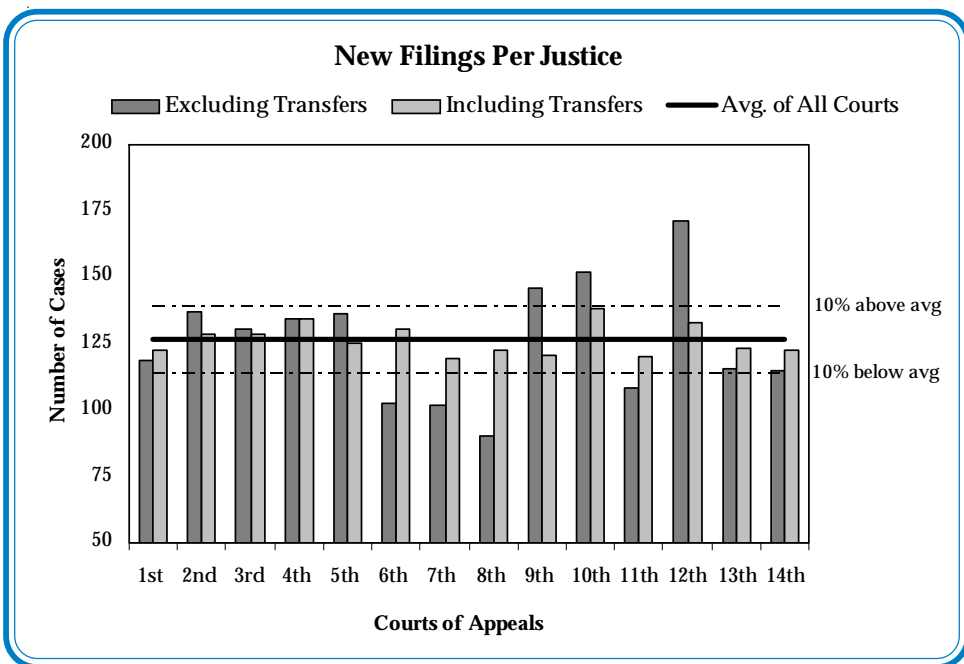


**Cases Pending** – At the end of fiscal year 2008, a total of 7,998 cases were pending statewide, up 5.2 percent from the number pending at the end of the previous year. More than half (54.0 percent) of these cases had been pending for fewer than six months, and 82.4 percent had been pending for less than one year. The percentage of cases pending more than two years remained at 2.1 percent, though it was still down from the 10-year high of 4.9 percent in 1998.

**Opinions Written** – During 2008, the justices of the courts of appeals issued 10,348 opinions, 53.0 percent of which were published. Since 2004, the rate of publication has exceeded 50 percent due to a change in the Texas Rules of Appellate Procedure in 2003.<sup>2</sup>

**Docket Equalization** – To reduce disparities in the number of new cases filed per justice among the courts of appeals, the Supreme Court issues quarterly orders for the transfer of cases from those courts with higher new case filing rates per justice to those with lower rates.

In 2008, the statewide average number of new filings per justice was 126 cases prior to any transfers. The number of new cases filed per justice ranged from 90 cases in the Eighth Court of Appeals (El Paso) to



2. An amendment to Rule 47, Texas Rules of Appellate Procedure, effective January 1, 2003, required all civil opinions to be made public (except those in parental notification of abortion matters) and abolished the “do not publish” designation in civil cases.

171 cases in the Twelfth Court of Appeals (Tyler). The average percentage difference of the 14 courts from the statewide average was 14.4 percent.

A total of 507 cases were transferred among the courts of appeals during the year in an effort to equalize the workloads of the courts. The Fifth Court of Appeals (Dallas) transferred out the most cases (142 cases), while the Eighth (El Paso) and Fourteenth (Houston) Courts of Appeals each received the largest number of transferred cases (98 and 99 cases, respectively).

As a result of these transfers, the number of cases filed per justice ranged from a low of 120 cases per justice in the Seventh (Amarillo) and Eleventh (Eastland) Courts of Appeals to a high of 138 cases filed per justice in the Tenth Court of Appeals (Waco). After transfers, the average percentage difference of the 14 courts from the statewide average was only 3.9 percent—exceeding the goal of 10 percent, maximum, set by the Texas Legislature.<sup>3</sup>

## Courts of Appeals Activity for Fiscal Years 1999 through 2008

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	10-Yr. Avg
<b>Civil Cases:</b>											
Cases added											
<i>New filings</i>	4,969	4,898	4,792	4,877	4,888	4,999	5,013	4,971	4,940	4,949	4,930
<i>Other cases</i>	241	279	347	343	351	326	378	419	378	353	342
Cases disposed	5,254	5,457	5,515	5,404	5,172	5,220	5,441	5,440	5,286	5,136	5,333
Cases pending at end of year	3,987	3,717	3,346	3,229	3,288	3,427	3,398	3,376	3,457	3,569	3,479
Clearance rate	100.8%	105.4%	107.3%	103.5%	98.7%	98.0%	100.9%	100.9%	99.4%	96.9%	101.2%
Avg. time between filing & disposition (months)	9.6	9.7	9.6	8.8	8.2	8.2	8.5	8.0	8.1	8.8	8.8
Avg. time between submission & disposition (months)	2.5	2.1	2.4	2.3	2.8	2.8	2.8	2.3	2.1	2.3	2.4
<b>Criminal Cases:</b>											
Cases added											
<i>New filings</i>	6,145	6,016	5,436	5,686	5,671	5,444	5,381	4,939	5,039	5,163	5,492
<i>Other cases</i>	936	1,150	1,122	1,079	1,431	1,342	982	908	960	1,008	1,092
Cases disposed	7,894	7,972	7,614	6,995	7,248	6,610	6,617	6,344	6,000	5,869	6,916
Cases pending at end of year	6,739	5,973	4,948	4,748	4,588	4,740	4,515	4,100	4,144	4,429	4,892
Clearance rate	111.5%	111.2%	116.1%	103.4%	102.1%	97.4%	104.0%	108.5%	100.0%	95.1%	104.9%
Avg. time between filing & disposition (months)	13.7	11.1	10.5	9.9	8.9	8.5	9.3	9.3	8.8	8.9	9.9
Avg. time between submission & disposition (months)	1.8	1.3	1.6	1.6	1.9	1.7	1.9	1.7	1.5	1.6	1.7
<b>All Cases:</b>											
Cases added											
<i>New filings</i>	11,114	10,914	10,228	10,563	10,559	10,443	10,394	9,910	9,979	10,112	10,422
<i>Other cases</i>	1,177	1,429	1,469	1,422	1,782	1,668	1,360	1,327	1,338	1,361	1,433
Cases disposed	13,148	13,429	13,129	12,399	12,420	11,830	12,058	11,784	11,286	11,005	12,249
Cases pending at end of year	10,723	9,690	8,292	7,977	7,876	8,167	7,913	7,476	7,601	7,998	8,371
Clearance rate	107.0%	108.8%	112.3%	103.5%	100.6%	97.7%	102.6%	104.9%	99.7%	95.9%	103.3%
Avg. time between filing & disposition (months)	12.0	10.6	10.1	9.4	8.6	8.3	8.9	8.7	8.5	8.9	9.4
Avg. time between submission & disposition (months)	2.0	1.6	1.9	1.9	2.2	2.2	2.3	2.0	1.8	2.0	2.0
<b>Opinions Written</b>	12,787	12,798	12,691	11,959	11,404	11,363	11,461	11,408	10,921	10,348	11,714

3. "It is the intent of the Legislature that the Supreme Court equalize the dockets of the 14 courts of appeals. Equalization shall be considered achieved if the new cases filed each year per justice are equalized by 10 percent or less among all the courts of appeals" (80<sup>th</sup> Legislature, H.B. 1, Supreme Court Rider 4).

# Activity for the Fiscal Year Ended August 31, 2008

	1 <sup>st</sup> Houston	2 <sup>nd</sup> Fort Worth	3 <sup>rd</sup> Austin	4 <sup>th</sup> San Antonio	5 <sup>th</sup> Dallas	6 <sup>th</sup> Texarkana	7 <sup>th</sup> Amarillo	8 <sup>th</sup> El Paso	9 <sup>th</sup> Beaumont	10 <sup>th</sup> Waco	11 <sup>th</sup> Eastland	12 <sup>th</sup> Tyler	13 <sup>th</sup> Corpus Christi/ Edinburg	14 <sup>th</sup> Houston
<b>Number of Justices</b>	9	7	6	7	13	3	4	3	4	3	3	3	6	9
<b>Civil Cases:</b>														
Cases added	587	527	470	500	844	145	170	210	233	219	145	149	437	666
Cases disposed	600	507	453	464	876	151	186	143	233	191	156	147	485	639
Cases pending at end of year	490	281	415	281	487	53	129	221	123	138	118	88	293	452
Clearance rate (%)	102.2%	96.2%	96.4%	92.8%	103.8%	104.1%	109.4%	68.1%	100.0%	87.2%	107.6%	98.7%	111.0%	96.0%
Avg. time between filing & disposition (months)	10.5	6.9	10.7	6.6	8.2	4.7	8.9	10.6	7.3	8.4	11.1	7.2	11.7	8.2
Avg. % of cases filed but not yet disposed for < 2 years	95.2%	99.2%	83.2%	99.7%	98.3%	99.6%	99.3%	97.5%	99.1%	98.5%	98.5%	100.0%	93.9%	97.6%
Avg. time between submission & disposition (months)	1.3	2.6	4.3	0.9	1.8	0.7	2.7	3.5	3.3	1.8	1.5	2.1	3.5	2.3
Avg. % of cases under submission for < 1 year	96.3%	95.1%	39.6%	100.0%	92.9%	100.0%	99.2%	94.1%	97.8%	99.1%	100.0%	100.0%	91.0%	91.4%
<b>Criminal Cases:</b>														
Cases added	649	481	376	467	1,274	270	423	168	251	275	240	266	419	612
Cases disposed	611	470	353	451	1,249	265	413	135	252	247	227	270	435	516
Cases pending at end of year	514	410	270	277	751	158	293	227	167	204	219	153	299	487
Clearance rate	94.1%	97.7%	93.9%	96.6%	98.0%	98.2%	97.6%	80.4%	100.4%	89.8%	94.6%	101.5%	103.8%	84.3%
Avg. time between filing & disposition (months)	10.1	10.4	11.0	7.1	7.4	7.4	8.6	12.7	7.5	8.8	11.2	6.8	11.0	9.0
Avg. % of cases filed but not yet disposed for < 2 years	99.7%	99.3%	90.5%	99.4%	99.7%	99.7%	99.7%	98.1%	99.9%	99.7%	99.3%	100.0%	95.7%	98.7%
Avg. time between submission & disposition (months)	1.0	2.7	3.0	0.8	1.5	0.8	1.3	4.4	2.3	1.7	1.2	1.0	1.4	1.9
Avg. % of cases under submission for < 1 year	99.6%	97.3%	38.0%	100.0%	97.3%	100.0%	100.0%	97.7%	100.0%	100.0%	100.0%	100.0%	95.6%	96.3%
<b>All Cases:</b>														
Cases added	1,236	1,008	846	967	2,118	415	593	378	484	494	385	415	856	1,278
Cases disposed	1,211	977	806	915	2,125	416	599	278	485	438	383	417	920	1,155
Cases pending at end of year	1,004	691	685	558	1,238	211	422	448	290	342	337	241	592	939
Clearance rate	98.0%	96.9%	95.3%	94.6%	100.3%	100.2%	101.0%	73.5%	100.2%	88.7%	99.5%	100.5%	107.5%	90.4%
Avg. time between filing & disposition (months)	10.3	8.6	10.8	6.9	7.8	6.4	8.7	11.6	7.4	8.6	11.1	7.0	11.4	8.6
Avg. % of cases filed but not yet disposed for < 2 years	98.6%	99.2%	86.1%	99.6%	99.1%	99.7%	99.6%	97.8%	99.6%	99.2%	99.0%	100.0%	94.8%	98.1%
Avg. time between submission & disposition (months)	1.1	2.6	3.7	0.9	1.7	0.8	1.8	3.9	2.8	1.7	1.3	1.3	2.5	2.1
Avg. % of cases under submission for < 1 year	97.6%	96.1%	39.1%	100.0%	94.7%	100.0%	99.6%	95.9%	98.6%	99.5%	100.0%	100.0%	92.4%	93.3%
<b>Opinions Issued</b>	904	928	965	935	1,665	417	659	278	504	406	354	427	826	1,080
<b>Published Opinions</b>	465	563	618	521	875	202	220	148	258	249	64	163	469	673



# Caseload Trends in the Trial Courts

Analysis of Activity for the Fiscal Year  
Ended August 31, 2008



Photo courtesy of TexasCourthouses.com

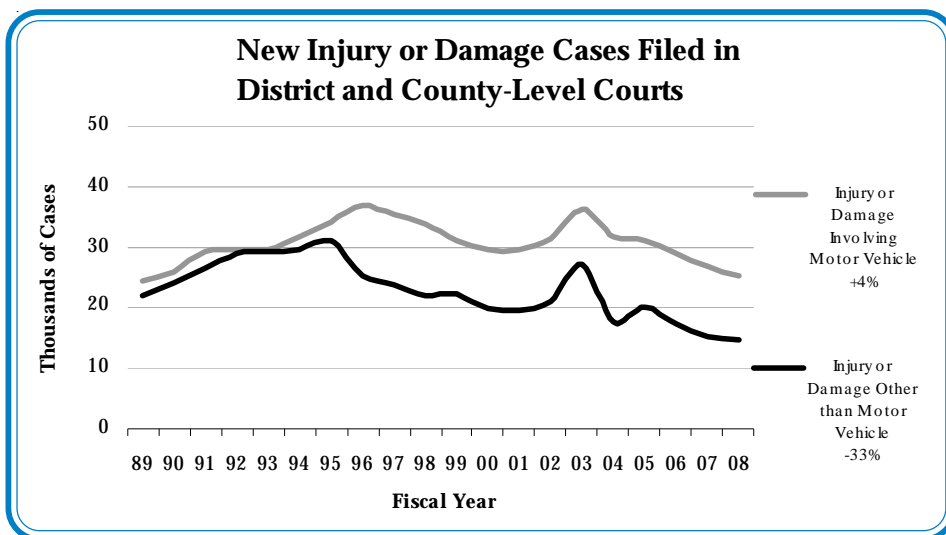
*Karnes County Courthouse - Karnes City*

## Trends in Texas District and County-Level Courts

### Injury and Damage Cases

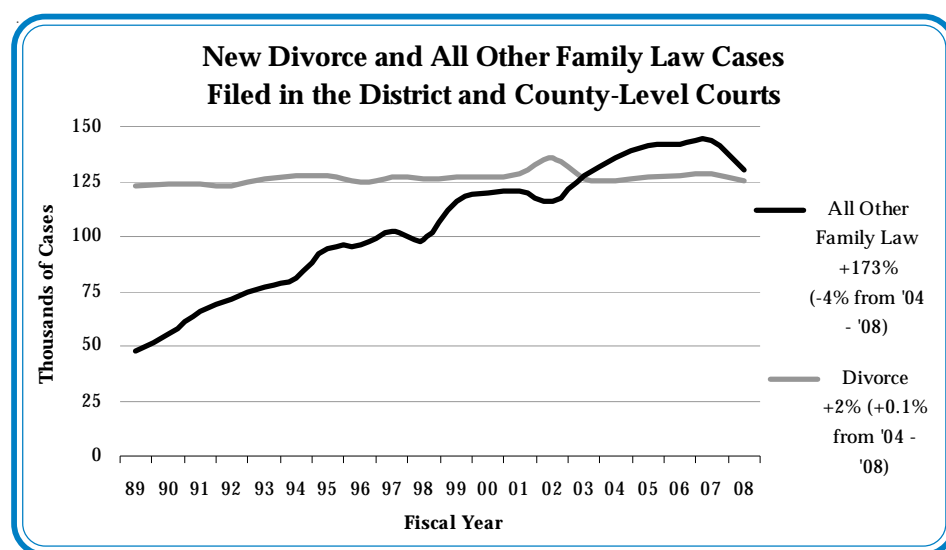
Overall, new filings of injury and damage cases decreased 13 percent between 1989 and 2008, though there were two periods of growth—one between 1990 and 1995 and another in 2003. Within this category, cases of injury or damage involving a motor vehicle increased 4 percent during the past two decades (from 24,336 to 25,368 cases), while cases of injury or damage not involving a motor vehicle declined 33 percent (from 21,848 to 14,675 cases).

Multiple legislative changes during these years impacted the volume of cases filed. A wave of new filings hit the courts at the end of fiscal year 2003 as litigants attempted to get their cases filed before the Medical Malpractice and Tort Reform Act went into effect on September 1, 2003.<sup>1</sup>



### Family Law Cases

Although the number of divorce cases filed in district and county-level courts remained steady over the past two decades, the number of cases involving “all other family law matters” grew by 173 percent (from 47,645 to 130,230 cases). Due to the “catch all” nature of this category, there may be several factors driving the increase. First, this category includes motions to modify and motions to enforce previously granted divorce decrees or other judgments in family law cases, involving issues such as child support and child custody. Therefore, many of these previously settled cases are likely to return to the courts’ dockets for modification or enforcement actions as time passes.



Also in the “all other family law matters” category are child protection cases. The number of investigated cases that were confirmed by Texas Department of Protective and Regulatory Services increased 49 percent from 1996 to 2007, from 28,489 to 42,445.<sup>2</sup> This increase in child protection cases, however, was minor compared to the increase in other family matters that were filed in the district and county-level courts.

Despite the significant growth in “all other family law matters,” the overall number of family law cases filed in 2008 dropped 9 percent from the number filed the previous year.

