

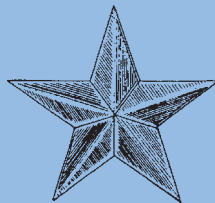
ANNUAL REPORT
OF THE
TEXAS JUDICIAL SYSTEM



FISCAL YEAR 2004

OFFICE OF COURT ADMINISTRATION
28TH ANNUAL REPORT

TEXAS JUDICIAL COUNCIL
76TH ANNUAL REPORT



Published by
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DECEMBER 2004

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OFFICE OF COURT ADMINISTRATION

**TO THE GOVERNOR, MEMBERS OF THE TEXAS LEGISLATURE AND OF THE JUDICIARY,
AND THE CITIZENS OF THE STATE OF TEXAS**



I am pleased to submit the 76th Annual Report of the Texas Judicial System for the state fiscal year 2004, pursuant to the provisions of the Texas Government Code.

This annual report represents a departure from previous annual reports. In an effort to fulfill the directive of the 78th Texas Legislature (under Office of Court Administration Rider 7 in the General Appropriations Act, H.B. 1, 2003) that the Office of Court Administration “streamline its annual report of the Texas judicial system,” all of the detailed statistical data on court activity and the comprehensive information on the structure and jurisdiction of Texas’s complex judicial system will be available in an electronic version of the report posted on the Office of Court Administration’s website (http://www.courts.state.tx.us/publicinfo/annual_reports.asp). The annual report presented to you in this format provides synopses of court activity, highlighting historical trends, as well as the individual reports of the judicial support agencies, boards, and committees – the Office of Court Administration, the Texas Judicial Council, the Task Force on Indigent Defense, and the Judicial Committee on Information Technology.

As you will see from this report, fiscal year 2004 was a very active and productive period for the Texas judiciary and the entities that support the judiciary.

We have vigorously moved forward in expanding technological support for the judicial system, including the electronic reporting of court data (exceeding our projected performance goals for the fiscal year), the implementation of a new Windows-based case management and agenda system for the Supreme Court, and a successful pilot project in four counties to test statewide electronic court filing.

We have increased county participation in indigent defense services, including the awarding of formula grants to 228 counties in the amount of \$10,700,000 – an increase of \$1.1 million over FY 2003. We created a Court Reporters Certification Division within the Office of Court Administration to support the Court Reporters Certification Board, administratively attached by the 78th Legislature to the Office of Court Administration, thereby significantly expanding the Office’s service population.

We moved forward on another mandate of the 78th Legislature (under Rider 7, H.B. 1) to revise the reporting system for the trial courts in order to simplify reporting and to improve data collection and compliance. Following upon this mandate and acting on a specific request of the Texas Judicial Council’s Committee on Judicial Data Management, we began a series of meetings with judges and clerks to review the data elements in the monthly court activity reports.

We expanded the implementation of our collections improvement project so that by the end of the fiscal year 38 counties, 11 cities, and 206 trial courts in the state were using our model program to improve the collection of fees, fines, and court costs.

Finally we have continued our successful efforts to minimize the administrative costs of the Office of Court Administration so that such costs represent only 5 percent of the agency’s overall budget, reflecting the agency’s commitment to efficient and effective administrative operations.

None of the progress of the Texas judicial system over the past fiscal year, as documented in this report, would have been possible without the collaboration and cooperation of judges, clerks, and staff of the judiciary at all levels, as well as the dedicated efforts and hard work of members of the judicial support agencies, boards, and committees. Together we have worked to promote the effective administration of justice in Texas.

Alicia G. Key
Administrative Director

Chief Justice Thomas R. Phillips Retires - Justice Wallace Jefferson Assumes Leadership

At the time of his retirement on September 3, 2004 - almost to the day 16 years and eight months after he joined the Texas Supreme Court as chief justice - Thomas R. Phillips served longer as chief justice than any but two in Texas history. He was the first Republican to serve as chief justice since Reconstruction and, when he was elected in 1988 after his appointment, he became the first elected Republican chief justice in the state's history.

During his tenure as chief justice, Phillips worked doggedly to change the judicial-selection system in Texas and in the other states that elect judges, believing and arguing that elected judges who had to raise money to win office fostered a judiciary that lacked public trust and confidence.



During his tenure as chief justice, Phillips strove to reform the state's judicial-selection system and push for changes nationwide in states that elect judges in increasingly expensive campaigns.

In 1988, when he was appointed the youngest chief justice since Texas became a state, and when justices on the Court were under attack for taking large campaign contributions from lawyers with pending cases, Tom Phillips placed a voluntary limit on the size of donations to his campaign. His limit was adopted by several other successful candidates and, in 1995, became law as part of the Judicial Campaign Fairness Act. In 2000, addressing ever-expensive judicial races in Ohio and Michigan, he and state Sen. Rodney Ellis called a national summit seeking judicial-selection change in states that elect judges.

Tom pioneered judicial campaign reform in his first statewide race when more than one political supporter thought he was nuts, said Justice Nathan L. Hecht, his friend and senior colleague on the Court, in a tribute at the Texas Supreme Court Historical Society's annual Hemphill Dinner in June. The limits he set were the blueprints for legislation in place today. And like Chief Justice Hill before him, he has tirelessly championed judicial selection reform in the face of opposition that so far has prevailed.

In 2002 he successfully sought a fourth term without accepting campaign contributions.

But his work to bolster confidence in a Court beset by national scandal didn't stop there. He worked to assure that Texas law fit into the national mainstream, that the Court's opinions surveyed jurisprudence from the other 49 states before deciding a case. In 2000, he helped win election to the esteemed American Law Institute for Texas Supreme Court justices who were not members already, making the Texas Supreme Court the only state appellate court in the nation with all its members represented in the ALI.

As chief justice, Phillips initiated several broad-based efforts to modernize the Texas judicial system. At his request, the Texas Research League in 1990 and 1991 reviewed the structure and function of the judiciary and proposed comprehensive reforms. In 1991, he created the Citizens' Commission on the Texas Judicial System, which also recommended sweeping court organizational changes. In 1995, at the Legislature's direction, he appointed the Texas Commission on Judicial Efficiency, which made many suggestions that became law in the next legislative session.

During his tenure, Chief Justice Phillips served as president of the Conference of Chief Justices and chaired the board of the National Center for State Courts in 1997-98. He was a member of several American Bar Association initiatives, including the Commission on the 21st Century Judiciary in 2002-03, the Task Force on Lawyers' Political Contributions in 1997-98 and the Judicial Selection and Judicial Campaign Committee in

2001-2003. He was the only state judge to accompany four justices of the United States Supreme Court in their official visit to various European courts and institutions in 1998.

His service as president of the National Conference of Chief Justices and on the board of the National Center for State Courts, and his work with the American Judicature Society, the American Law Institute, the Federal-State Relations Committee, and many other groups, built respect not only for him, Justice Hecht told the Hemphill dinner, but vicariously for our Court as well.

During Chief Justice Phillips' tenure, the Supreme Court made Texas the first state to adopt a mandatory IOLTA program to benefit legal services to the poor in civil cases, a move upheld by the United States Supreme Court in 2003 in *Brown v. Legal Foundation of Washington*, 538 U.S. 216 (2003), which first went to the Supreme Court in 1998 under the name *Phillips v. Washington Legal Foundation*, 524 U.S. 126 (1998). The Texas Supreme Court also worked to improve the delivery of legal services by creating the Texas Access to Justice Commission, mandating lawyers to report pro bono activities and urging lawyers to make voluntary contributions to legal-service programs.

Under Phillips' leadership, the Supreme Court improved legal ethics by creating the Commission on Lawyer Discipline and the Board of Disciplinary Appeals (1991) and by promulgating the Disciplinary Rules of Professional Conduct (effective 1990) and the Rules of Disciplinary Conduct (effective 1992). The Court oversaw the creation of the Commission on Lawyer Discipline and the Rules Governing Admission to the Bar (effective 1992). In 1994 and 1995, the Court also strengthened the regulation of attorney advertising, insofar as constitutionally permissible, and moved to stem abuses by requiring mandatory reporting of judicial appointments and fees of lawyers in 1994. In 1989, the Court adopted "The Texas Lawyer's Creed: A Mandate for Professionalism," the first set of aspirational rules for attorney conduct adopted by a state supreme court in the United States.

Tom Phillips' accomplishments, as Justice Hecht put it, "reflect a life of personal and professional integrity, a life, as he is fond of quoting Holmes, 'lived greatly in the law.'"