1. Medical Malpractice and Tort Reform Act, 78<sup>th</sup> Leg. R.S., Chap. 204, 2003 Tex. Sess. Law Serv. 847.

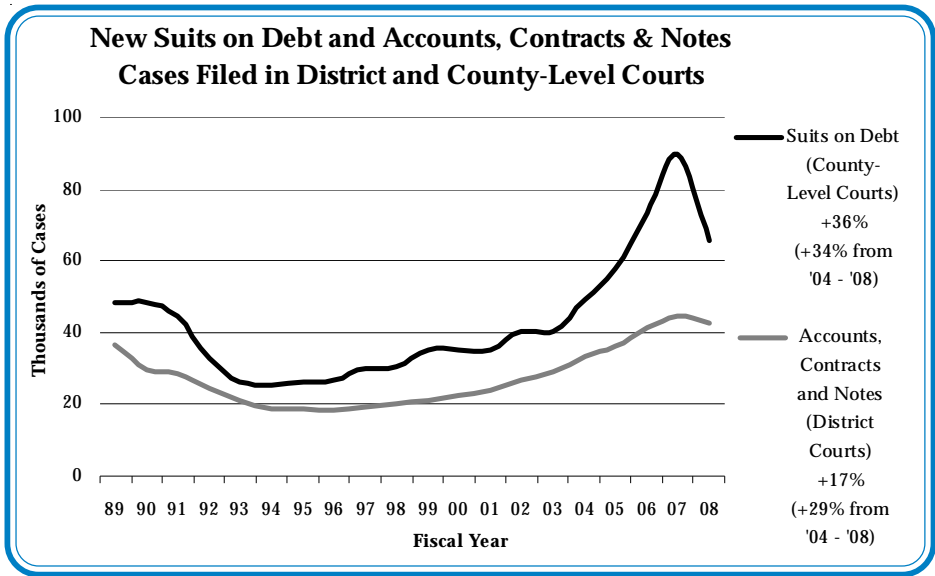
2. [http://www.dfps.state.tx.us/About/Data\\_Books\\_and\\_Annual\\_Reports/default.asp](http://www.dfps.state.tx.us/About/Data_Books_and_Annual_Reports/default.asp).

**Debt Cases** – New filings of debt cases in county-level courts showed a bifurcated trend, sharply decreasing between 1989 and the mid-1990s and then generally rising each year until 2008.

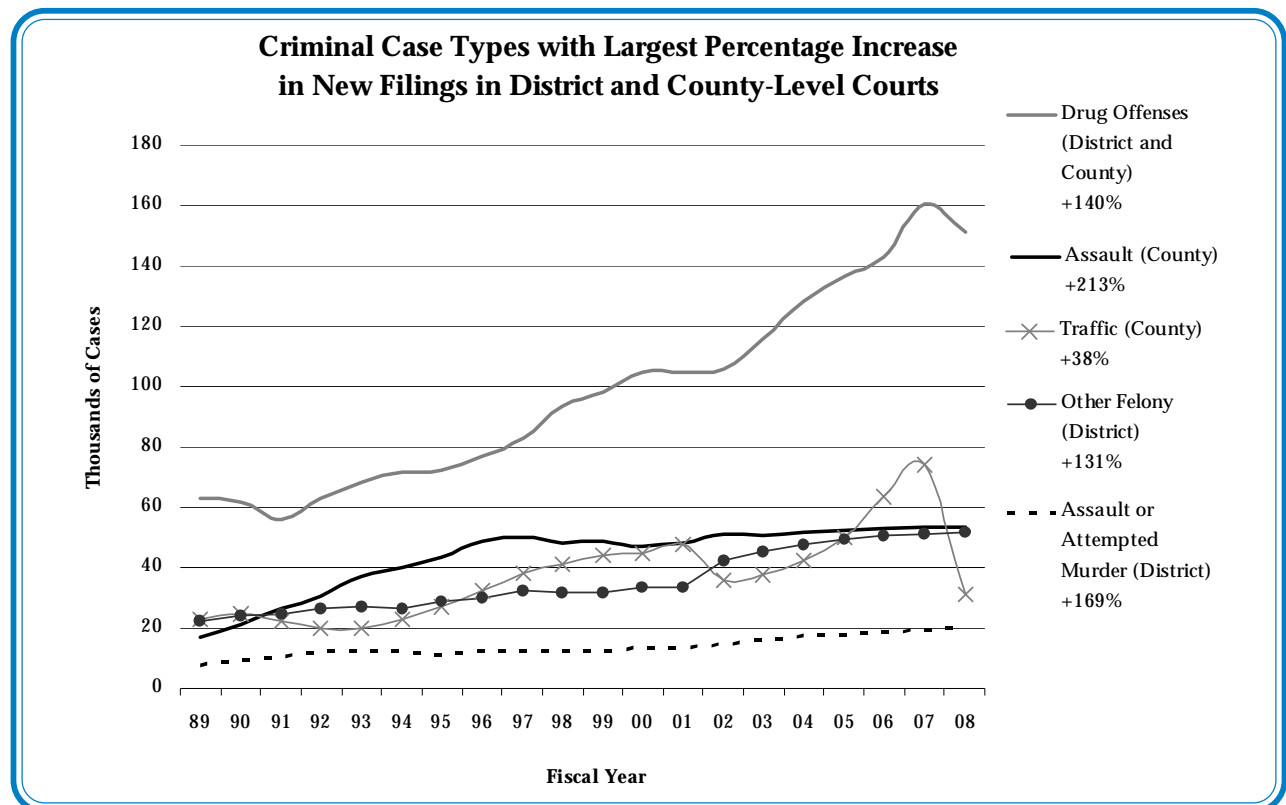
Debt cases in county-level courts dropped 48 percent between 1989 (48,257 cases) and 1994 (25,308 cases), rose steadily to a 20-year high in 2007 with 89,898 cases, then dropped 27 percent in 2008.

Similarly, the number of accounts, contracts and notes cases (which include debt cases) filed in the district

courts dropped 50 percent between 1989 (36,491 cases) and 1996 (18,394 cases), but steadily rose again every year until 2008, when the number of cases filed dropped 4 percent from the previous year.



**Criminal Cases** – Four categories of criminal cases increased more than 100 percent over the past 20 years. Misdemeanor assault cases increased 213 percent; felony assault or attempted murder cases increased 169 percent; felony and misdemeanor drug offense cases increased 140 percent; and “other” felonies increased 131 percent. As of last year, traffic cases had grown more than any other criminal case category, but the number of cases filed in 2008 dropped 58 percent from the number filed the year before.



## Assigned Judges in the Trial Courts

### Statistics For the Year Ended August 31, 2008

By the Chief Justice of the Supreme Court <sup>1</sup>	<u>1st</u> <u>Region</u>	<u>2nd</u> <u>Region</u>	<u>3rd</u> <u>Region</u>	<u>4th</u> <u>Region</u>	<u>5th</u> <u>Region</u>	<u>6th</u> <u>Region</u>	<u>7th</u> <u>Region</u>	<u>8th</u> <u>Region</u>	<u>9th</u> <u>Region</u>	<u>Total</u>
<b>Assignments to the Administrative Regions:</b>										
Number of Assignments:										
Senior/Former Appellate Judges	0	0	12	0	0	0	0	0	0	12
Active District Judges	0	0	0	1	3	0	0	0	1	5
Senior/Former District Judges	0	0	0	0	0	0	0	0	0	0
Active Statutory County Court Judges	0	0	0	0	0	0	0	0	0	0
Retired/Former Statutory County Court Judges	0	0	0	0	0	0	0	0	0	0
<b>TOTAL Assignments</b>	<b>0</b>	<b>0</b>	<b>12</b>	<b>1</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>17</b>
Days Served:										
Senior/Former Appellate Judges	0.0	0.0	2.0	0.0	0.0	0.0	0.0	0.0	0.0	2.0
Active District Judges	0.0	0.0	0.0	1.0	3.0	0.0	0.0	0.0	1.0	5.0
Senior/Former District Judges	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Active Statutory County Court Judges	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Retired/Former Statutory County Court Judges	0.0	0.0	2.0	0.0	0.0	0.0	0.0	0.0	0.0	2.0
<b>TOTAL Days Served</b>	<b>0.0</b>	<b>0.0</b>	<b>4.0</b>	<b>1.0</b>	<b>3.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>1.0</b>	<b>9.0</b>
<b>By Presiding Judges of Administrative Regions<sup>1</sup></b>										
<b>Assignments within the Administrative Regions:</b>										
Number of Assignments:										
Senior/Former Appellate Judges	90	200	36	29	7	25	10	88	36	521
Active District Judges	0	61	59	15	29	39	24	139	96	462
Senior/Former District Judges	541	1008	682	312	78	233	185	508	167	3,714
Active Statutory County Court Judges	9	30	0	5	3	1	1	48	0	97
Retired/Former Statutory County Court Judges	84	136	61	0	3	76	17	25	59	461
<b>TOTAL Assignments</b>	<b>724</b>	<b>1,435</b>	<b>838</b>	<b>361</b>	<b>120</b>	<b>374</b>	<b>237</b>	<b>808</b>	<b>358</b>	<b>5,255</b>
Days Served:										
Senior/Former Appellate Judges	228.0	374.0	14.0	68.5	18.0	275.0	37.5	210.0	45.5	1,270.5
Active District Judges	0.0	101.0	2.0	10.0	36.0	43.5	9.0	153.5	12.0	367.0
Senior/Former District Judges	1,976.0	2,186.0	393.0	1,033.5	526.0	464.5	248.0	1,265.5	226.5	8,319.0
Active Statutory County Court Judges	9.0	45.0	0.0	0.0	10.0	0.0	0.0	52.5	0.0	116.5
Retired/Former Statutory County Court Judges	262.0	242.0	24.0	0.0	4.0	126.5	20.0	59.0	99.0	836.5
<b>TOTAL Days Served</b>	<b>2,475.0</b>	<b>2,948.0</b>	<b>433.0</b>	<b>1,112.0</b>	<b>594.0</b>	<b>909.5</b>	<b>314.5</b>	<b>1,740.5</b>	<b>383.0</b>	<b>10,909.5</b>
<b>Assignments from Other Administrative Regions:</b>										
Number of Assignments:										
Senior/Former Appellate Judges	1	1	4	0	0	13	1	0	0	20
Active District Judges	4	3	13	0	0	9	0	0	0	29
Senior/Former District Judges	16	29	102	41	2	45	23	16	52	225
Active Statutory County Court Judges	0	10	0	0	0	0	0	0	0	10
Retired/Former Statutory County Court Judges	3	20	6	47	0	0	3	83	0	162
<b>TOTAL Assignments</b>	<b>24</b>	<b>63</b>	<b>125</b>	<b>88</b>	<b>2</b>	<b>67</b>	<b>27</b>	<b>99</b>	<b>52</b>	<b>547</b>
Days Served:										
Senior/Former Appellate Judges	1.0	4.0	2.0	0.0	0.0	2.0	0.0	0.0	0.0	9.0
Active District Judges	73.0	5.0	0.0	0.0	0.0	20.0	0.0	0.0	0.0	98.0
Senior/Former District Judges	83.0	108.0	24.0	108.5	6.0	53.5	56.5	39.0	84.5	563.0
Active Statutory County Court Judges	0.0	44.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	44.0
Retired/Former Statutory County Court Judges	7.0	65.0	2.0	167.5	0.0	0.0	3.0	105.0	14.0	363.5
<b>TOTAL Days Served</b>	<b>164.0</b>	<b>226.0</b>	<b>28.0</b>	<b>276.0</b>	<b>6.0</b>	<b>75.5</b>	<b>59.5</b>	<b>144.0</b>	<b>98.5</b>	<b>1,077.5</b>
<b>By the Supreme Court for Disciplinary Proceedings<sup>2</sup></b>										
Number of Assignments--Active District Judges	0	4	2	1	0	1	0	0	0	8
Days Served--Active District Judges	0.0	8.0	0.0	1.0	0.0	4.0	0.0	0.0	0.0	13.0
<b>Total ---Trial Court Assignments</b>										
<b>Number of Assignments</b>	<b>748</b>	<b>1,502</b>	<b>977</b>	<b>451</b>	<b>125</b>	<b>442</b>	<b>264</b>	<b>907</b>	<b>411</b>	<b>5,827</b>
<b>Days Served</b>	<b>2,639.0</b>	<b>3,182.0</b>	<b>465.0</b>	<b>1,390.0</b>	<b>603.0</b>	<b>989.0</b>	<b>374.0</b>	<b>1,884.5</b>	<b>482.5</b>	<b>12,009.0</b>
<b>Assignments to Other Administrative Regions</b>	<b>23</b>	<b>35</b>	<b>95</b>	<b>12</b>	<b>0</b>	<b>8</b>	<b>38</b>	<b>9</b>	<b>0</b>	<b>220</b>

**Notes:**

1. Assignment authorized by Sections 74.056 and 75.002, Texas Government Code.

2. Assignment authorized by Rule 3.02, Texas Rules of Disciplinary Procedure.

Information provided by the Presiding Judges of the Administrative Judicial Regions.



# District Courts

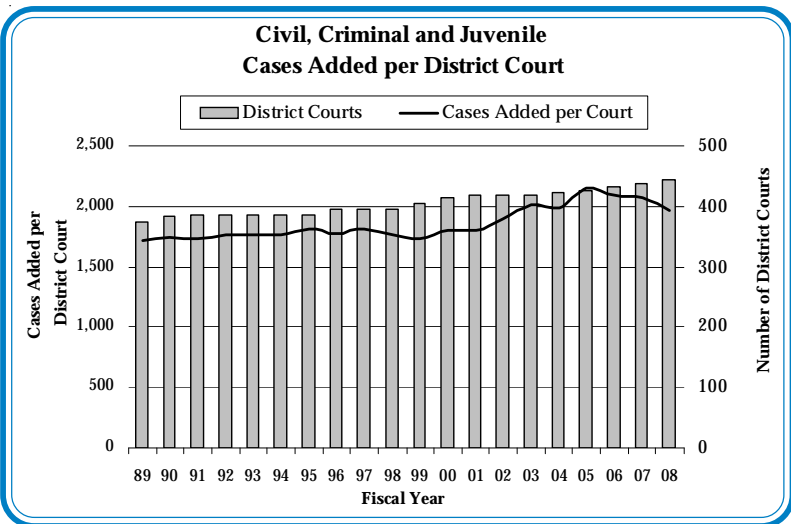
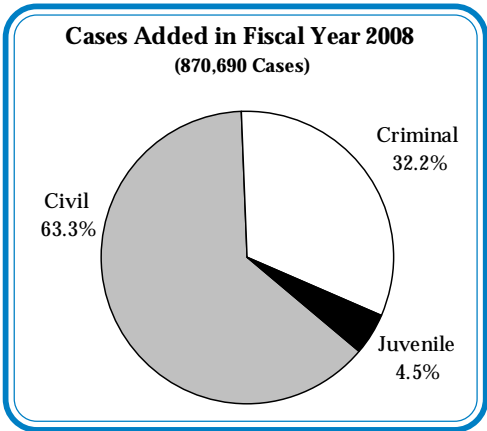
**Cases Added** – In 2008, 870,690 civil, criminal, and juvenile<sup>1</sup> cases were added<sup>2</sup> to the dockets of the state’s 444 district courts—a decrease of nearly 4 percent from the previous year—for an average of 1,961 cases added per district judge. Juvenile filings declined by 9.4 percent, civil filings by 4.4 percent, and criminal filings by 1.5 percent.

Just under half (47.9 percent) of all cases were added in the five largest counties—Harris, Dallas, Tarrant, Bexar, and Travis—and nearly 20 percent of cases were filed in Harris County alone. Harris County experienced the heaviest incoming caseload, with an average of 2,730 cases added to the dockets of the county’s 59 district courts. Bexar County’s caseload was second highest, with an average of 2,677 cases added per court (24 courts).

Civil cases accounted for 63.3 percent of all cases added during the fiscal year. Criminal cases accounted for 32.2 percent of all cases added, the highest percentage in more than 20 years. Family law cases (divorce, reciprocals and all other family law cases) comprised the majority (63.1 percent) of civil cases added in 2008, while drug offenses (drug possession, sale, and manufacture) accounted for 32.5 percent of all criminal cases added.

**Clearance Rates** – In 2008, 846,606 cases were disposed of by district courts, a decrease of 1.9 percent from the previous year; and the number of cases disposed of per district judge decreased by 3.4 percent to 1,907 cases per judge.