Tom Phillips' accomplishments, as Justice Hecht put it, "reflect a life of personal and professional integrity, a life, as he is fond of quoting Holmes, 'lived greatly in the law.'"

On September 14, 2004, Governor Rick Perry appointed Justice Wallace Jefferson the new chief justice, the first African-American to be so honored. On September 20, 2004, Justice Nathan L. Hecht administered the oath of office to the new chief justice in an informal ceremony before members and staff of the Texas Supreme Court. Justice Hecht administered the oath using the fabled Sam Houston Bible, given to the Court by Houston in his second term as president of the Texas Republic. The formal investiture of Chief Justice Jefferson in the Texas House of Representatives took place on November 11, 2004, with U.S. Supreme Court Justice Antonin Scalia administering the oath of office.

At age 41, Chief Justice Jefferson is the 26th person designated chief justice in Texas history. He was a San Antonio appellate specialist when Governor Perry appointed him to the Court in 2001. He grew up in San Antonio and graduated from James Madison College at Michigan State University and from the University of Texas School of Law. In his law practice in San Antonio he argued and won two cases before the U.S. Supreme Court.

Among the goals of the new chief justice is working with the Texas Legislature to ensure that the state's judicial system is funded adequately so that it can fully meet the needs of all Texans. This will involve discussions with the legislature about the current salary structure of the judiciary and its staff in order to find ways to attract and retain the finest legal talent available. Chief Justice Jefferson also intends to further technological improvements in court operations to promote the most efficient administration of justice in the state.



Annual Reports of the Judicial Support Agencies, Boards and Committees State Fiscal Year 2004

Introduction to the Judicial Support Agencies, Boards, and Committees

The Office of Court Administration (OCA), created by the Texas Legislature in 1977, has as its mission the promotion of “the effective administration of justice by providing leadership and service to the Texas Judicial System.” In fulfilling its mission, OCA provides research support, as well as technical, legal, and administrative assistance, to the Texas Judicial Council, the Judicial Committee on Information Technology, the Task Force on Indigent Defense, the Court Reporters Certification Board, and other judicial boards and commissions, as well as all the courts in the Texas judicial system. Acting under the direction and supervision of the Supreme Court and the Chief Justice, and managed by an administrative director, OCA conducts research and studies and provides management and technical assistance for the uniform administration of the courts and effective administration of justice in Texas. On behalf of the Texas Judicial Council, OCA collects statistical data and other pertinent information on all courts in Texas. OCA also employs personnel needed to administer the adjudication of child support and child protection cases in accordance with the provisions of Chapter 201, Texas Family Code.

The Texas Judicial Council, created by the Texas Legislature in 1929, is the primary policy-making body responsible for studying and recommending changes to the current and future state of the judiciary. The Chief Justice of the Supreme Court and the Presiding Judge of the Court of Criminal Appeals serve as chair and vice-chair of the Council, respectively, and the administrative director of OCA serves as the executive director of the Council. The Chief Justice, the Governor of Texas, the Lieutenant Governor, and the Speaker of the House appoint the other members, who include ten judges, four legislators, and six citizen members from across the state. With advice from judges, legislators, public officials, members of the bar, and the public, the Council strives to improve the quality and efficiency of justice in Texas.

The Task Force on Indigent Defense is a standing committee of the Texas Judicial Council and is composed of eight ex officio members – including the Chief Justice of the Texas Supreme Court and the Presiding Judge of the Court of Criminal Appeals – and five appointive members. The Task Force is charged with directing and monitoring the distribution of funds to counties to provide indigent defense services, developing policies and standards for providing legal representation and other defense services to indigent defendants, providing technical support to counties relating to indigent defense, and establishing a statewide county reporting plan for indigent defense information. Through its work, the Task Force seeks to promote justice and fairness to all indigent persons accused of criminal conduct, including juvenile respondents, as provided by the laws and constitutions of the United States and Texas.