Overall, the case clearance rate rose from 95.4 percent in



**Civil, Criminal and Juvenile Cases Added in Fiscal Year 2008**

Counties with Most Cases Added per District Court	Counties with Fewest Cases Added per District Court
Harris - 2,730	King - 5
Bexar - 2,677	Loving - 10
Cameron - 2,580	Borden - 11
Jefferson - 2,435	McMullen - 14
Dallas - 2,417	Terrell - 14

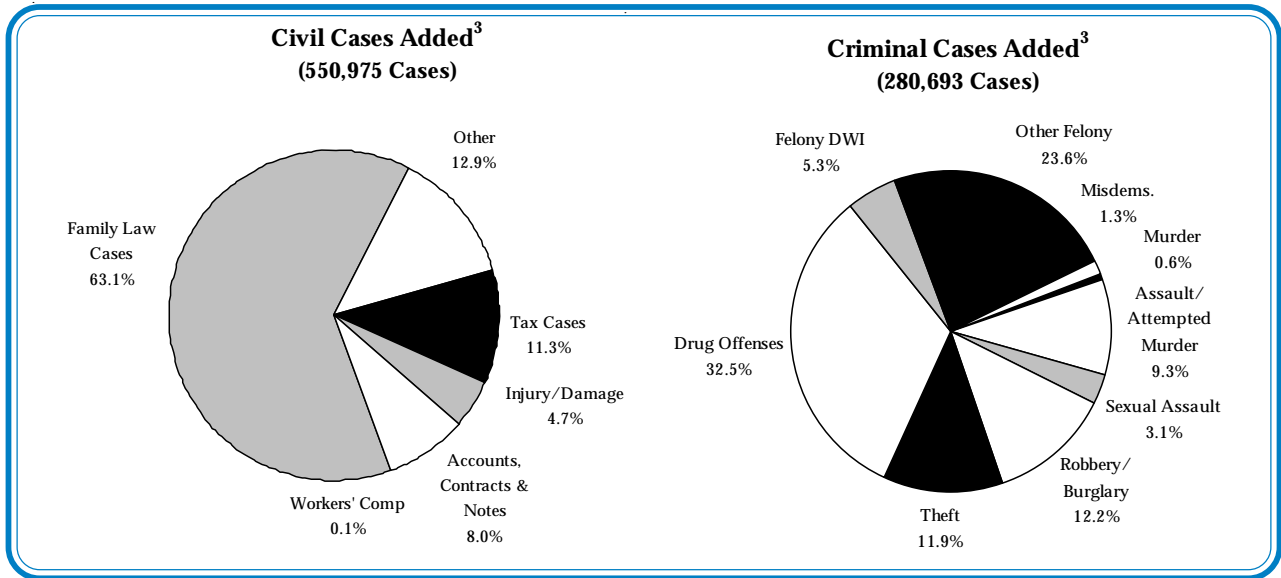
**Civil Case Clearance Rates, FY 2008**  
*In the Ten Most Populous Counties*

Harris - 102.7%	El Paso - 87.6%
Dallas - 85.5%	Collin - 90.9%
Tarrant - 95.7%	Hidalgo - 88.0%
Bexar - 93.4%	Denton - 91.2%
Travis - 103.5%	Fort Bend - 96.5%

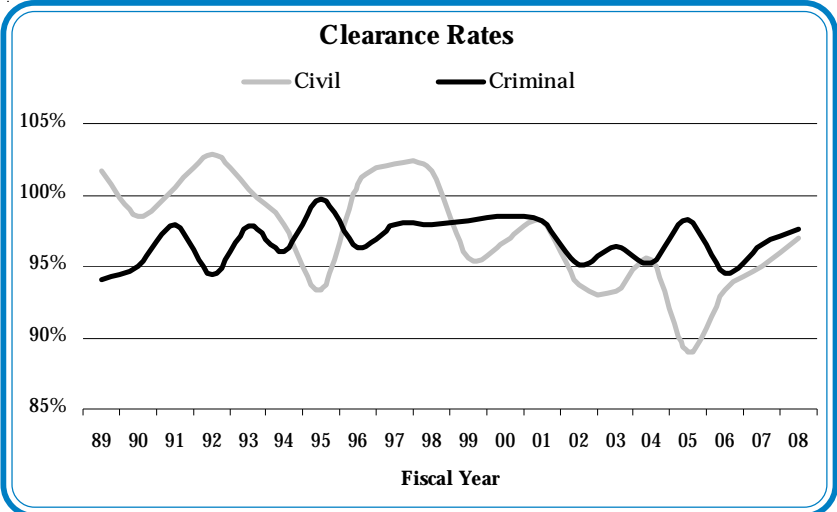
**Criminal Case Clearance Rates, FY 2008**  
*In the Ten Most Populous Counties*

Harris - 91.4%	El Paso - 70.3%
Dallas - 100.0%	Collin - 101.4%
Tarrant - 98.7%	Hidalgo - 105.0%
Bexar - 91.7%	Denton - 92.8%
Travis - 103.7%	Fort Bend - 94.1%

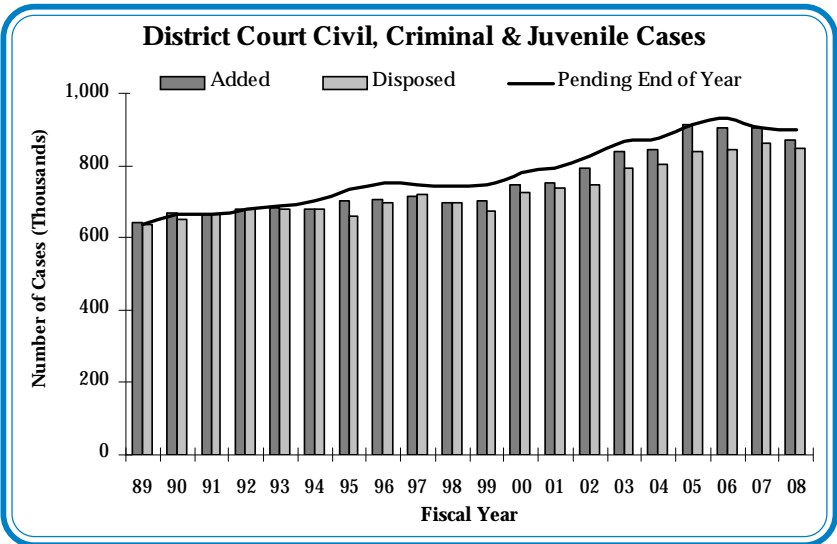
1. Juvenile caseload is discussed in the Juvenile Cases section.  
2. Includes new cases, show cause motions, motions to revoke, and other cases reaching docket.



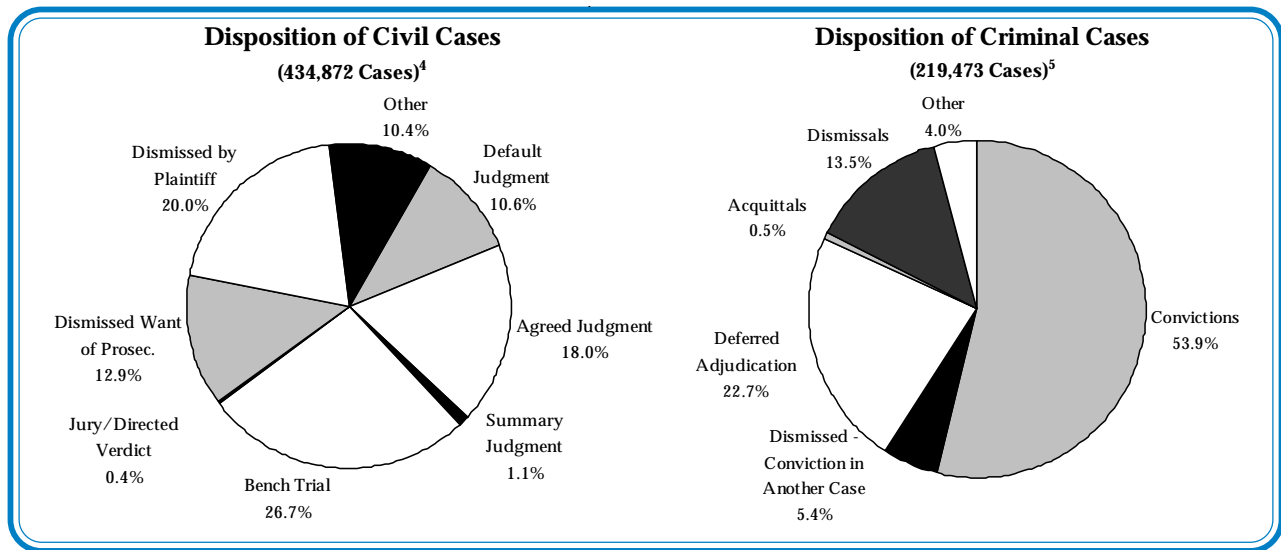
2007 to 97.2 percent in 2008, the highest clearance rate since 2001 (98.0 percent). The civil case clearance rate increased from 95.0 percent in 2007 to 97.0 percent in 2008, the criminal clearance rate increased from 96.5 percent to 97.5 percent, and the juvenile case clearance rate increased from 93.8 percent to 98.2 percent.



The number of cases reported pending at the end of 2008 declined by about 1,000 cases to 901,224 cases. Counties reported that further court proceedings could not be conducted in approximately 30.3 percent (76,196 cases) of the criminal cases pending because the defendant could not be located, was undergoing inpatient mental health treatment, or was otherwise unavailable for adjudication.



3. Does not total to 100 percent due to rounding.



Overall, only 0.4 percent of civil cases were settled by a jury verdict. However, 3.4 percent of workers' compensation cases, 3.2 percent of injury or damage cases involving a motor vehicle, and 2.0 percent of other injury or damage cases were disposed by jury trial.

In 2008, district courts disposed of 273,807 criminal cases, a slight decrease of 0.5 percent from the number disposed of the previous year. Defendants were convicted in 53.9 percent of the 219,473 cases that did not involve transfers or a motion to revoke probation. Another 5.4 percent of cases were dismissed because the defendant was convicted in another case. The highest conviction rate occurred in felony DWI cases (82.7 percent), while the lowest rate (39.7 percent) occurred in cases involving sexual assault of an adult. Misdemeanors had the highest rate of dismissal at 26.5 percent.<sup>6</sup>

Overall, 97.7 percent of convictions resulted from a guilty or *nolo contendere* plea. Defendants were most likely to enter a guilty or *nolo contendere* plea in felony DWI cases (81.5 percent) and least likely in cases involving sexual assault of an adult (33.5 percent).

Less than 2 percent of all cases (excluding transfers and motions to revoke probation) went to trial in 2008. Trial rates were significantly higher, however, in capital murder and murder cases, which went to trial in 23.9 percent and 19.4 percent of cases, respectively.

Of the 3,770 criminal cases that went to trial, 76.7 percent were tried before a jury. Defendants were convicted in 78.0 percent of cases that went to jury trial, compared to 53.1 percent of cases decided by a judge.

	Bench	Jury	All Trials
<b>Convictions</b>	466 (53.1%)	2,256 (78.0%)	2,722 (72.2%)
<b>Acquittals</b>	412 (46.9%)	636 (22.0%)	1,048 (27.8%)
<b>Total</b>	878 (100%)	2,892 (100%)	3,770 (100%)

**Death and Life Sentences** – Death sentences were assessed in 4.2 percent (12 cases) of all capital murder convictions in 2008, the lowest percentage and number recorded in at least 30 years,<sup>7</sup> continuing the downward trend in death sentences issued that began in the 1990s. The 423 life sentences issued in 2008 represent an increase of 9.9 percent over the number handed down the previous year.

4. Excludes show cause motions in family law matters. Does not total to 100 percent due to rounding.

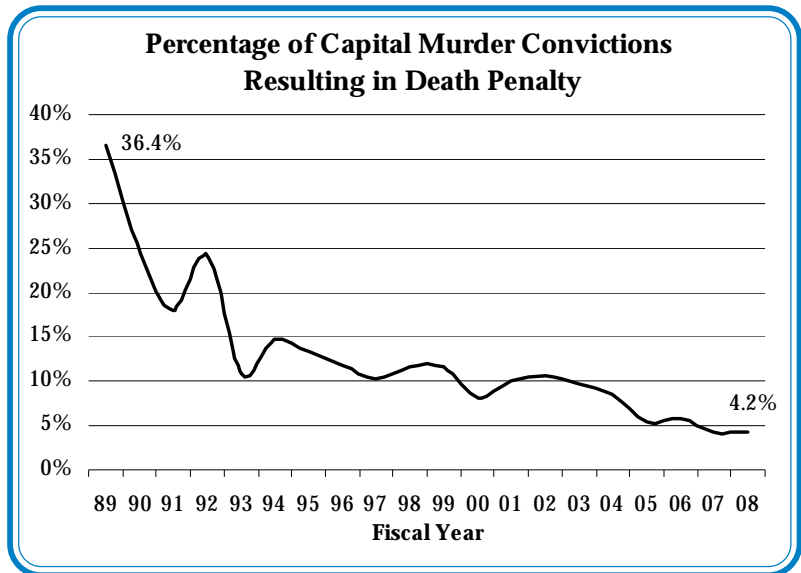
5. Excludes transfers and motions to revoke probation.

6. Dismissal rates do not include cases dismissed due to conviction in another case or due to the refiling of a case.

7. The Texas Judicial Council began collecting statistics on death and life sentences in fiscal year 1974. The percentage of capital murder convictions resulting in a death penalty are based on data collected beginning in 1980.

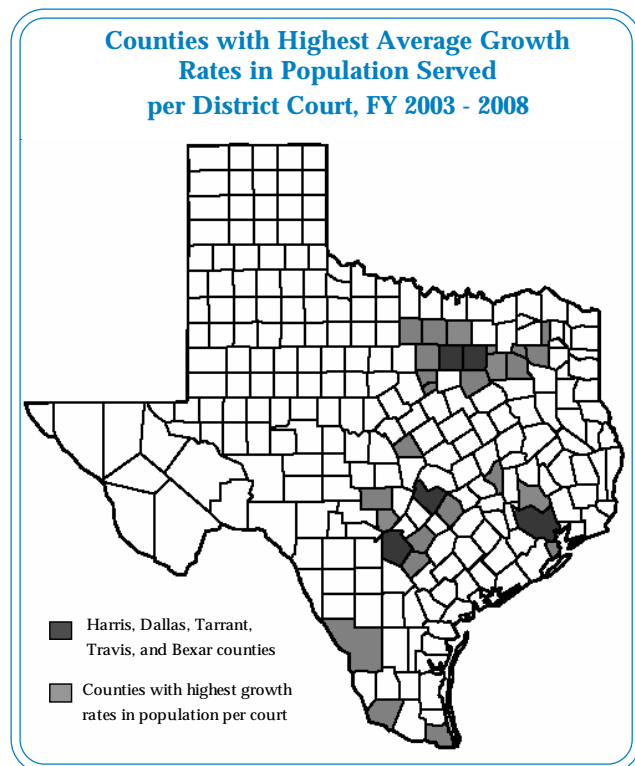
**Population Served per Court** - In 2008, the average population served per district court in Texas was 53,869 individuals. With more than 102,000 individuals served per court, Denton County topped the list of highest average population served per court, nearly twice the statewide average.

From 2003 to 2008, the statewide average population served per court grew 0.7 percent per year, despite the implementation of 26 new district courts during this period.<sup>8</sup> The Dallas-Ft. Worth area experienced the greatest growth in population served per court, with Rockwall County leading the state at an average growth rate of 7.7 percent per year. Seven other counties in this area—Denton, Kaufman, Ellis, Parker, Collin, Tarrant, and Hood—also ranked in the top 20 statewide.



Other areas of significant growth centered around the San Antonio-Austin and Houston areas and counties bordering Mexico in the southernmost part of the state.

<b>Population Served per District Court</b>	
<i>Counties with Highest Average Population Served per District Court in FY 2008</i>	<i>Counties with Highest Average Annual Growth Rates in Population Served per District Court FY 2003 to 2008</i>
Denton - 102,060	Rockwall - 7.7%
Collin - 91,336	Denton - 4.6%
Fort Bend - 84,970	Kendall - 4.4%
Montgomery - 78,598	Kaufman - 4.3%
Williamson - 74,673	Montgomery - 3.7%
Rockwall - 73,810	Ellis - 3.6%
Coryell - 72,156	Guadalupe - 3.6%
Ellis - 71,734	Parker - 2.8%
Harris - 66,709	Wilson - 2.7%
Bexar - 66,437	Franklin - 2.6%
Tarrant - 66,055	Collin - 2.5%
Hidalgo - 64,592	Tarrant - 2.4%
Cameron - 64,535	Webb - 2.4%
Harrison - 63,504	Hood - 2.3%
Travis - 60,898	Brazos - 2.2%
Dallas - 60,680	Harris - 2.2%
Brazoria - 58,847	Lampasas - 2.2%
Webb - 58,288	Bexar - 2.0%
Wise - 57,589	Wood - 2.0%
<b>Statewide - 53,869</b>	<b>Statewide - 0.7%</b>



8. In 2007, the 80th Legislature authorized the creation of three additional courts effective September 1, 2007 but these had not been implemented as of August 31, 2008.



**District Courts**  
**Activity Summary by Case Type from September 1, 2007 to August 31, 2008**

CRIMINAL CASES																	
Cases on Docket:	Capital Murder	Murder	Assault or At-tempted Murder	Sexual Assault of Adult	Indecency with or Sexual Assault of Child	Robbery	Burglary	Theft	Auto Theft	Arson	Drug Sale or Manufacture	Drug Possession	Felony D.W.I	Other Felony	All Misdemeanors	Total Cases	
<b>Cases Pending 9/01/2007</b>	<b>982</b>	<b>2,969</b>	<b>20,907</b>	<b>2,758</b>	<b>11,945</b>	<b>10,036</b>	<b>19,267</b>	<b>28,066</b>	<b>5,867</b>	<b>1,034</b>	<b>20,871</b>	<b>51,492</b>	<b>14,523</b>	<b>53,355</b>	<b>4,402</b>	<b>248,472</b>	
Docket Adjustments	(13)	30	(617)	(161)	14	(154)	(522)	(132)	(142)	13	(1,022)	(92)	(188)	(584)	(702)	(4,270)	
Cases Filed by Indictment	444	1,148	18,175	1,238	5,557	8,066	14,251	18,833	3,572	551	16,540	34,436	10,320	44,434	1,130	178,695	
Cases Filed by Information	7	27	2,101	72	254	610	2,384	3,640	862	112	3,359	14,610	1,017	7,126	1,885	38,066	
Other Cases Reaching Docket:																	
<i>Motions to Revoke Probation Filed</i>	10	98	5,262	243	1,314	1,863	6,414	4,932	1,271	269	5,353	15,835	3,333	12,457	591	59,245	
<i>Shock Probation Returned from TDCJ/ID</i>	0	2	33	2	11	48	81	32	11	2	104	91	34	104	4	559	
<i>Transfers from Other Counties</i>	0	1	1	0	4	0	1	3	0	0	2	0	1	8	11	32	
<i>All Other Cases</i>	24	39	513	42	87	258	350	262	63	40	489	420	164	1,212	133	4,096	
<b>Total Cases on Docket:</b>	<b>1,454</b>	<b>4,314</b>	<b>46,375</b>	<b>4,194</b>	<b>19,186</b>	<b>20,727</b>	<b>42,226</b>	<b>55,636</b>	<b>11,504</b>	<b>2,021</b>	<b>45,696</b>	<b>116,792</b>	<b>29,204</b>	<b>118,112</b>	<b>7,454</b>	<b>524,895</b>	
<b>Dispositions:</b>																	
<b>Convictions:</b>																	
<i>Guilty Pleas or Nolo Contendere</i>	178	474	8,291	418	2,099	4,748	8,960	11,762	2,755	324	10,750	28,624	9,194	24,925	1,398	114,900	
<i>Not Guilty Plea - No Jury</i>	3	11	53	7	30	14	20	26	6	0	42	77	35	139	3	466	
<i>Guilty Plea - Jury Verdict</i>	6	46	84	9	104	49	60	21	7	4	68	79	35	112	0	684	
<i>Not Guilty Plea - Jury Verdict</i>	96	179	278	72	275	186	114	85	7	7	169	200	97	484	7	2,256	
<b>Total Convictions</b>	<b>283</b>	<b>710</b>	<b>8,706</b>	<b>506</b>	<b>2,508</b>	<b>4,997</b>	<b>9,154</b>	<b>11,894</b>	<b>2,775</b>	<b>335</b>	<b>11,029</b>	<b>28,980</b>	<b>9,361</b>	<b>25,660</b>	<b>1,408</b>	<b>118,306</b>	
Placed on Deferred Adjudication	8	46	4,995	186	1,162	1,379	4,195	5,116	752	223	5,652	13,194	262	12,178	447	49,795	
<b>Acquittals:</b>																	
<i>Non - Jury Trial</i>	3	7	71	2	9	12	29	35	6	3	26	78	13	118	0	412	
<i>Jury Verdict</i>	6	27	116	32	110	20	27	26	7	2	20	65	32	120	0	610	
<i>Directed Verdict or JNOV</i>	0	0	3	0	0	0	0	6	3	0	0	5	1	7	1	26	
<b>Total Acquittals</b>	<b>9</b>	<b>34</b>	<b>190</b>	<b>34</b>	<b>119</b>	<b>32</b>	<b>56</b>	<b>67</b>	<b>16</b>	<b>5</b>	<b>46</b>	<b>148</b>	<b>46</b>	<b>245</b>	<b>1</b>	<b>1,048</b>	
<b>Dismissals:</b>																	
<i>Insufficient Evidence</i>	4	23	242	31	144	66	174	253	70	12	178	838	115	736	49	2,935	
<i>Conviction in Another Case</i>	46	57	1,158	113	483	425	809	835	322	50	820	2,453	242	3,744	276	11,833	
<i>Speedy Trial Act Limitation</i>	0	0	6	1	5	1	6	8	2	2	10	14	3	14	0	72	
<i>Case Refined</i>	28	92	395	54	171	170	175	264	23	8	118	310	162	716	11	2,697	
<i>Defendant Unapprehended</i>	0	0	5	1	5	2	4	10	3	0	3	28	8	42	0	111	
<i>Defendant Granted Immunity</i>	0	0	4	1	1	2	1	4	1	0	2	14	0	16	1	47	
<i>Other Dismissals</i>	49	140	2,805	288	912	757	1,484	2,698	557	85	1,492	4,391	720	6,624	741	23,743	
<b>Total Dismissals</b>	<b>127</b>	<b>312</b>	<b>4,615</b>	<b>489</b>	<b>1,721</b>	<b>1,423</b>	<b>2,653</b>	<b>4,072</b>	<b>978</b>	<b>157</b>	<b>2,623</b>	<b>8,048</b>	<b>1,250</b>	<b>11,892</b>	<b>1,078</b>	<b>41,438</b>	
<b>Transfers:</b>																	
<i>On Change of Venue To County Court</i>	12	1	2	0	0	0	1	9	0	0	1	3	2	19	5	55	
<i>To County Court</i>	1	1	62	5	9	15	50	156	1	0	4	29	62	252	449	1,096	
<b>Other Dispositions:</b>																	
<i>Placed on Shock Probation</i>	3	1	44	2	12	41	96	48	7	5	91	97	35	114	0	596	
<i>Motion to Revoke Granted</i>	2	40	2,550	136	708	982	3,546	2,593	809	118	2,895	8,582	1,604	6,785	322	31,672	
<i>Motion to Revoke Denied</i>	2	44	1,947	80	441	743	2,190	1,742	362	126	2,336	5,507	1,207	4,630	154	21,511	
<i>All Other Dispositions</i>	22	53	910	58	166	322	708	592	149	46	726	1,550	372	2,563	53	8,290	
<b>Total Other Dispositions</b>	<b>29</b>	<b>138</b>	<b>5,451</b>	<b>276</b>	<b>1,327</b>	<b>2,088</b>	<b>6,540</b>	<b>4,975</b>	<b>1,327</b>	<b>295</b>	<b>6,048</b>	<b>15,736</b>	<b>3,218</b>	<b>14,092</b>	<b>529</b>	<b>62,069</b>	
<b>Total Dispositions</b>	<b>469</b>	<b>1,242</b>	<b>24,021</b>	<b>1,496</b>	<b>6,846</b>	<b>9,934</b>	<b>22,649</b>	<b>26,289</b>	<b>5,849</b>	<b>1,015</b>	<b>25,403</b>	<b>66,138</b>	<b>14,201</b>	<b>64,338</b>	<b>3,917</b>	<b>273,807</b>	
<b>Cases Pending 8/31/2008</b>	<b>985</b>	<b>3,072</b>	<b>22,354</b>	<b>2,698</b>	<b>12,340</b>	<b>10,793</b>	<b>19,577</b>	<b>29,347</b>	<b>5,655</b>	<b>1,006</b>	<b>20,293</b>	<b>50,654</b>	<b>15,003</b>	<b>53,774</b>	<b>3,537</b>	<b>251,088</b>	
<b>Sentencing Information:</b>																	
Death Sentence	12	0	0	0	0	0	0	0	0	0	0	0	0	0	0	12	
Life Sentence	118	48	10	23	117	45	8	3	0	1	9	4	7	30	0	423	
Lesser Offense Convictions	119	93	3,328	115	419	1,323	1,311	1,731	119	76	1,557	3,303	761	4,058	232	18,545	
<b>Cases - Unapprehended Defendants</b>																<b>76,196</b>	
<b>Additional Court Activity:</b>																	
Jury Panels Examined			3,497														
Jury Sworn & Evidence Presented			3,287														
Cases in Which Attorney Appointed			170,908														
				<b>Age of Cases Disposed:</b>				<b>60 Days or Less</b>		<b>61 to 90 Days</b>		<b>91 to 120 Days</b>		<b>Over 120 Days</b>		<b>TOTAL</b>	
				Number of Cases				87,669		26,041		22,931		137,166		273,807	

Note: Overall, there was a 98.4 percent reporting rate for the fiscal year. No reports were received from Edwards and Hudspeth counties. No reports were received for 11 months from Zavala County, for 5 months from Culberson and Newton counties, for 3 months from Falls County, and for 1 month from Kinney County.

**District Courts**  
**Activity Summary by Case Type from September 1, 2007 to August 31, 2008**

<b>CIVIL CASES</b>											
	Injury or Damage Involving Motor Vehicle	Injury or Damage Other than Motor Vehicle	Workers' Compensation	Tax Cases	Condemnation	Accounts, Contracts and Notes	Reciprocals (UIFSA)	Divorce	All Other Family Law Matters	Other Civil Cases	Total Cases
<b>Cases on Docket:</b>											
<b>Cases Pending 9/01/2007</b>	24,731	35,016	2,072	133,726	638	54,203	5,118	93,915	177,527	100,974	627,920
Docket Adjustments	(259)	(3)	(9)	(1,852)	(49)	(1,049)	(79)	(197)	(6,174)	(8,765)	(18,436)
New Cases Filed	14,118	10,946	277	61,557	257	42,696	2,506	114,465	119,061	69,451	435,334
<b>Other Cases Reaching Docket:</b>											
<i>Show Causes Added</i>	0	0	0	0	0	0	0	0	102,815	0	102,815
<i>Other Cases Added</i>	437	532	29	447	10	1,116	88	2,665	6,015	1,487	12,826
<b>Total Cases on Docket:</b>	<b>39,027</b>	<b>46,491</b>	<b>2,369</b>	<b>193,878</b>	<b>856</b>	<b>96,966</b>	<b>7,633</b>	<b>210,848</b>	<b>399,244</b>	<b>163,147</b>	<b>1,160,459</b>
<b>Dispositions:</b>											
Change of Venue Transfers	87	217	2	9	0	205	7	235	1,135	279	2,176
Default Judgments	321	344	17	11,037	7	12,009	183	8,143	7,376	6,570	46,007
Agreed Judgments	2,062	1,617	50	1,115	54	3,488	375	34,206	25,141	10,009	78,117
Summary Judgments	149	444	32	223	2	1,637	8	181	168	1,984	4,828
<b>Final Judgments:</b>											
<i>After Trial - No Jury</i>	1,384	1,033	185	12,209	70	3,632	798	47,022	38,607	11,007	115,947
<i>By Jury Verdicts</i>	464	222	18	35	3	173	4	126	137	260	1,442
<i>By Directed Verdicts</i>	9	12	2	37	0	10	9	67	168	50	364
<i>Dismissed for Want of Prosecution</i>	2,209	1,781	67	8,836	16	6,838	266	16,594	12,035	7,374	56,016
<i>Dismissed by Plaintiff</i>	7,012	4,641	121	26,270	67	12,169	478	5,210	17,991	13,002	86,961
<i>Show Causes Disposed</i>	0	0	0	0	0	0	1	0	99,625	0	99,626
<i>Other Dispositions</i>	1,299	1,617	91	5,298	59	3,337	302	3,691	16,937	10,383	43,014
<b>Total Dispositions</b>	<b>14,996</b>	<b>11,928</b>	<b>585</b>	<b>65,069</b>	<b>278</b>	<b>43,498</b>	<b>2,431</b>	<b>115,475</b>	<b>219,320</b>	<b>60,918</b>	<b>534,498</b>
<b>Cases Pending 8/31/2008</b>	<b>24,031</b>	<b>34,563</b>	<b>1,784</b>	<b>128,809</b>	<b>578</b>	<b>53,468</b>	<b>5,202</b>	<b>95,373</b>	<b>179,924</b>	<b>102,229</b>	<b>625,961</b>
<b>Court Jury Activity:</b>											
Jury Fee Paid/Oath	21,813	<b>Age of Cases Disposed:</b>		<b>3 Months or Less</b>	<b>Over 3 to 6 Months</b>	<b>Over 6 to 12 Months</b>	<b>Over 12 to 18 Months</b>	<b>Over 18 Months</b>	<b>TOTAL</b>		
Jury Panel Examined	1,344	Number of Cases		166,787	101,594	109,338	48,261	108,518	534,498		
Jury Sworn Evid. Presented	1,482										
<b>JUVENILE DOCKET</b>											
<b>Cases on Docket:</b>											
	<b>CINS</b>	<b>Delin</b>	<b>Total</b>	<b>Findings of Delinquent Conduct or CINS:</b>				<b>CINS</b>	<b>Delin</b>	<b>Total</b>	
<b>Cases Pending 9/01/2007</b>	<b>498</b>	<b>23,472</b>	<b>23,970</b>	<b>Placed on Probation:</b>							
Docket Adjustments	(78)	(438)	(516)	<i>Under Parental Care</i>				190	15,260	15,450	
New Petitions Filed	450	28,458	28,908	<i>Under Foster Care</i>				0	99	99	
Motion to Revoke Probation Filed	50	5,384	5,434	<i>Residential Facility</i>				24	5,261	5,285	
Other Cases Added	59	4,621	4,680	Committed to TYC				0	1,275	1,275	
<b>Total on Docket</b>	<b>979</b>	<b>61,497</b>	<b>62,476</b>	Final Judgment Without Disp.				19	718	737	
<b>Dispositions:</b>											
<b>Finding of Delinquent Conduct/CINS:</b>											
<i>Trials by Judge</i>	199	18,113	18,312	<b>Total</b>				<b>233</b>	<b>22,613</b>	<b>22,846</b>	
<i>Trials by Jury</i>	2	37	39	<b>Other Juvenile Court Activity:</b>							
<b>Finding of No Delinquent Conduct/CINS:</b>											
<i>Trials by Judge</i>	0	218	218	Detention Hearings				563	26,519	27,082	
<i>Trials by Jury</i>	1	16	17	Hearing to Modify Order				10	1,234	1,244	
<i>Directed Verdicts</i>	0	10	10	Child Certified for Adult Crim. Court				0	154	154	
Probation Revoked	3	2,172	2,175	Attorneys Appointed				371	18,604	18,975	
Continue on Probation	31	2,284	2,315								
Change of Venue Transfer	2	186	188								
Dismissed & Other Dispositions	166	14,861	15,027								
<b>Total Dispositions</b>	<b>404</b>	<b>37,897</b>	<b>38,301</b>								
<b>Cases Pending 8/31/2008</b>	<b>575</b>	<b>23,600</b>	<b>24,175</b>								
<b>OTHER PROCEEDINGS</b>											
	<b>Post-Conviction Writs of Habeas Corpus</b>	<b>Other Writs of Habeas Corpus</b>	<b>Contempt, Extradition and Other Separately Docketed Proceedings</b>	<b>Bond Forfeiture Proceedings</b>							
Pending 9/01/2007	13,579	3,930	7,602	36,631							
Docket Adjustments	(78)	229	312	(444)							
Total Added	3,830	5,552	5,265	8,391							
Total Disposed	3,591	5,914	3,537	8,285							
Pending 8/31/2008	13,740	3,797	9,642	36,293							

Note: Overall, there was a 98.4 percent reporting rate for the fiscal year. No reports were received from Edwards and Hudspeth counties. No reports were received for 11 months from Zavala County, for 5 months from Culberson and Newton counties, for 3 months from Falls County, and for 1 month from Kinney County. In addition, Dallas County was unable to provide 2 monthly reports for civil case activity due to problems with its case management system.



# County-Level Courts

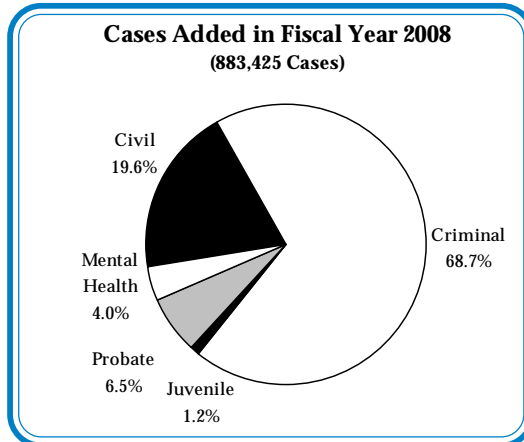
**Cases Added** – The number of civil, criminal, juvenile<sup>1</sup>, probate, and mental health cases added<sup>2</sup> to the dockets of the state’s 494 county-level courts (254 constitutional courts,<sup>3</sup> 222 statutory county courts, and 18 statutory probate courts) increased by an average of 1.6 percent per year over the last decade and by 2.4 percent per year over the last five years. In 2008, more than 880,000 cases were added to the courts’ dockets—a decrease of 9.8 percent from the previous year. The decrease in cases added during 2008 was the first annual decrease since 2002.

Approximately 40 percent of civil, criminal, and juvenile cases were filed in the five largest counties—Harris, Dallas, Tarrant, Bexar, and Travis, which represent 44 percent of the state’s population.

Despite a leveling off in 2008, civil cases steadily grew as a percentage of the courts’ caseload over the past decade. In 2008, civil cases accounted for nearly 20 percent of all cases added, compared to 14.5 percent 10 years ago. The largest category of civil cases added in 2008 involved suits on debt (39.1 percent).

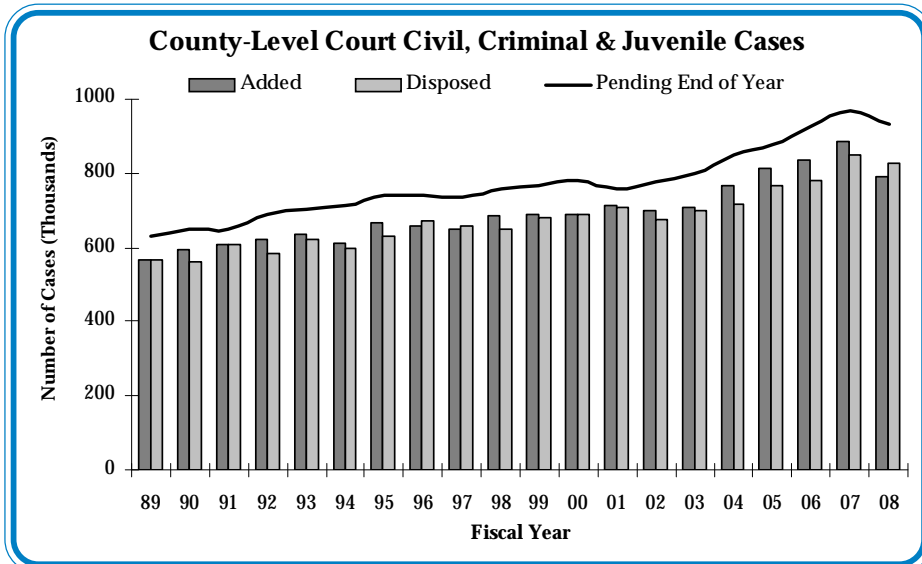
Despite the growth in civil cases, criminal cases continued to constitute a large majority of the courts’ caseload (68.7 percent). Criminal filings increased 6.2 percent over the past decade, from 570,985 in 1999 to 606,638 in 2008. The largest category of criminal cases added in 2008 was “other criminal cases” (28.3 percent), and theft or worthless check cases was the second largest, accounting for 18.3 percent of all criminal cases added.

**Clearance Rates** – In 2008, county-level courts disposed of 824,345 civil, criminal and juvenile cases, a decrease of 3.1 percent from the previous year. Since the number of dispositions outpaced the increase in filings, the overall case clearance rate improved to 104.3 percent. As a

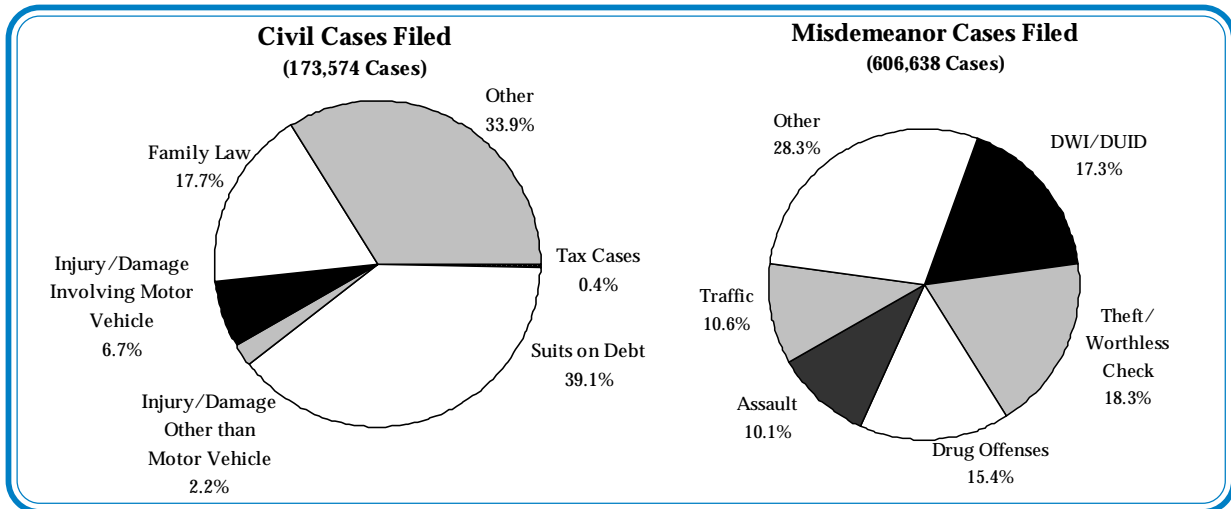


**Civil, Criminal and Juvenile Cases Filed per 1,000 Population in Fiscal Year 2008**

Counties with Highest Filing Rates per 1,000 Population	Filing Rates per 1,000 Pop. in Largest Counties
Kenedy - 327.4	Harris - 24.5
Ward - 131.2	Dallas - 28.9
Sterling - 105.2	Tarrant - 25.2
Moore - 74.0	Bexar - 35.6
Crockett - 72.6	Travis - 51.3
<b>Statewide - 33.1</b>	



1. Juvenile caseload is discussed in the Juvenile Cases section.  
 2. Includes new cases, show cause motions, motions to revoke, and other cases reaching docket.  
 3. The actual judicial functions of the constitutional county courts vary greatly by county. Some courts may have very limited jurisdiction



result of the clearance rate surpassing 100 percent, the number of cases pending at the end of the fiscal year decreased by 4.0 percent from the previous year to 930,834 cases.