The Judicial Committee on Information Technology was created by the Texas Legislature in 1997 under provisions of the “Judicial Efficiency Act.” The committee’s mission is to establish standards and guidelines for the systematic implementation and integration of information technology into the state’s trial and appellate courts. Through its work the committee seeks to guide the development and delivery of cost-effective information technology solutions to meet the increasing judicial process requirements and data sharing requirements of the Texas courts. JCIT is supported by the Office of Court Administration staff for research and planning activities, project management, fiscal services, administrative support, and implementation of technical solutions. The 15 voting members of JCIT are appointed by the Chief Justice of the Supreme Court to represent all levels of the state judiciary. The committee’s membership includes, as well, members of the legislature, the private bar, and the general public.



Office of Court Administration

"To promote the effective administration of justice by providing leadership and service to the Texas judicial system."

- Mission of the Office of Court Administration

Divisions of the Office of Court Administration

The Research and Court Services Division serves as a resource for the courts in key areas of judicial administration. The division provides consultation on recommended best practices in administrative operations, works to establish innovative court programs, serves to increase public accessibility to the courts, and helps develop and implement programs designed to increase the collection of fines, fees, and court costs.

The Judicial Information Division collects, analyzes, and publishes information on court activities throughout the state. Statistics collected by the division focus on significant issues and accomplishments in the judicial arena and are used for identifying opportunities for improvement in the judicial system. The division also produces the Texas Judicial System Annual Report and the Texas Judicial System Directory.

The Judicial Planning Division provides staff support for the Texas Judicial Council in its on-going study of the organization and work of the state's courts and in its efforts to devise methods for the improvement of the administration of justice in the Texas judicial system.

The Information Services Division provides staff support for the Judicial Committee on Information Technology (JCIT) to research, plan, and implement the latest technological innovations that best meet the needs of the strategic direction of the JCIT. The division also provides technical support for a network infrastructure for the appellate courts and judicial agencies, as well as technical and training assistance to users of state judicial systems, and develops, implements, and promotes automated systems to facilitate improved court efficiencies and to advance the establishment of technology standards throughout the Texas courts.

The Indigent Defense Division supports the Task Force on Indigent Defense by: overseeing the distribution of funds to counties for indigent defense services; developing policies and standards for legal representation and other defense services for indigent defendants; providing technical support to counties with respect to indigent defense; and establishing a statewide county reporting plan for indigent defense information.

The Legal Division provides legal advice to agency management and judicial officers. It administers the child support courts and child protection courts programs by providing legal advice and administrative support to the presiding judges of the administrative judicial regions and to the associate judges and their staff. The division researches, writes, and publishes procedure manuals for district and county clerks, promulgates model forms, and facilitates other legal assistance to the judiciary. The human resources officer for the Office of Court Administration is part of the Legal Division and administers the human resources function for the agency.

The Finance and Operations Division manages the fiscal (i.e., accounting, purchasing, and budgeting) and operational support activities of the Office of Court Administration. The division also provides support to the clerks and chief justices of the appellate courts and the presiding judges of the administrative judicial regions regarding legislative and budgetary issues.

The Court Reporters Certification Division serves as staff to the Court Reporters Certification Board, a state Board charged with performing licensing and regulatory functions for the court reporting profession, including approving the content of continuing education courses required for certification renewal. The Board certifies to the Supreme Court individuals qualified to practice court reporting based on successful completion of the

state exam and registers court reporting firms that provide court or shorthand reporting services to the public.

Accomplishments for Fiscal Year 2004

The reports in this volume on the Texas Judicial Council, the Task Force on Indigent Defense, and the Judicial Committee on Information Technology identify the achievements of the Office of Court Administration in providing staff resources and technical and research assistance to these boards and committees. In addition, the Office of Court Administration continued in FY 2004 to move strongly forward in fulfilling its mission of “providing leadership and service to the Texas judicial system.” Particular developments and accomplishments within the Office of Court Administration during FY 2004 are noted below.

Court Reporters Certification Division – Effective September 1, 2003, the Texas Legislature administratively attached the Court Reporters Certification Board (CRCB) to the Office of Court Administration. As a result, 3,068 court reporters were made part of the service population of the Office of Court Administration. The Court Reporters Certification Division was created in FY 2004 to serve the needs of the CRCB, including overseeing the examination of prospective court reporters, administering the licensing of court reporters, and processing complaints against licensed reporters and court reporting firms for possible disciplinary action by the CRCB.