**Manner of Disposition** – In 2008, a total of 185,986 civil cases were disposed of, 4.1 percent (7,689) of which were show cause motions filed in family law matters. Of the remaining 178,297 cases disposed of during the year, 33.5 percent were dismissed by the plaintiff or for want of prosecution, and the next largest proportion (19.8 percent) was disposed of by default judgment. Only 0.6 percent of cases were disposed of by a jury verdict.

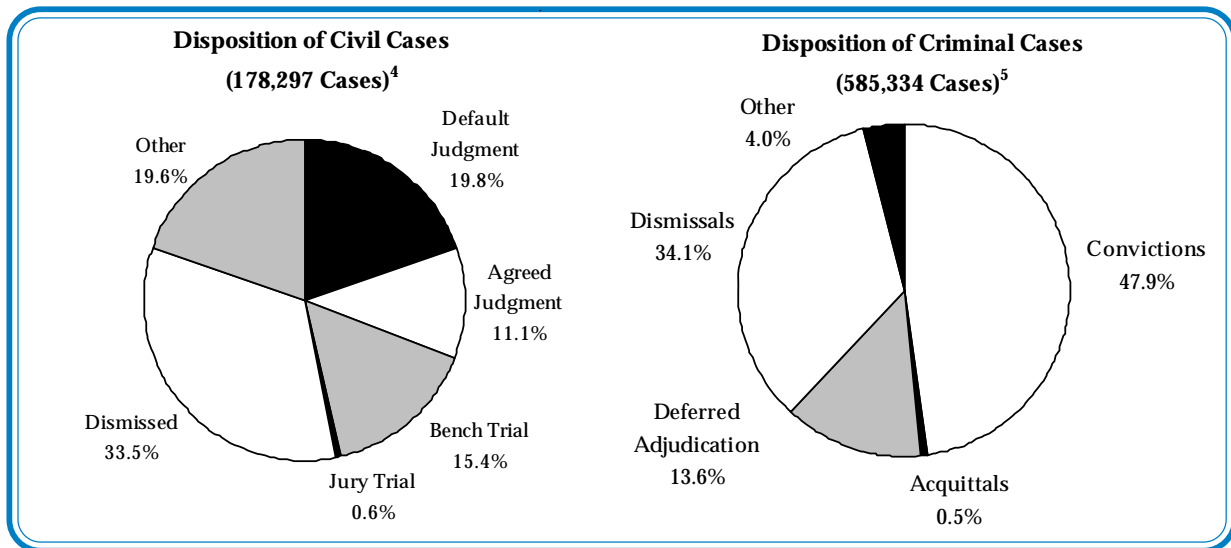
County-level courts disposed of 629,154 criminal cases in 2008. Defendants were convicted in nearly 48 percent, and acquitted in 0.5 percent, of the 585,334 cases that did not involve a motion to revoke probation. The highest conviction rate (74.5 percent) was in cases involving driving while

**Civil Case Clearance Rates, FY 2008**  
*In Ten Largest Counties*

Harris - 136.5%	El Paso - 106.7%
Dallas - 131.9%	Collin - 108.1%
Tarrant - 108.7%	Hidalgo - 79.1%
Bexar - 96.8%	Denton - 120.2%
Travis - 73.8%	Fort Bend - 73.2%

**Criminal Case Clearance Rates, FY 2008**  
*In Ten Largest Counties*

Harris - 97.0%	El Paso - 99.1%
Dallas - 104.8%	Collin - 127.2%
Tarrant - 103.7%	Hidalgo - 94.4%
Bexar - 110.2%	Denton - 103.2%
Travis - 99.9%	Fort Bend - 107.3%



4. Excludes show cause motions in family law matters.

5. Excludes transfers and motions to revoke probation. Does not total to 100 percent due to rounding.

intoxicated or under the influence, and the lowest rate (30.1 percent) occurred in traffic cases. Overall, 99.2 percent of convictions were the result of a guilty or *nolo contendere* plea.

Approximately one percent of all criminal cases (excluding motions to revoke probation) went to trial in 2008. Trial rates were slightly higher, however, for driving while intoxicated or under the influence cases and assault cases, which went to trial in 2.8 percent and 1.9 percent of cases, respectively.

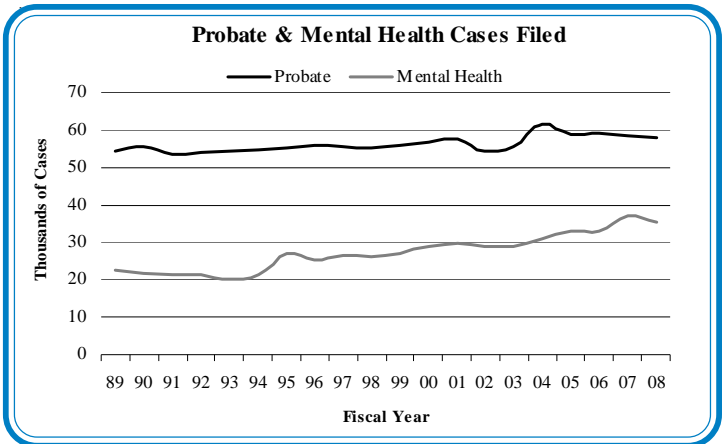
	Bench	Jury	All Trials
<b>Convictions</b>	727 (29.7%)	1,589 (56.6%)	2,316 (44.1%)
<b>Acquittals</b>	1,717 (70.3%)	1,219 (43.4%)	2,936 (55.9%)
<b>Total</b>	2,444 (100%)	2,808 (100%)	5,252 (100%)

Of the 5,252 cases that went to trial, 53.5 percent were tried before a jury. Defendants were convicted in 56.6 percent of cases that went to jury trial, compared to 29.7 percent that were convicted in cases that were decided by a judge.

Dismissals constituted 34.1 percent of all criminal cases disposed of in 2008 (excluding motions to revoke probation). The highest rate of dismissal occurred in theft or worthless check cases (48.8 percent).

**Probate and Mental Health Cases –**

Almost 58,000 probate cases were filed in 2008—a decrease of 0.7 percent from the number filed the year before. Over the last decade, the number of probate cases filed each year remained relatively stable, increasing an average of 0.5 percent per year.



Mental health cases decreased more than 5 percent in 2008 from the previous year, from 37,086 cases filed in 2007 to 35,212. Mental health cases increased an average of 3.2 percent per year over the last 10 years. Counties reported 23,240 new applications for involuntary mental health services commitment orders filed in 2008, approximately 99 percent of which were for temporary, rather than extended, services. Of the 18,672 applications for temporary services disposed in 2008, proposed patients were committed to treatment in 35.3 percent of cases. Of the 188 applications for extended services disposed, proposed patients were committed in more than 96 percent of cases.

	New Applications Filed	Release Prior to Final Hearing	Disposition at Final Hearing	
			Release	Order
<b>Temporary Mental Health Services</b>	23,003	10,563	1,513	<i>Inpatient:</i> 6,473 <i>Outpatient:</i> 123
<b>Extended Mental Health Services</b>	237	3	4	<i>Inpatient:</i> 175 <i>Outpatient:</i> 6
<b>Modification: Outpatient to Inpatient</b>	4	0	0	3
<b>Modification: Inpatient to Outpatient</b>	78	1	0	32

**County-Level Courts  
Activity Summary by Case Type  
September 1, 2007 to August 31, 2008**

CRIMINAL CASES							
Cases on Docket:	DWI or DUID	Theft or Worthless Check	Drug Offenses	Assault	Traffic	Other Criminal Cases	Total Cases
<b>Cases Pending 9/01/2007</b>	124,596	246,965	60,179	59,998	71,329	149,144	712,211
Docket Adjustments	(2,783)	(4,896)	(162)	(671)	(842)	(876)	(10,230)
New Cases Filed	92,037	98,253	82,340	54,021	31,398	154,937	512,986
Cases Appealed From Lower Courts	0	108	136	138	28,368	3,053	31,803
Other Cases Reaching Docket:							
<i>Motions to Revoke Filed</i>	12,240	11,665	10,481	6,506	3,908	12,137	56,937
<i>All Other Cases Reaching Docket</i>	721	880	683	615	360	1,653	4,912
<b>Total Cases on Docket</b>	<b>226,811</b>	<b>352,975</b>	<b>153,657</b>	<b>120,607</b>	<b>134,521</b>	<b>320,048</b>	<b>1,308,619</b>
Dispositions:							
Convictions:							
<i>Guilty Pleas or Nolo Contendere</i>	66,390	36,920	39,772	22,530	22,771	89,133	277,516
<i>Not Guilty Plea - No Jury</i>	193	89	44	75	115	211	727
<i>Guilty Plea - Jury Verdict</i>	199	22	47	43	38	125	474
<i>Not Guilty Plea - Jury Verdict</i>	979	52	58	196	65	239	1,589
Total Convictions	67,761	37,083	39,921	22,844	22,989	89,708	280,306
Placed on Deferred Adjudication	1,222	16,462	15,951	7,813	21,044	16,900	79,392
Acquittals:							
<i>Non - Jury Trial</i>	690	102	70	513	52	290	1,717
<i>Jury Verdict</i>	634	34	26	259	15	181	1,149
<i>Directed Verdict or JNOV</i>	27	4	6	9	4	20	70
Total Acquittals	1,351	140	102	781	71	491	2,936
Dismissals:							
<i>Insufficient Evidence</i>	1,644	1,035	974	1,755	2,208	2,614	10,230
<i>Speedy Trial Act Limitation</i>	873	2,079	713	726	613	982	5,986
<i>Other Dismissals</i>	14,836	51,154	23,102	19,145	25,584	49,353	183,174
Total Dismissals	17,353	54,268	24,789	21,626	28,405	52,949	199,390
Other Dispositions:							
<i>Motion to Revoke Granted</i>	6,552	5,566	6,515	3,838	2,229	7,286	31,986
<i>Motion to Revoke Denied</i>	3,854	2,147	1,845	1,156	642	2,190	11,834
<i>All Other Dispositions</i>	3,272	3,240	3,643	2,490	3,908	6,757	23,310
Total Other Dispositions	13,678	10,953	12,003	7,484	6,779	16,233	67,130
<b>Total Dispositions</b>	<b>101,365</b>	<b>118,906</b>	<b>92,766</b>	<b>60,548</b>	<b>79,288</b>	<b>176,281</b>	<b>629,154</b>
<b>Cases Pending 8/31/2008</b>	<b>125,446</b>	<b>234,069</b>	<b>60,891</b>	<b>60,059</b>	<b>55,233</b>	<b>143,767</b>	<b>679,465</b>
Cases - Unapprehended Defendants							273,924
Cases Where Attorney Appointed as Counsel							184,411
<b>Age of Cases Disposed</b>	<b>30 Days or Less</b>	<b>31 to 60 Days</b>	<b>61 to 90 Days</b>	<b>Over 90 Days</b>	<b>TOTAL</b>		
Number of Cases	143,309	65,998	55,296	364,551	629,154		
PROBATE AND MENTAL HEALTH CASES							
	<u>Cases Filed</u>			<u>Hearings Held</u>			
Probate	57,788			86,054			
Mental Health	35,212			40,805			

Notes: 1. Overall, there was a 98.8 percent reporting rate for the fiscal year. No reports were received from Edwards and Hudspeth counties. In addition, no reports were received for 5 months from Culberson County, for 6 months from Presidio County, and for 2 months from Terry County.  
2. Statutory county courts in a number of counties have jurisdiction over felony cases. This activity is not reflected in the data currently collected in the County Court Monthly Report.

**County-Level Courts**  
**Activity Summary by Case Type**  
**September 1, 2007 to August 31, 2008**

CIVIL CASES								
Cases on Docket:	Injury or Damage Involving Motor Vehicle	Injury or Damage Other than Motor Vehicle	Tax Cases	Suits on Debt	Divorce	All Other Family Law Matters	Other Civil Cases	Total Cases
<b>Cases Pending 9/01/2007</b>	<b>22,466</b>	<b>7,500</b>	<b>2,167</b>	<b>99,787</b>	<b>10,448</b>	<b>17,133</b>	<b>89,948</b>	<b>249,252</b>
Docket Adjustments	110	131	(322)	7,406	(378)	(620)	(319)	6,008
New Cases Filed	11,250	3,729	635	65,818	11,072	11,169	53,753	157,426
Cases Appealed From Lower Courts	11	74	5	404	0	0	3,509	4,003
Show Cause Motions Filed	0	0	0	0	0	6,966	0	6,966
Other Cases Added	377	77	4	1,727	561	888	1,545	5,179
<b>Total Cases on Docket</b>	<b>34,214</b>	<b>11,511</b>	<b>2,489</b>	<b>175,142</b>	<b>21,703</b>	<b>35,536</b>	<b>148,436</b>	<b>428,834</b>
Dispositions:								
Default Judgments	935	317	83	24,902	441	416	8,229	35,323
Agreed Judgments	935	277	22	4,774	2,346	1,554	9,903	19,811
Judg. After Trial - No Jury	1,036	292	194	5,631	6,747	4,463	9,093	27,456
Judg. by Jury Verdicts	262	38	17	158	222	263	104	1,064
Dismissed for Want of Prosecution or by Plaintiff	6,770	1,420	280	31,842	1,838	2,120	15,379	59,649
Show Causes Disposed	0	0	0	0	0	7,689	0	7,689
Other Dispositions	3,222	1,048	9	10,896	594	2,569	16,656	34,994
<b>Total Dispositions</b>	<b>13,160</b>	<b>3,392</b>	<b>605</b>	<b>78,203</b>	<b>12,188</b>	<b>19,074</b>	<b>59,364</b>	<b>185,986</b>
<b>Cases Pending 8/31/2008</b>	<b>21,054</b>	<b>8,119</b>	<b>1,884</b>	<b>96,939</b>	<b>9,515</b>	<b>16,462</b>	<b>89,072</b>	<b>242,848</b>
<b>Age of Cases Disposed</b>	<b>3 Months or Less</b>	<b>Over 3 to 6 Months</b>	<b>Over 6 to 12 Months</b>	<b>Over 12 to 18 Months</b>	<b>Over 18 Months</b>	<b>TOTAL</b>		
Number of Cases	54,321	40,643	43,499	18,844	28,679	185,986		
JUVENILE CASES								
<b>Cases on Docket:</b>	<b>CINS</b>	<b>Delin</b>	<b>Total</b>	<b>Findings of Delinquent Conduct or CINS:</b>				
<b>Cases Pending 9/01/2007</b>	1,719	5,869	7,588					
Docket Adjustments	(61)	(14)	(75)					
New Petitions Filed	775	8,144	8,919					
Motions to Revoke Filed	23	757	780					
Other Cases Added	22	492	514					
<b>Total on Docket</b>	<b>2,478</b>	<b>15,248</b>	<b>17,726</b>					
Dispositions:								
Find Delin Cond/CINS								
Trials by Judge	352	5,217	5,569	Committed to TYC				
Trials by Jury	0	36	36	Judgment No Disp.				
Find No Delin Cond/CINS								
Trials by Judge	3	31	34					
Trials by Jury	0	14	14					
Directed Verdicts	0	1	1					
Probation Revoked	17	329	346					
Continue on Probation	5	270	275					
Change of Venue Transfer	5	76	81					
Dismissed & Other Disp.	242	2,607	2,849					
<b>Total Dispositions</b>	<b>624</b>	<b>8,581</b>	<b>9,205</b>					
<b>Cases Pending 8/31/2008</b>	<b>1,854</b>	<b>6,667</b>	<b>8,521</b>					
				<b>Other Juvenile Court Activity:</b>				
				Placed on Probation				
				Under Parental Care				
				Under Foster Care				
				Residential Facility				
				Detention Hearings				
				Hearing to Modify Order				
				Child Cert. as Adult				
				Attorneys Appointed				

Note: Overall, there was a 98.8 percent reporting rate for the fiscal year. No reports were received from Edwards and Hudspeth counties. In addition, no reports were received for 5 months from Culberson County, for 6 months from Presidio County, and for 2 months from Terry County.



## Juvenile Cases

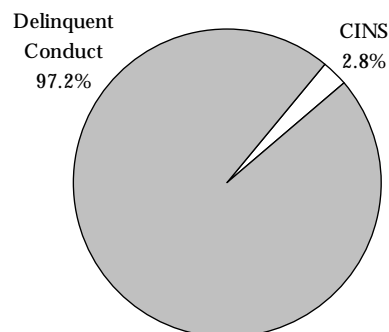
**Cases Added** – The number of cases added<sup>1</sup> to the juvenile dockets of district and county-level courts in 2008—49,234 cases—was 7.1 percent lower than the number added during the previous year. Over the past five years, the number of cases added increased an average of 0.8 percent per year.

In 2008, 97.2 percent of cases added were delinquent conduct cases—cases involving violations of laws punishable by incarceration if committed by an adult. Approximately 79 percent of all juvenile cases were filed in district courts.

The five most populous counties in Texas—Harris, Dallas, Tarrant, Bexar, and Travis—accounted for 55.5 percent of juvenile cases added in 2008. Harris County alone accounted for 28.4 percent of all cases added. In an effort to address the rise in activity over the past decade, juvenile courts in the larger Texas counties have been using juvenile law masters, referees, and associate judges to assist with detention hearings and the adjudication of cases.

Statewide, the number of cases added in 2008 averaged 2.1 cases per 1,000 population. Calhoun County, with an estimated population of 20,352 in 2007, had the highest filing rate per 1,000 population at 8.3 cases per 1,000, and Grimes County, population 25,603, ranked second at 5.0 cases filed per 1,000. Only 2 of the 10 most populous counties—Harris and Bexar—ranked in the top 20.

**Cases Added in Fiscal Year 2008  
(49,234 Cases)**

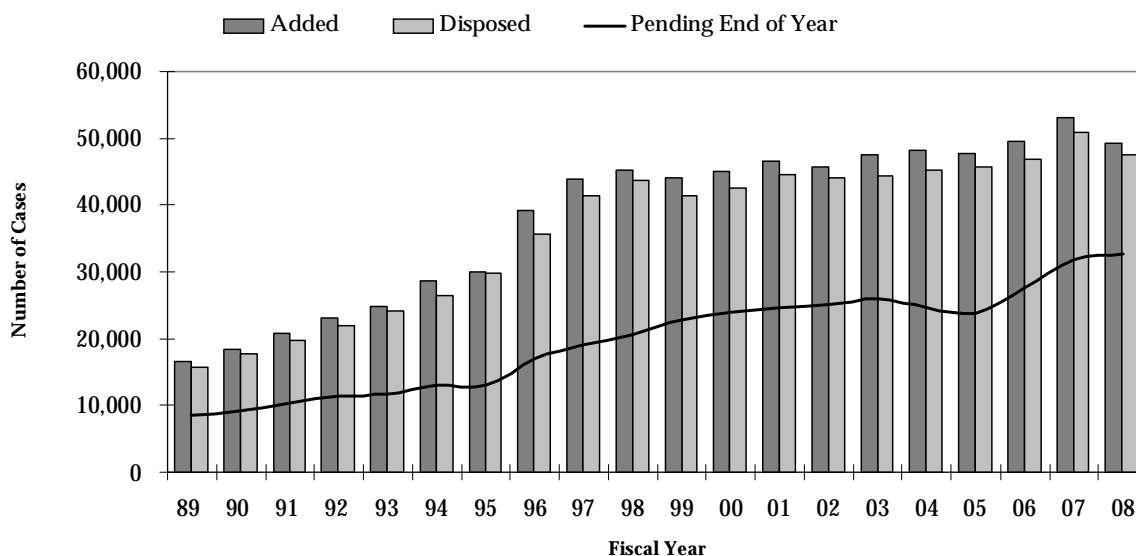


**Juvenile Cases Added per 1,000  
Population in Fiscal Year 2008**

*Counties with Highest Filing Rates*      *Filing Rates in Largest Counties*

Calhoun - 8.3	Harris - 3.6
Grimes - 5.0	Dallas - 1.7
Milam - 4.7	Tarrant - 1.3
Moore - 4.6	Bexar - 2.8
Webb - 4.1	Travis - 2.6

**Juvenile Cases Added, Disposed and Pending**





**Clearance Rates** – During 2008, the district and county-level courts disposed of 47,506 cases on their dockets, resulting in a clearance rate of 96.5 percent—a slight improvement over the clearance rate of 95.9 percent achieved the year before. In 2008, the clearance rate in district courts was 98.2 percent and was 90.1 percent in county-level courts.

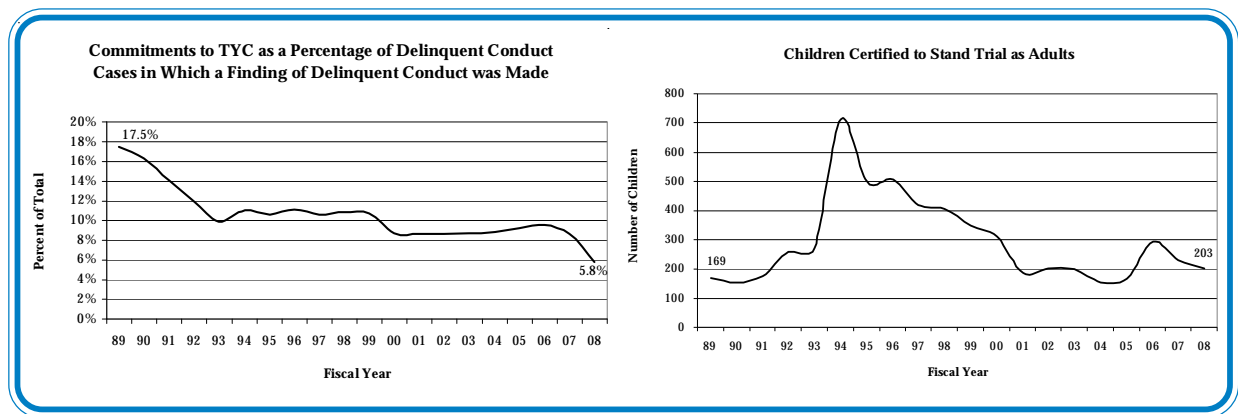
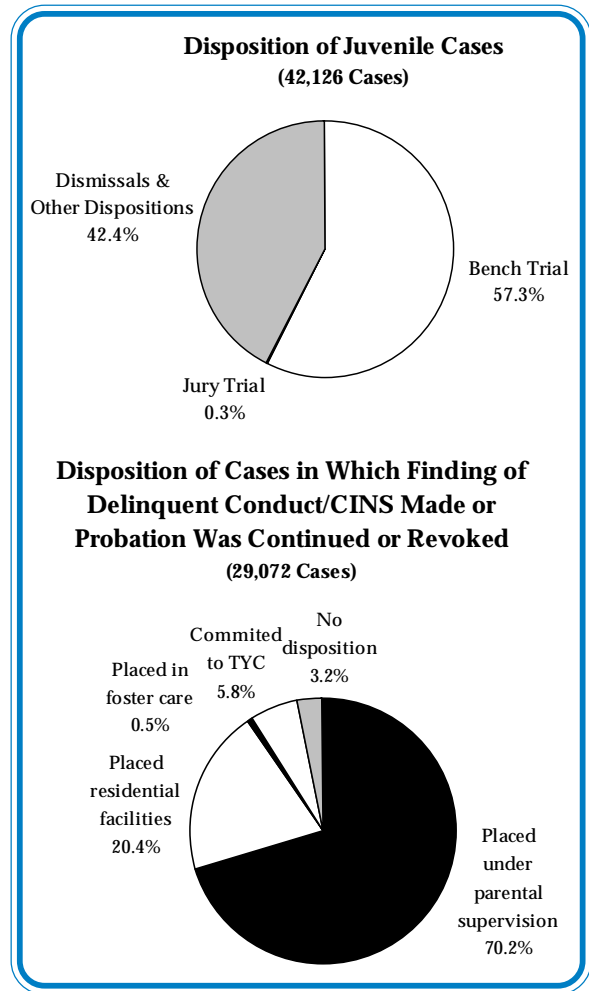
The number of cases pending at the end of 2008 (32,694 cases) was the highest ever reported, increasing nearly 3 percent from the number pending at the end of the previous year. Since 2005, the number of cases pending increased a total of 38.2 percent.

**Manner of Disposition** – Of the 47,506 cases disposed of in 2008, 11.3 percent involved transfers or motions to modify dispositions. Of the remaining 42,126 cases disposed of during the year, 57.3 percent were disposed of by a bench trial. Jury trials accounted for only 0.3 percent of dispositions, while dismissals and other dispositions accounted for the remaining 42.4 percent.

Overall, findings of delinquent conduct or CINS were made in 99.0 percent of cases decided by a judge,<sup>2</sup> compared to 64.1 percent of cases decided by a jury.

Of those cases in which a finding of delinquent conduct or CINS was made, or in which probation was continued or revoked, juveniles were most likely to be placed under parental supervision (70.2 percent of cases). In 20.4 percent of cases, juveniles were placed in a residential facility, and 0.5 percent were placed in foster care. The percentage of juveniles committed to the Texas Youth Commission (TYC) decreased sharply from 8.6 percent in 2007 to 5.8 percent in 2008—the lowest percentage in at least two decades.

In 2008, 203 children were certified for trial as adults, which was close to the five-year average of 210 children certified per year.



1. Includes new petitions, motions to revoke, and other cases filed.  
 2. Pleas of true made during an appearance before the judge are included in the “Trial by Judge” category in the juvenile activity section of the District and County-Level Court Monthly Activity Reports.

## Total of Reported Juvenile Activity

Combined District and County-Level Juvenile Activity from September 1, 2007 to August 31, 2008

98.5 Percent Reporting Rate 3,002 Reports Received Out of a Possible 3,048			
	CINS*	Delinquent	TOTAL
<b>CASES PENDING September 1, 2007</b>	2,217	29,341	31,558
Docket Adjustments	(139)	(453)	(592)
<b>CASES ADDED DURING YEAR:</b>			
New Petitions Filed	1,225	36,601	37,826
Motions to Revoke Filed	73	6,141	6,214
Other Cases Added	81	5,113	5,194
<b>TOTAL CASES ADDED DURING YEAR</b>	<b>1,379</b>	<b>47,855</b>	<b>49,234</b>
<b>TOTAL CASES ON DOCKET</b>	<b>3,457</b>	<b>76,743</b>	<b>80,200</b>
<b>CASES DISPOSED OF DURING YEAR:</b>			
Finding of Delinquent Conduct or CINS*	553	23,403	23,956
Finding of No Delinquent Conduct or CINS*	4	290	294
Transfers on Change of Venue	7	262	269
Motions to Revoke Disposed	56	5,055	5,111
Dismissals and Other Dispositions	408	17,468	17,876
<b>TOTAL DISPOSITIONS DURING YEAR</b>	<b>1,028</b>	<b>46,478</b>	<b>47,506</b>
<b>CASES PENDING August 31, 2008</b>	<b>2,429</b>	<b>30,265</b>	<b>32,694</b>
<b>INFORMATION ON FINDINGS OF DELINQUENT CONDUCT OR CINS:</b>			
Probation Granted or Continued:			
Under Parental Care	540	19,862	20,402
Under Foster Care	2	134	136
To Residential Facilities	42	5,889	5,931
Commitments to Texas Youth Commission	0	1,678	1,678
Judgments with No Disposition	23	902	925
<b>MISCELLANEOUS INFORMATION:</b>			
Detention Hearings Held	1,460	35,881	37,341
Hearings to Modify Court Orders Held	39	2,052	2,091
Children Certified for Trial as Adults	0	203	203
Attorneys Appointed	1,068	24,420	25,488

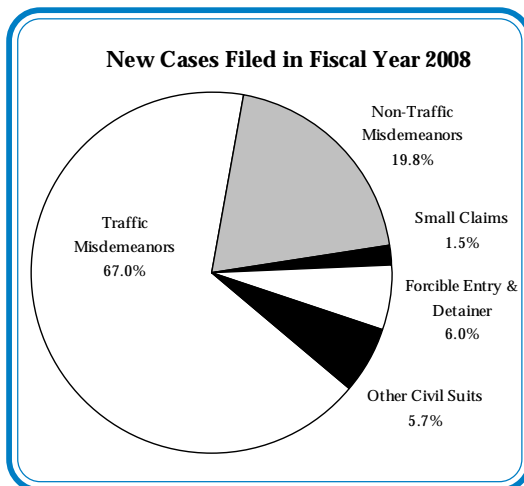
\*Conduct Indicating a Need for Supervision.



# Justice Courts

**Cases Filed** – More than 3.5 million cases were filed in the state’s justice courts in 2008—the largest number of filings ever reported. However, this was only a very slight increase (0.2 percent) over the number filed the year before. Over the last decade, the number of filings grew an average of 3.1 percent per year.

Although criminal cases remained the vast majority of cases filed, criminal cases as a percentage of the justice courts’ total caseload dropped to the lowest level in at least 20 years (86.8 percent). The largest share of cases filed in the justice courts involved traffic violations (67.0 percent). Non-traffic misdemeanors accounted for 19.8 percent of all cases filed, forcible entry and detainer cases accounted for 6.0 percent, and small claims suits and other civil suits constituted 1.5 percent and 5.7 percent, respectively.

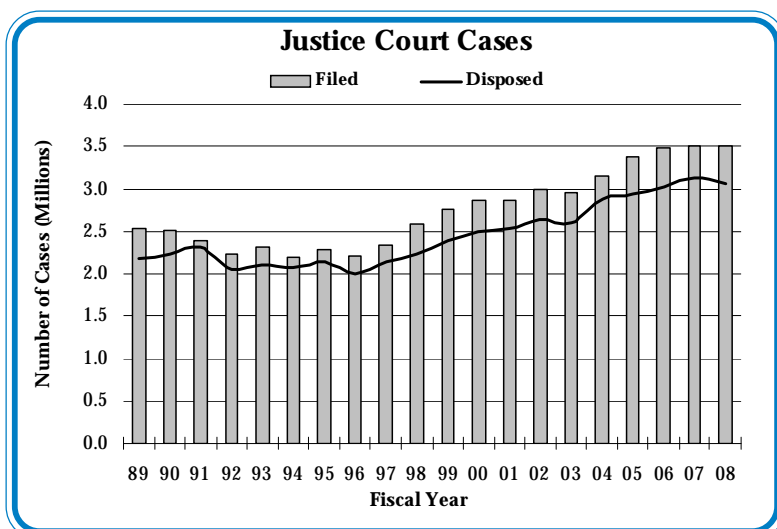


The 10 largest counties, representing 58 percent of the state’s population, accounted for 46.6 percent of all new cases filed. Statewide, the number of cases filed in justice courts was 147 cases per 1,000 population. The highest per 1,000 population filing rate occurred in Kenedy County (18,414 cases per 1,000), which was more than five times higher than the next largest filing rate (3,438 cases per 1,000 in Kimble County). The lowest filing rate occurred in Tarrant County (37 cases per 1,000).

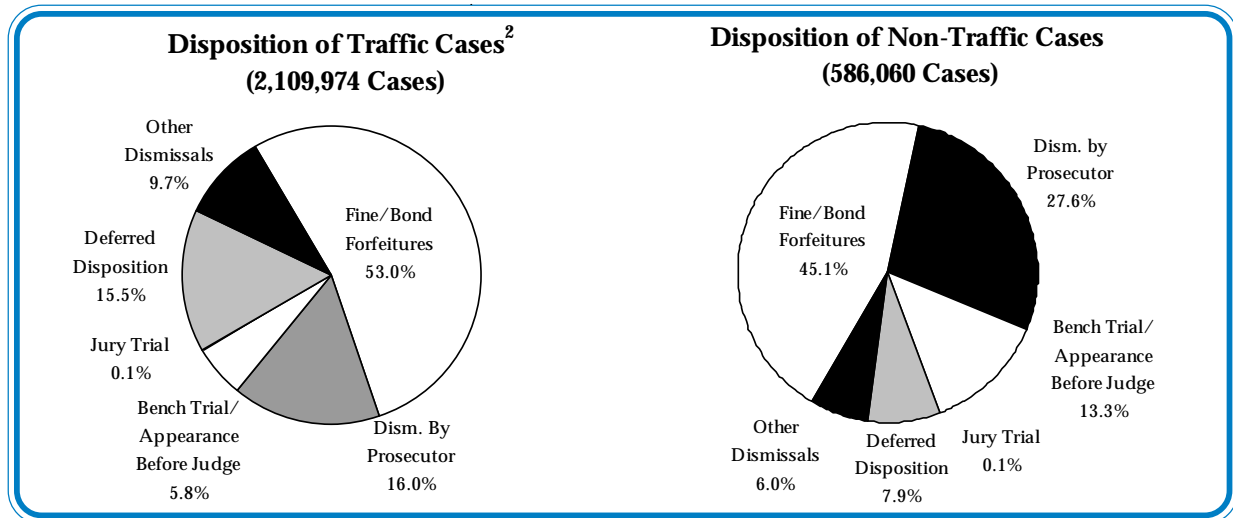
**Clearance Rates** – Justice courts disposed of 3,058,263 cases in 2008, a decrease of 2.2 percent from the previous year. As a result of the increase in filings and decrease in dispositions, the clearance rate fell to 87.1 percent (compared to 89.2 percent for the previous year). By case type, other civil suits had the lowest clearance rate (60.3 percent) in 2008, while forcible entry and detainer cases had the highest (93.2 percent).

**Manner of Disposition** – In 2008, justice courts disposed of more than 2.1 million traffic cases and more than 586,000 non-traffic misdemeanor cases, slightly more than half (51.3 percent) of which were disposed of by payment of a fine (without appearing before a judge) or by a bond forfeiture. Approximately 14 percent of cases were disposed of by completion of deferred disposition or a driving safety course. More than 7 percent of cases were disposed of by bench trial or other appearance before a judge, and only 0.1 percent was disposed of by jury trial.

Overall, guilty findings were made in 97.2 percent of the 199,172 cases that went to bench trial or were otherwise disposed of by an appearance before the judge.<sup>1</sup> In comparison, guilty verdicts accounted for 80.5 percent of the 2,335 cases that went to jury trial.

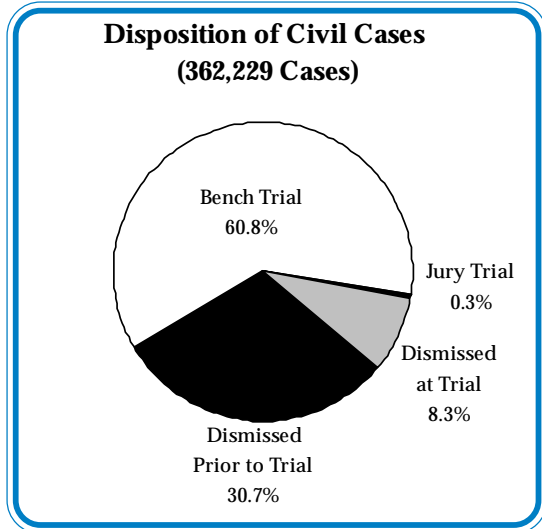


1. Guilty and *nolo contendere* pleas are included in the “Trial by Judge” category in the Justice Court Monthly Activity Reports.