Judicial Information Division – Formerly a component of the Research and Court Services division, Judicial Information was made a separate division within the Office of Court Administration in FY 2004. The Judicial Information Division has the primary responsibility for collecting, analyzing, and publishing court activity statistics and other judicial information received on a monthly basis from the approximately 2,600 courts in the state, from the Supreme Court and Court of Criminal Appeals to the intermediate Courts of Appeals and the trial level courts – district, county, municipal, and justice of the peace courts. In FY 2004, division staff continued to be the subject matter experts for the Judicial Data Management System Project. This project involved the conversion of the Office of Court Administration’s DOS system to a web-based system. The new data management system provides an improved judicial directory, a more efficient means for collecting information on the judicial system throughout the state, and a more streamlined process for preparing reports on court activity. A key component of the new system is the electronic submission of monthly activity reports from the trial courts. In FY 2004, online reporting for county and district court reports was implemented, thereby complementing the previously available online reporting capability for municipal and justice courts. During FY 2004, the Office of Court Administration continued to promote electronic reporting and to assist courts with the electronic submission of their case activity data, and, as a result of this effort, by the end of the fiscal year, 28 percent of all trial courts in Texas were reporting their activity electronically.

Research and Court Services Division - During FY 2004, the division’s activities included the development and continuation of programs and projects designed to increase the collection of fines, fees, and court costs and to improve the administrative operation of the courts. Highlights of these programs and projects are noted below.

Collections Improvement Project. In FY 2004, division staff implemented the Office of Court Administration’s model fine collections program in the county-level courts of Chambers, Grayson, Hood, Howard, Hutchinson, Liberty, Live Oak, Midland and Walker counties, and in the municipal courts of Amarillo, Kennedale, Kerrville, Pasadena and Texas City. The division also assisted in expanding the model fine collections program to the county-level courts in Bexar County, the juvenile courts in Montgomery County, the justice courts in Kerr County, and the district courts in Randall County. In addition, division staff provided technical assistance to the existing fine collections programs in Aransas, Bexar, Bowie, Brazoria, Brazos, Dallas, Galveston, Harris, Howard, Hunt, Montgomery, Nueces, Nolan, San Patricio and Wichita counties, as well as to the existing fine collections programs in the cities of College Station, Garland and Longview. Further, the division evaluated how collections are handled in the cities of Amarillo, Bellmead, Cedar Hill, Copperas Cove, Crowley, Kennedale, La Joya, Lavon, Pasadena, Round Rock, Sherman, and Whitehouse, and in the counties of Chambers, Gregg, Hardin, Newton, Smith, Somervell, Tarrant, Travis and Walker, and made collections improvement recommendations. By the end of FY 2004, 38 counties, 11 cities,

and 206 courts (including district, county-level, justice, and municipal courts) in the state were using the Office of Court Administration's model fine collections program.

Juvenile Law Referees. The division was awarded a \$198,358 Juvenile Justice Accountability Incentive Block Grant to continue this project for a fifth year. The purpose of the project is to hold juvenile offenders more accountable for their actions by providing additional judicial officers and support staff to efficiently and effectively process the large volume of juvenile cases in Hidalgo and Bexar counties. The participating counties agreed to provide a cash match of \$127,036, resulting in total project support of \$325,394 for the period of the grant, August 1, 2003 through July 31, 2004. Grants received by the Office of Court Administration from federal or state sources are – as is this grant - primarily pass-through grants which go to local participating governments or courts to cover the project costs under the grant. The local government or court also generally provides the preponderance of any local matching funds required as a condition of the grant. The Office of Court Administration's participation under the grant project usually occurs on an "in-kind" basis and takes two forms: (1) Research and Court Services staff participate in the actual research, analysis, and report-writing phases of a grant project; and (2) Office of Court Administration staff serve as grant manager or fiscal agent in administering the grant by reviewing expenditures and filing necessary grant reports to the funding agency.

Judicial Data Workgroup. Acting on a mandate of the 78th Texas Legislature (under Office of Court Administration Rider 7, H.B. 1, 2003) and a request of the Texas Judicial Council's Committee on Judicial Data Management, the division began a long-term process of working with judges and clerks in undertaking an extensive review of the data elements currently used by trial courts in reporting court activity in criminal, civil (including family law) and juvenile cases. In time, all levels of trial courts will be brought into the process, but because the number of data elements is so extensive, the division inaugurated the review in August 2004, by convening a sub-workgroup of judges and clerks to address data elements for criminal cases in the district courts. After an opportunity for inputs from other interested individuals and entities, the recommendations of the full workgroup will be forwarded to the Committee on Judicial Data Management for its consideration and possible adoption.