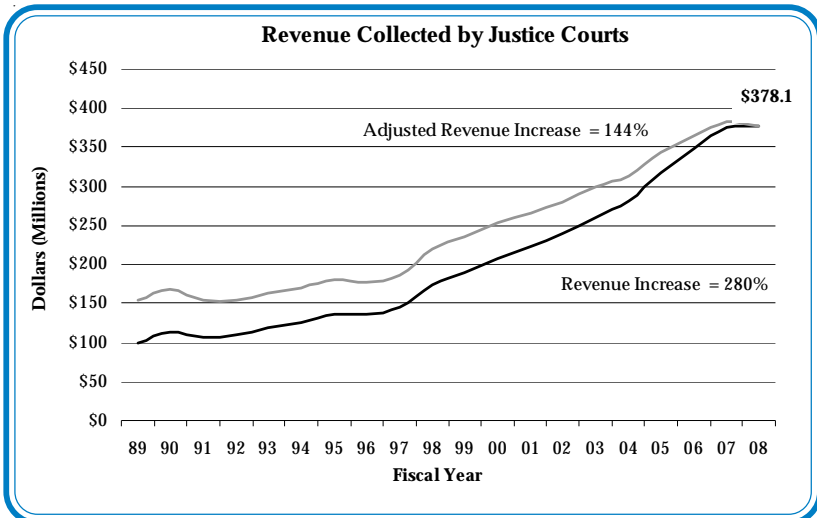


More than 60 percent of the 362,229 civil cases disposed of in 2008 were disposed of by bench trial, approximately 31 percent were disposed of before trial, and only 0.3 percent went to jury trial.

**Juvenile Activity** - In 2008, the number of warnings administered (5,509) declined for the fourth consecutive year and was the lowest number reported in at least 20 years. Detention hearings decreased for the seventh consecutive year to 2,408, the lowest number reported since 1993 (2,209 hearings). Cases involving violation of local daytime curfew ordinances decreased by nearly a third (30.6 percent) compared to the number filed the previous year (653 cases). Referrals to juvenile court and cases involving juveniles held in contempt, fined, or denied driving privileges also decreased, 11.9 percent and 20.5 percent, respectively, from the previous year. Cases involving failure to attend school, however, rose 6.6 percent from the previous year. Over the past five years, the number of these cases filed increased 71.3 percent, growing from 60,791 cases in 2004 to 104,117 cases in 2008.



**Court Revenue** - Total revenues collected by justice courts increased steadily over the past 20 years. In 2008, courts collected revenue in excess of \$378 million—an increase of nearly 0.7 percent from the amount collected the previous year. The amount collected in 2008 was 280 percent higher than that collected in 1989, or nearly 144 percent higher when adjusting for inflation.<sup>3</sup> Excluding cases dismissed prior to or at trial, the amount of revenue collected per disposition averaged \$396.



2. Does not total to 100 percent due to rounding.

3. Using Consumer Price Index Conversion Factors.

**Activity Report for Justice Courts**  
**September 1, 2007 to August 31, 2008**

99.6 Percent Reporting Rate						
9,822 Reports Received Out of a Possible 9,864						
	CRIMINAL CASES		CIVIL CASES			REPORTED TOTALS
	Traffic Misdemeanors	Non-Traffic Misdemeanors	Small Claims Suits	Forcible Entry & Detainer	Other Civil Suits	
<b>NEW CASES FILED</b>	<b>2,352,786</b>	<b>695,725</b>	<b>52,108</b>	<b>212,198</b>	<b>200,236</b>	<b>3,513,053</b>
<b>DISPOSITIONS:</b>						
Dispositions Prior to Trial:						
<i>Bond Forfeitures</i>	6,891	1,947	---	---	---	<b>8,838</b>
<i>Fined</i>	1,111,306	262,314	---	---	---	<b>1,373,620</b>
<i>Cases Dismissed</i>	337,817	161,966	16,354	47,401	47,277	<b>610,815</b>
<b>Total Dispositions Prior to Trial</b>	<b>1,456,014</b>	<b>426,227</b>	<b>16,354</b>	<b>47,401</b>	<b>47,277</b>	<b>1,993,273</b>
Dispositions at Trial:						
<i>Trial by Judge</i>						
Guilty	119,150	74,526	---	---	---	<b>193,676</b>
Not Guilty	2,295	3,201	---	---	---	<b>5,496</b>
Civil Trials	---	---	23,331	129,687	67,172	<b>220,190</b>
<i>Trial by Jury</i>						
Guilty	1,540	340	---	---	---	<b>1,880</b>
Not Guilty	348	107	---	---	---	<b>455</b>
Civil Trials	---	---	341	357	292	<b>990</b>
<i>Dismissed at Trial</i>	44,706	35,073	3,718	20,310	5,989	<b>109,796</b>
<b>Total Dispositions at Trial</b>	<b>168,039</b>	<b>113,247</b>	<b>27,390</b>	<b>150,354</b>	<b>73,453</b>	<b>532,483</b>
Cases Dismissed After:						
<i>Driving Safety Course</i>	190,627	---	---	---	---	<b>190,627</b>
<i>Deferred Disposition</i>	135,926	46,586	---	---	---	<b>182,512</b>
<i>Proof of Financial Responsibility</i>	159,368	---	---	---	---	<b>159,368</b>
<b>Total Cases Dismissed After</b>	<b>485,921</b>	<b>46,586</b>	---	---	---	<b>532,507</b>
<b>TOTAL DISPOSITIONS</b>	<b>2,109,974</b>	<b>586,060</b>	<b>43,744</b>	<b>197,755</b>	<b>120,730</b>	<b>3,058,263</b>
<b>CASES APPEALED</b>	24,230	2,243	620	2,720	466	<b>30,279</b>
<b>JUVENILE ACTIVITY:</b>						
Warnings Administered						5,509
Statements Certified						4,298
Detention Hearings Held						2,408
Failure to Attend School Cases Filed						104,117
Violation of Local Daytime Curfew Ordinance Cases Filed						453
Referred to Juvenile Court for Delinquent Conduct						6,888
Held in Contempt, Fined, or Denied Driving Privileges						10,036
<b>OTHER ACTIVITY:</b>						
Parent Contributing to Nonattendance Cases Filed						74,626
Peace Bond Hearings Held						2,356
Class A or B Misdemeanor Complaints Accepted						75,252
Felony Complaints Accepted						58,050
Examining Trials Conducted						2,082
Inquests Conducted						16,886
Safety Responsibility and Driver's License Suspension Hearings Held						3,287
Search Warrants Issued						1,907
Arrest Warrants Issued:						
Class C Misdemeanors Only						1,052,789
Felonies and Class A and B Misdemeanors Only						95,734
<i>Total Arrest Warrants Issued</i>						<b>1,148,523</b>
Magistrate Warnings Given						275,590
Emergency Mental Health Hearings Held						10,612
Magistrate's Orders for Emergency Protection						6,922
Conference Held Prior to Legal Action Resulting in:						
No Legal Action Being Taken			Criminal	Civil	Total	
			2,552	925	3,477	
Legal Action Being Filed in Court			5,569	1,528	7,097	
<b>TOTAL REVENUE</b>						<b>\$378,136,927</b>



# Municipal Courts

**Cases Filed** – More than eight million cases were filed in the state’s municipal courts in 2008, an increase of 2.5 percent over the number filed the previous year. Traffic and parking cases constituted approximately 82 percent of the incoming caseload.

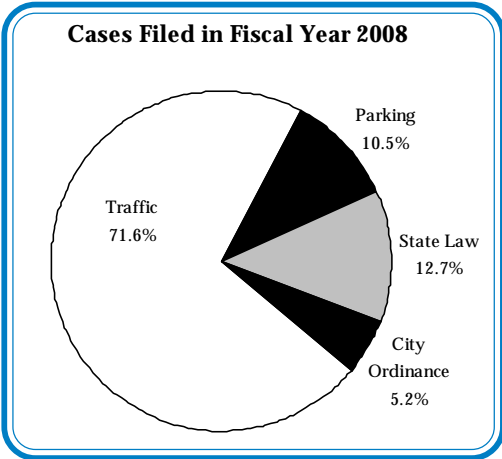
The 10 most populous cities, representing 42.5 percent of the state’s population living in cities and towns, accounted for 47.5 percent of all cases filed. Statewide, the number of cases filed in municipal courts was 429 cases per 1,000 population. The highest filing rates occurred in Estelline (41,563 cases per 1,000) and Westlake—a suburb of Fort Worth—(39,571 cases per 1,000) and were considerably higher than the rates in all other cities of the state.

**Clearance Rates** – Municipal courts disposed of 6,950,472 cases in 2008—an increase of 3.1 percent from the number disposed during the previous year. Since the number of dispositions increased by a larger percentage than the number of new cases filed, the statewide clearance rate for municipal court cases rose slightly to 86.6 percent (compared to 86.1 percent the year before). By case type, traffic (non-parking) cases had the highest clearance rate (89.9 percent), while city ordinance cases had the lowest clearance rate (69.1 percent).

**Manner of Disposition** – In 2008, municipal courts disposed of more than 5.8 million traffic and parking cases. The largest share of these cases, 36.5 percent, were disposed of by payment of a fine (without appearing before a judge) or by a bond forfeiture. Approximately 16 percent were disposed of after completion of deferred disposition or a driving safety course, 16 percent were disposed of after a bench trial or other appearance before a judge, and only 0.1 percent were disposed of by a jury trial.

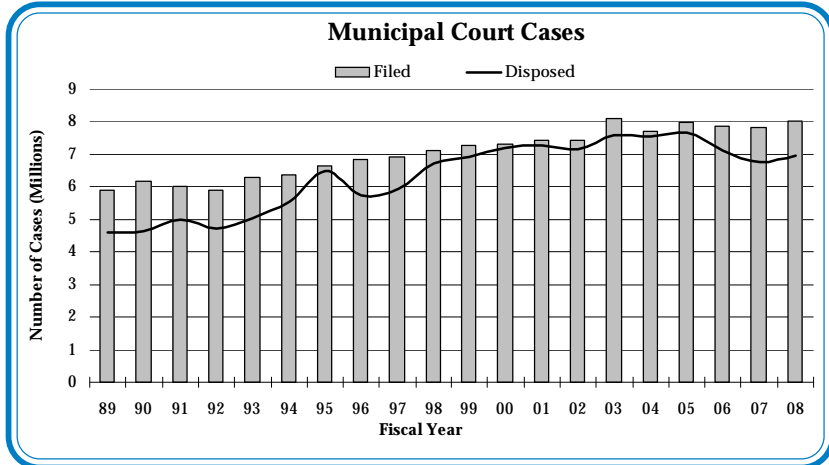
Municipal courts also disposed of more than one million state law and city ordinance cases (i.e., non-traffic cases). Approximately 35 percent of these cases were disposed of by payment of a fine or by bond forfeiture. While the jury trial rate for these cases (0.2 percent) was similar to the rate for traffic and parking cases, defendants in state law and city ordinance cases were more likely to appear before the judge to plead guilty or *nolo contendere* or have a bench trial (28.5 percent) in order to dispose of the case.

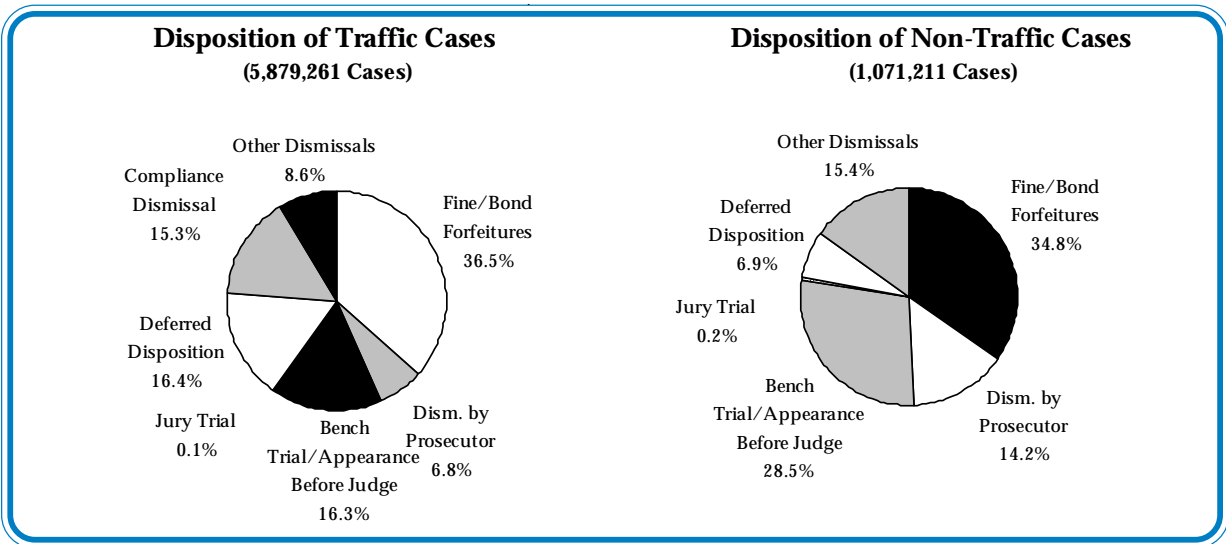
Overall, guilty findings were made in almost all (97.4 percent) of the 1,265,245 cases that were not dismissed and went to bench trial or were otherwise disposed of by appearing before the judge to plead guilty or *nolo contendere*.<sup>1</sup> In contrast, guilty verdicts accounted for 81.2 percent of the 5,335 cases that went to jury trial.



**Filings per 1,000 Population Fiscal Year 2008**

Cities with Highest Filings per 1,000 Pop.	Filings per 1,000 Pop. in 5 Most Populous Cities
Estelline - 41,563	Houston - 632
Westlake - 39,571	San Antonio - 284
Montgomery - 7,165	Dallas - 349
Cuney - 6,115	Austin - 583
Patton Village - 5,509	Fort Worth - 642
<b>Statewide - 429</b>	



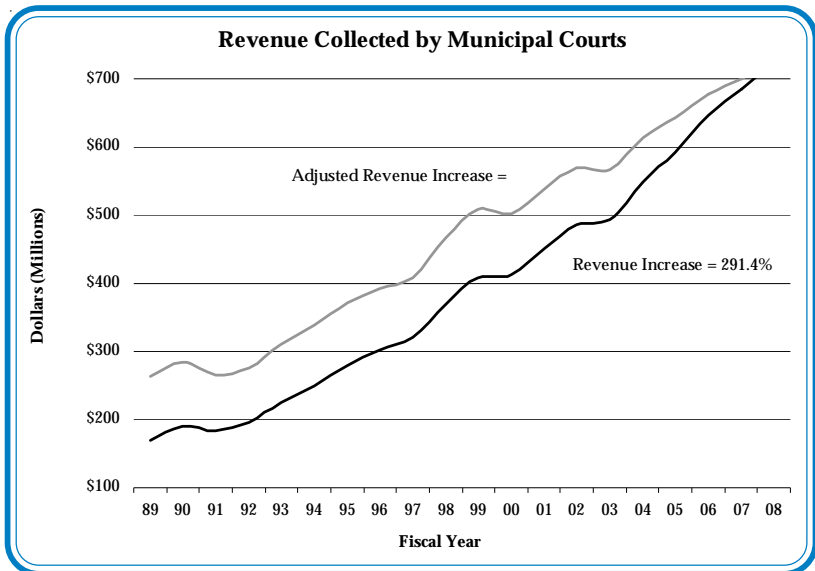


**Juvenile Case Activity** – Juvenile cases filed in municipal courts increased 0.3 percent from the previous year to 321,669. Transportation Code (traffic) cases accounted for 46 percent of the juvenile cases filed in 2008. The number of cases filed under most of the juvenile case categories has fluctuated over the years. Since 2004, however, cases involving driving under the influence of alcohol declined an average of 8.6 percent per year and Education Code cases involving offenses other than failure to attend school declined an average of 9.6 percent per year. In 2008, nearly 1,500 cases were referred to juvenile court—an increase of 75 percent over the number referred during the previous year.

**Magistrate Activity** – In 2008, municipal courts issued 6,358 search warrants, more than 2.6 million arrest warrants, 9,099 magistrate orders for emergency protection, and 220,383 magistrate warnings to adults. Arrest warrants, emergency protective orders, and mental health hearings generally increased over the past decade. Magistrate activity in juvenile cases, however, generally declined. Certifications of juvenile statements declined 60.7 percent between 1999 and 2008 (down from 2,113 in 1999 to 831 in 2008), and warnings administered to juveniles declined 52.7 percent (from 4,845 in 1999 to 2,293 in 2008).

**Court Revenue** – The amount of revenue collected by municipal courts has increased steadily over the last 20 years. In 2008, the courts collected revenue in excess of \$725 million—an increase of more than \$26 million from the previous year. The amount collected in 2008 was 329 percent higher than that collected 20 years previously in 1989, or 175 percent higher when adjusted for inflation.<sup>2</sup>

Excluding cases dismissed prior to trial or at trial, the amount of revenue collected per disposition averaged approximately \$127.



1. Guilty and *nolo contendere* pleas are included in the “Trial by Judge” category in the Municipal Court Monthly Activity Report.  
 2. Using Consumer Price Index Conversion Factors.

## Activity Report for Municipal Courts

September 1, 2007 to August 31, 2008

99.2 Percent Reporting Rate					
10,920 Reports Received Out of a Possible 11,004					
	Traffic		Non-Traffic		REPORTED TOTALS
	Misdemeanors		Misdemeanors		
	Non - Parking	Parking	State Law	City Ordinance	
<b>NEW CASES FILED</b>	<b>5,749,780</b>	<b>844,188</b>	<b>1,017,852</b>	<b>415,482</b>	<b>8,027,302</b>
<b>DISPOSITIONS:</b>					
Dispositions Prior to Trial:					
<i>Bond Forfeitures</i>	42,133	3,331	12,765	2,684	<b>60,913</b>
<i>Fined</i>	1,541,394	561,104	275,055	82,302	<b>2,459,855</b>
<i>Cases Dismissed</i>	310,375	89,740	100,189	52,233	<b>552,537</b>
<b>Total Dispositions Prior to Trial</b>	<b>1,893,902</b>	<b>654,175</b>	<b>388,009</b>	<b>137,219</b>	<b>3,073,305</b>
Dispositions at Trial:					
<i>Trial by Judge</i>					
Guilty	907,268	23,610	225,393	76,085	<b>1,232,356</b>
Not Guilty	11,445	17,564	2,470	1,410	<b>32,889</b>
<i>Trial by Jury</i>					
Guilty	3,036	52	690	552	<b>4,330</b>
Not Guilty	610	9	208	178	<b>1,005</b>
<i>Dismissed at Trial</i>					
Dismissed at Trial	494,125	10,188	109,691	55,325	<b>669,329</b>
<b>Total Dispositions at Trial</b>	<b>1,416,484</b>	<b>51,423</b>	<b>338,452</b>	<b>133,550</b>	<b>1,939,909</b>
Cases Dismissed After:					
<i>Driver Safety Course</i>	462,807	---	---	---	<b>462,807</b>
<i>Deferred Disposition</i>	500,204	1,811	57,544	16,437	<b>575,996</b>
<i>Proof of Financial Responsibility</i>	488,819	---	---	---	<b>488,819</b>
<i>Compliance Dismissal</i>	409,636	---	---	---	<b>409,636</b>
<b>Total Cases Dismissed After</b>	<b>1,861,466</b>	<b>1,811</b>	<b>57,544</b>	<b>16,437</b>	<b>1,937,258</b>
<b>TOTAL DISPOSITIONS</b>	<b>5,171,852</b>	<b>707,409</b>	<b>784,005</b>	<b>287,206</b>	<b>6,950,472</b>
<b>COMMUNITY SERVICE ORDERED</b>	122,933	630	40,952	10,363	<b>174,878</b>
<b>CASES APPEALED</b>	10,746	243	2,388	471	<b>13,848</b>
<b>JUVENILE ACTIVITY:</b>					
Transportation Code Cases Filed . . . . .					149,037
Non-Driving Alcoholic Beverage Code Cases Filed . . . . .					35,701
DUI of Alcohol Cases Filed . . . . .					2,868
Health & Safety Code Cases Filed . . . . .					8,607
Failure to Attend School Cases Filed . . . . .					20,051
Education Code Cases Filed . . . . .					8,978
Violation of Local Daytime Curfew Ordinance Cases Filed . . . . .					13,142
All Other Non-Traffic Fine-Only Cases Filed . . . . .					83,285
Waiver of Jurisdiction of Non-Traffic Cases . . . . .					5,600
Referred to Juvenile Court for Delinquent Conduct . . . . .					1,466
Held in Contempt, Fined, or Denied Driving Privileges . . . . .					7,293
Warnings Administered . . . . .					2,293
Statements Certified . . . . .					831
<b>OTHER ACTIVITY:</b>					
Parent Contributing to Nonattendance Cases Filed . . . . .					8,129
Safety Responsibility and Driver's License Suspension Hearings Held . . . . .					605
Search Warrants Issued . . . . .					6,358
Arrest Warrants Issued					
Class C Misdemeanors . . . . .			2,534,498		
Felonies and Class A and B Misdemeanors . . . . .			73,253		
<b>Total Arrest Warrants Issued . . . . .</b>					<b>2,607,751</b>
Magistrate Warnings Given					
Class A and B Misdemeanors . . . . .			146,632		
Felonies . . . . .			73,751		
<b>Total Magistrate Warnings Given . . . . .</b>					<b>220,383</b>
Emergency Mental Health Hearings Held . . . . .					1,822
Magistrate's Orders for Emergency Protection . . . . .					9,099
<b>TOTAL REVENUE . . . . .</b>					<b>\$725,406,833</b>



# Explanation of Case Categories by Court Level



Photo courtesy of TexasCourthouses.com

*Navarro County Courthouse - Corsicana*

# District Courts

## Explanation of Case Categories

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### CRIMINAL DOCKET

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A criminal case is counted as one defendant per indictment or information. For example, if an indictment names more than one defendant, there is more than one case; three defendants named in one indictment equals three cases. If the same defendant is charged in more than one indictment, even if for the same criminal episode, there is more than one case; the same person named in four indictments equals four cases. Finally, if an indictment contains more than one count (Article 21.24, Code of Criminal Procedure), only one case per person named in the indictment is reported. The case is reported under the classification for the most serious offense alleged.

The case-type categories are:

**CAPITAL MURDER:** An offense under Penal Code Section 19.03 (Capital Murder).

**MURDER OR MANSLAUGHTER:** An offense under Penal Code Sections 19.02 (Murder) or 19.04 (Manslaughter).

**ASSAULT OR ATTEMPTED MURDER:** A **felony** offense under Penal Code Section 22.01 (Assault) or 22.04 (Injury to a Child, Elderly Individual or Disabled Individual); an offense under Section 22.02 (Aggravated Assault); or an offense of attempt (as defined in Section 15.01) to commit: Murder (19.02), Capital Murder (19.03), or Manslaughter (19.04).

**SEXUAL ASSAULT OF AN ADULT:** An offense under Penal Code Sections 22.011 (Sexual Assault) or 22.021 (Aggravated Sexual Assault) where the victim is an adult (17 years or older).

**INDECENCY OR SEXUAL ASSAULT OF A CHILD:** An offense under Penal Code Sections 22.011 (Sexual Assault) or 22.021 (Aggravated Sexual Assault) where the victim is a child (younger than 17 years), or an offense under 21.11 (Indecency with a Child).

**ROBBERY:** An offense under Penal Code Sections 29.02 (Robbery) or 29.03 (Aggravated Robbery).

**BURGLARY:** A **felony** offense under Penal Code Sections 30.02 (Burglary) or 30.04 (Burglary of Vehicles).

**THEFT:** A **felony** offense under Penal Code Sections 31.03 (Theft) or 31.04 (Theft of Service) **except** when the property involved is a motor vehicle, or an offense under Penal Code Section 32.31 (Credit Card Abuse and Debit Card Abuse).

**AUTOMOBILE THEFT:** A **felony** offense under Penal Code Section 31.03 (Theft) if the property involved is a motor vehicle, or an offense under Section 31.07 (Unauthorized Use of a Vehicle).

**ARSON:** An offense under Penal Code Section 28.02 (Arson).

**DRUG SALE OR MANUFACTURE:** A **felony** offense under the Texas Controlled Substances Act (Ch. 481, Health and Safety Code) or the Texas Dangerous Drugs Act (Ch. 483, Health and Safety Code) for the manufacture, delivery, sale, or possession with intent to deliver or sell a drug or controlled substance.

**DRUG POSSESSION:** A **felony** offense for possession under the Texas Controlled Substances Act (Ch. 481, Health and Safety Code) or the Texas Dangerous Drugs Act (Ch 483, Health and Safety Code), other than possession with intent to deliver or sell.

**FELONY D.W.I.:** A **felony** offense under Penal Code Section 49.09.

**OTHER FELONY:** A **felony** offense not clearly identifiable as belonging in one of the preceding categories, including cases previously categorized as forgery.

**ALL MISDEMEANORS:** Any offense classified as a misdemeanor.

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### CIVIL DOCKET

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A civil case, unlike a criminal case, does not depend on the number of persons involved. Instead, each separate suit, normally commenced by the filing of the plaintiff's original petition, defines an individual civil case.

**INJURY OR DAMAGE INVOLVING MOTOR VEHICLE:** All cases for damages associated in any way with a motor vehicle (automobile, truck, motorcycle, etc.), with or without accompanying personal injury. Examples include personal injury, property damage, and wrongful death cases that involve motor vehicles.

**INJURY OR DAMAGE OTHER THAN MOTOR VEHICLE:** Cases for personal injury or damages arising out of an event not involving a motor vehicle. Examples include "slip-and-fall" cases, as well as personal injury, property damage, and wrongful death not involving motor vehicles.

**WORKERS' COMPENSATION:** Appeals from awards of compensation for personal injury by the Workers' Compensation Commission (Ch. 410, Labor Code).

**TAX CASES:** Suits brought by governmental taxing entities for the collection of taxes.

**CONDEMNATION:** Suits by a unit of government or a corporation with the power of eminent domain for the taking of private land for public use.

**ACCOUNTS, CONTRACTS, NOTES:** Suits based on enforcing the terms of a certain and express agreement, usually for the purpose of recovering a specific sum of money.

**RECIPROCALLS (UIFSA):** Actions involving child support in which the case has been received from another court outside the county or state.

**DIVORCE CASES:** A suit brought by a party to a marriage to dissolve that marriage pursuant to Family Code Chapter 6. (Annulments are **not** reported here, but under All Other Family Matters.)

**ALL OTHER FAMILY MATTERS:** Includes all family law matters other than divorce proceedings and those juvenile matters which are reported in the Juvenile Section, including:

- Motions to modify previously granted divorce decrees, or other judgments or decrees, in such matters as amount of child support, child custody orders, and other similar motions which are filed under the original cause number;
- Annulments;
- Adoptions;
- Changes of name;
- Termination of parental rights (child protective service cases);
- Dependent and neglected child cases;
- Removal of disability of minority;
- Removal of disability of minority for marriage;
- Voluntary legitimation (Section 160.201, Texas Family Code); and
- All other matters filed under the Family Code that are not reported elsewhere.

**OTHER CIVIL CAUSES:** All civil cases not clearly identifiable as belonging in one of the preceding categories.

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### JUVENILE DOCKET

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Juvenile cases are based upon petitions for adjudication of a child alleged to have engaged in delinquent conduct or conduct indicating a need for supervision (C.I.N.S.) as governed by Title 3 of the Texas Family Code.

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### OTHER PROCEEDINGS

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The proceedings under these categories may stem from criminal, civil, or juvenile cases. Categories include post conviction writs of habeas corpus; other writs of habeas corpus; bond forfeiture proceedings; and contempt, extradition, and other separately docketed proceedings not reported elsewhere.

# County-Level Courts

## Explanation of Case Categories

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### CRIMINAL DOCKET

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A criminal case is counted as one defendant per information. For example, if an information names more than one defendant, there is more than one case; three defendants named in one information equals three cases. If the same defendant is charged in more than one information, even if for the same criminal episode, there is more than one case; the same person named in four informations equals four cases. Finally, if an information contains more than one count (Article 21.24, Code of Criminal Procedure) only one case per person named in the information is reported. The case is reported under the classification for the most serious offense alleged.

The case-type categories are:

**D.W.I.:** A misdemeanor offense under Penal Code Sections 49.04 or 49.09.

**THEFT OR WORTHLESS CHECKS:** An offense under Penal Code Section 31.03 (Theft) or Section 31.04 (Theft of Service) or any offense of theft or theft of service if the defendant obtained property or secured performance of service by issuing or passing a check or similar sight order for the payment of money, when the issuer did not have sufficient funds in or on deposit with the bank or other drawee for the payment in full of the check or order as well as all other checks or orders then outstanding (Section 31.06, Penal Code). Also included are appeals of cases brought under Penal Code Section 32.41—Issuance of Bad Checks.

**DRUG OFFENSES:** An offense under the Texas Controlled Substances Act (Ch. 481, Health and Safety Code), the Texas Dangerous Drug Act (Ch. 483, Health and Safety Code), or Ch. 485, Abusable Volatile Chemicals, Health and Safety Code.

**ASSAULT:** An offense under Penal Code Sections 22.01 (Assault) or 22.05 (Deadly Conduct).

**TRAFFIC:** Violations of the provisions of Title 7, Transportation Code and related statutes, **except** D.W.I. Section 49.04, Penal Code.

**OTHER CRIMINAL:** An offense not clearly identifiable as belonging in one of the preceding categories.

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### CIVIL DOCKET

---

A civil case, unlike a criminal case, does not depend on the number of persons involved. Instead, each separate suit, normally commenced by the filing of the plaintiff's original petition, defines an individual civil case.

The case-type categories are:

**INJURY OR DAMAGE INVOLVING MOTOR VEHICLE:** All cases for damages associated in any way with a motor vehicle (automobile, truck, motorcycle, etc.), with or without accompanying personal injury. Examples include personal injury, property damage, and wrongful death cases. Any type of driver's license suspension case, however, **is not** included in this category.

**INJURY OR DAMAGE OTHER THAN MOTOR VEHICLE:** Cases for personal injury or damages arising out of an event not involving a motor vehicle. Examples include "slip-and-fall" cases.

**TAX CASES:** Suits brought by governmental taxing entities for the collection of taxes.

**SUITS ON DEBT:** Suits based on enforcing the terms of a certain and express agreement, usually for the purpose of recovering a specific sum of money.

**DIVORCE:** (Applicable only for some county courts at law.) A suit brought by a party to a marriage to dissolve that marriage pursuant to Family Code, Chapter 6. (Annulments are **not** reported here, but under All Other Family Law Matters.)

**ALL OTHER FAMILY LAW MATTERS:** This category includes all family law matters, other than divorce proceedings and those juvenile matters which are reported in the Juvenile Section, including:

- a. Motions to modify previously granted divorce decrees, or other judgments or decrees, in such matters as amount of child support, child custody orders, and other similar motions which are filed under the original cause number;
- b. Annulments;
- c. Adoptions;
- d. Changes of name;
- e. Termination of parental rights (child protective service cases);
- f. Dependent and neglected child cases;
- g. Removal of disability of minority;
- h. Removal of disability of minority for marriage;
- i. Voluntary legitimation (Section 160.201, Texas Family Code); and
- j. All other matters filed under the Family Code that are not reported elsewhere.

**OTHER CIVIL:** All civil cases not clearly identifiable as belonging in one of the preceding categories.

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### JUVENILE DOCKET

---

Juvenile cases are based upon petitions for adjudication of a child alleged to have engaged in delinquent conduct or conduct indicating a need for supervision (C.I.N.S.) as governed by Title 3 of the Texas Family Code.

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### PROBATE AND MENTAL HEALTH CASES

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**Probate cases:** These are governed by the Texas Probate Code, and include matters involving the probate of wills, the administration of estates, and guardianships. A single probate case may involve more than one person.

**Mental health cases:** These are governed by the Texas Mental Health Code and other mental health statutes, and include the commitment of mentally ill or alcoholic persons.

## Justice Courts

### Explanation of Case Categories

**Traffic misdemeanors** include all non-jailable misdemeanor violations of the Texas traffic laws and other violations of laws relating to the operation or ownership of a motor vehicle (for example, Speeding, Stop Sign, Red Light, Inspection Sticker, Driver's License, Registration, etc.). Maximum punishment is by fine and such sanctions, if any, as authorized by statute not consisting of confinement in jail or imprisonment.

**Non-traffic misdemeanors** include all other Class C misdemeanor criminal violations found in the Texas Penal Code and other state laws (for example, Public Intoxication, Disorderly Conduct, Assault, Theft Under \$50, etc.). Maximum punishment is by fine and such sanctions, if any, as authorized by statute not consisting of confinement in jail or imprisonment.

**Small claims suits** include all suits for the recovery of money (damages or debt up to \$10,000) brought to the justice of the peace as judge of the small claims court in accordance with Chapter 28 of the Texas Government Code.

**Forcible entry and detainer** cases include all suits for forcible entry and detainer (recovery of possession of premises) brought under authority of Section 27.031, Texas Government Code; Texas Property Code, Section 24.001-24.008; and Rules 738-755, Texas Rules of Civil Procedure.

**Other civil suits** include all other suits within the civil jurisdiction of the justice of the peace court, including those for recovery of money (damages or debt up to \$10,000) and for foreclosure of mortgages and enforcement of liens on personal property in cases in which the amount in controversy is otherwise within the justice court's jurisdiction as provided by Section 27.031 of the Texas Government Code.

## Municipal Courts

### Explanation of Case Categories

**Traffic misdemeanors** include all non-jailable misdemeanor violations of the Texas traffic laws and other violations of laws relating to the operation or ownership of a motor vehicle. Maximum punishment is by fine and such sanctions, if any, as authorized by statute not consisting of confinement in jail or imprisonment.

**Non-parking misdemeanors** include all violations that do not involve offenses for improper parking (for example, Exceeding the Speed Limit, Failure to Stop at a Traffic Control Device, Expired or No Driver's License or Inspection Sticker, etc.).

**Parking misdemeanors** include violations of state law or municipal ordinance involving the improper standing of a vehicle (for example, Parking on Highway Right of Way, Parking Within an Intersection, Overparking, etc.).

**Non-traffic misdemeanors** include all other non-jailable misdemeanor violations:

**State law violations** are those usually found in the Texas Penal Code and other state laws (for example, Public Intoxication, Disorderly Conduct, Simple Assault, Theft Under \$50, etc.). Maximum punishment is by fine and such sanctions, if any, as authorized by statute not consisting of confinement in jail or imprisonment.

**City ordinance violations** are those non-traffic offenses found in municipal ordinances (for example, Dog Running at Large, Plumbing Code Violation, etc.). Ordinance violations involving litter, fire safety, zoning, public health, and sanitation are punishable by fines only, up to a maximum of \$2,000. Punishment for violation of other types of city ordinances is limited to fines only, not to exceed \$500.

## Counties that Did Not Submit All Monthly Activity Reports for the Fiscal Year

### for District Courts

County	Reports Submitted
Culberson	7
Edwards	0
Falls	9
Hudspeth	0
Kinney	11
Live Oak	7
Newton	7
Zavala	1
Dallas*	10
Jasper**	0

### for County-Level Courts

County	Reports Submitted
Culberson	7
Edwards	0
Hudspeth	0
Presidio	6
Terry	10

\* Only civil activity reports missing

\*\* Only juvenile activity reports missing

## Courts that Did Not Submit All Monthly Activity Reports for the Fiscal Year

### for Justice Courts

Court	Reports Submitted	Court	Reports Submitted	Court	Reports Submitted
Ellis Pct. 3-1	11	Presidio Pct. 2-1	10	Upton Pct. 2-1	10
Hudspeth Pct. 3-1	0	Tyler Pct. 2-1	9	Webb Pct. 2-2	0

### for Municipal Courts

Court	Reports Submitted	Court	Reports Submitted	Court	Reports Submitted
Childress	0	La Ward	11	Reno (Parker Cty)	0
Indian Lake	0	Liverpool	10	South Padre	11
La Villa	0	Penitas	0	Tiki Island	8
				Winfield	8

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