Legal Division - A major focus of the Legal Division's work in FY 2004 continued to be assistance both to the state's child support enforcement courts operating under Title IV-D of the federal Social Security Act and to the state's child protection courts.

Child Support Courts Program. By an act of the 78th Legislature, effective September 1, 2003, Title IV-D "masters" were designated "associate judges." The 78th Texas Legislature also approved the funding for six previously authorized FTEs (three associate judges and three assistants) for the establishment of three new courts within the child support courts program. During FY 2004, the Legal Division did an extensive analysis of the caseloads and dispositions of the existing child support courts to determine where new courts were most needed. As a result of this analysis, an additional court was created in Webb County. The appointment of the new associate judge will enable two judges working in Webb County and surrounding counties to assist with the high caseload in Bexar County. The analysis also revealed areas where the caseload of certain courts was significantly below the average caseload of associate judges in the child support courts program. Based on the analysis, the Office of Court Administration proposed a plan to redistribute county assignments so that Title IV-D associate judges' caseloads are consistent within their regions.

Child Protection Courts Program. The child protection courts in Texas were created to assist trial courts in rural areas in managing their child abuse and neglect dockets and were originally funded by a federal grant made to the Court Improvement Project of the Supreme Court Task Force on Foster Care. In FY 2001, the state assumed funding for the courts. At the end of FY 2004 there were fifteen courts operating in 126 counties with ten associate judges, six assigned judges (two of them part-time), six court reporters, and eleven court coordinators.



Texas Judicial Council

In FY 2004, the Texas Judicial Council (Council) held two public hearings in Austin: one on December 1, 2003, and the other on August 27, 2004. Most of the Council's accomplishments during FY 2004 were achieved through the efforts of its various committees.

Committee on Public Access to Court Records. Because of technological advances such as the electronic filing of court documents, court records have become easier to access, with the potential of being "broadcast" through the Internet. To address this issue, the Council created the "Committee on Public Access to Court Records" (Committee) in November 2003. Given the constitutional underpinnings of both courts and privacy, the Committee was charged with the development of a comprehensive statewide policy that balances the important interests of public access, personal privacy, and public safety while maintaining the integrity of the judicial process. Over the course of FY 2004, the Committee held six public hearings, conducted extensive research, and analyzed relevant federal and state policies, rules, and statutes. In July 2004, after receiving contributions from the legislature, the judiciary, and the public, the Committee submitted its report with recommendations to the Council for consideration. In August 2004, after reviewing the work of the Committee, the Council issued its report *Public Access to Court Case Records in Texas* which contained the following edited recommendations:

Sensitive/Confidential Data Form. The Supreme Court should require that a Sensitive Data Form be completed for each case file whether in paper or electronic format. Implementation of the form will help to prevent identity theft by minimizing the distribution and publication of certain personal identifying information. The form should include all of the following: social security numbers; bank account, credit card or other financial account and associated PIN numbers; date of birth; driver's license, passport or similar government-issued identification numbers (excluding state bar numbers); the address and phone number of a person who is a crime victim as defined by Article 56.32, Code of Criminal Procedure, in the proceeding; and the name of a minor child.

Unless ordered by the court, any party filing a pleading or other document with the court should not include any sensitive data in such pleading or document, whether filed on paper or in electronic form, regardless of the person to whom the sensitive data relates. Also, unless ordered by a court, if reference to any sensitive data is necessary in a pleading or other case record filed with the court, the filing party should refer to that sensitive data as follows: if a social security number or financial account number of an individual must be included in a case record, only the last four digits should be used; if the involvement of a minor child must be mentioned in a case record, only that child's initials should be used; and if a date of birth must be included in a case record, only the month and year should be used. However, the Committee recommended further study regarding the reference to a date of birth or to the name of a minor child.

Responsibility for omitting or redacting sensitive data from documents filed with the court should rest solely with counsel and the filing party. The court or court clerk should have no obligation to review each pleading or other filed document for compliance. Also, unless otherwise ordered by the court, the form should not be accessible to the general public either remotely or at the courthouse. Moreover, unless otherwise ordered by the court, the parties should be required to copy one another with the form.

Remote Access Policy. Under this policy, remote public access and public access at the courthouse would be treated differently by placing the following limitations on remote access:

(1) Court-Created Records. Only court-created records (i.e., indexes, court calendars, dockets, register of actions, court minutes and notices, judgments and orders of the court) may be accessible to the general public by remote electronic means.¹

(2) Case Records other than Court-Created Records. Remote access by the general public to case records, other than court-created case records, may be granted through a subscriber-type system that requires users to register with the court and obtain a log-in and password.²

(3) Specific Types of Records. Regardless of whether a subscriber-type system is in place, the following case records are extremely sensitive and should be excluded from *remote access* by the general public: (a) medical, psychological or psychiatric records, including any expert reports based upon medical, psychological or psychiatric records; (b) pretrial bail or pre-sentence investigation reports; (c) statements of reasons or defendant stipulations, including any attachments thereto; and (d) income tax returns.

(4) Family Code Proceedings. Regardless of whether a subscriber-type system is in place, the case records filed as part of any family code proceeding, other than court-created case records, are extremely sensitive and should be excluded from remote access by the general public.³

Creation of study and oversight committees. The Council should appoint a committee to examine and make recommendations regarding case records or proceedings that should be closed to the public both at the courthouse and on the internet. While some Council members recommend that access to paper documents and electronic documents be the same, they acknowledge that there may be records (e.g., medical, psychological and psychiatric reports, tax returns, and defendant stipulations) or proceedings (e.g., child custody disputes, adoption or divorce proceedings) that are not appropriate for internet publication and should therefore be made confidential both at the courthouse and on the internet. The committee should examine and make recommendations to protect victims of sexual assault, domestic violence, stalking, or other such victims from being identified and located by use of the information contained in public court records. The Council should also appoint an oversight committee to review the electronic publication of Texas' state court records. The committee would monitor and track public access, public safety, and judicial accountability, and report back to the Council prior to the 80th Regular Legislative Session.

With the implementation of these recommendations, the Council is confident that the public's trust, confidence, and use of the court system will continue to thrive and that with the implementation of a confidential Sensitive Data Form, the public safety concerns associated with identify theft and other improper actions can be minimized while the integrity of the judicial system is preserved.

Committee on Prosecutors in the Justice of the Peace and Municipal Courts. In June 2001 the Council formed the Committee on Prosecutors in the Justice of the Peace and Municipal Courts (Committee) to identify, study, and make recommendations regarding those municipal and justice of the peace courts that do not have a prosecutor. The Committee met in February and April of 2004. Because a number of municipal courts do not have prosecutors, the Committee focused on a legislative proposal that would allow municipalities to hire and compensate a designated prosecutor or county attorney to represent the state in the municipality. In August 2004, the Council approved the concept but asked staff to solicit additional input.

¹ The Council acknowledges that some court orders are required by law to contain some of those personal identifiers deemed confidential by this Committee (e.g., divorce decrees must contain a social security number). However, the Council leaves the decision as to how to handle those situations to the Texas Supreme Court, local administrative judge, or individual judge.

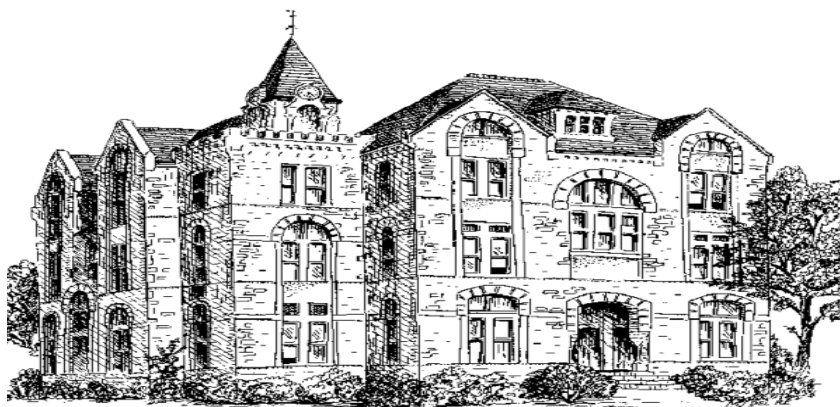
² The parameters of the system need to be defined. The Committee generally favored the subscriber-agreement system implemented in Tarrant County, but would not mandate that a user fee be charged.

³ This provision recognizes the personal nature of those disputes involving children, marriages, and parental rights and restricts remote access to such proceedings by the general public.

Committee on Juvenile Justice. In August 2004, the Council created the *Committee on Juvenile Justice*, chaired by Judge Allen Gilbert, to examine and make recommendations regarding the admissibility and verification of video magistrations made pursuant to Title 3 of the Texas Family Code. The Committee was also asked to study and make recommendations about juvenile justice as it relates to the public school system including failure to attend school and violations of standards of student conduct. The Committee will examine how such conduct may be related to criminal offenses and make appropriate recommendations. The Committee, which held its first public hearing on October 28, 2004, will solicit input from the judiciary, the legislature, and other entities working to improve juvenile conduct and justice.

Committee on Juries. In June 2001, the Council created the *Committee on Juries* (Committee) to study jury service, in compliance with a directive of the 77th Texas Legislature. The Committee conducted two public hearings and solicited input from the 254 counties, the Legislative Budget Board, the Legislature, and the Judiciary. In April 2003, the Council adopted the Committee's report *Jury Service: Participation and Pay in Texas*. At its August 2004 meeting, the Council adopted and launched the *Texas Judicial Council's Juror Information Web Site* which can be accessed at www.courts.state.tx.us/jcouncil. By providing jurors with useful information and links to individual court websites and other state resources, the website will help prospective jurors better understand the jury system.

*Fayette County
Courthouse*



Task Force on Indigent Defense

Survey on the Implementation of the Fair Defense Act. An FY 2004 online survey conducted by the Task Force on the implementation of provisions of the *Texas Fair Defense Act* (FDA) brought responses from 154 individuals representing a cross-section of counties and other Task Force stakeholders. The Task Force on Indigent Defense (Task Force) was established by the FDA, enacted by the 77th Legislature, for the following purposes: 1) provide technical support to assist counties in improving their indigent defense systems; 2) direct the comptroller to distribute funds, including grants, to counties to provide indigent defense services in the county; 3) monitor each county that receives a grant and enforce compliance by the county with the conditions of the grant; 4) develop policies and standards for providing legal representation and other defense services to indigent defendants at trial, on appeal, and in post-conviction proceedings; and 5) develop a plan that establishes statewide requirements for counties relating to reporting indigent defense information. Respondents to the survey noted improvements brought about by the FDA, including quicker appointment of counsel, greater countywide consistency in indigent defense practices, and decreased resetting of cases for unrepresented defendants. The main problem areas with the FDA identified by the survey related to the shorter time-frames for appointing counsel and the process of determining indigence. Many respondents indicated that these two areas were driving up costs because more people were being found indigent requiring counsel to be appointed.

Program Monitoring. Under provisions of the Texas Government Code (§71.062(a)(3)), the Task Force is required to monitor each county that receives a grant and enforce compliance by the county with the conditions of the grant. In FY 2004, the Office of Court Administration's Indigent Defense Division added to its staff a program monitor responsible for ensuring that grant funds are spent appropriately in accordance with the FDA.

Website: Data, plans, model forms and procedures, rules, online submission processes. All 254 counties' indigent defense plans and expenditure reporting data are available to the public on the Task Force website at www.courts.state.tx.us/tfid. Through a password protected portion of the website, county officials may complete the annual expenditure report and the plan submission/verification process and update their contact information. In FY 2004, the Task Force completed the development of the system for on-line reporting by county officials. This online system streamlines the process for counties and greatly reduces the paperwork required. The public website also includes all the model forms and procedures adopted by the Task Force.

Policies and Standards. In an effort to provide assistance in two areas of concern, the Task Force moved to adopt two model procedures at their meeting on August 16, 2004. The first is a model procedure that may be used by the regional presiding judges to handle attorney appeals of the fees awarded by trial courts. The procedure is based on the procedure used by Judge Dean Rucker in the Seventh Administrative Judicial Region. The second deals with removal of attorneys from the appointment list. It lists reasons for removal and a process for considering attorney removals that includes an opportunity for the attorney to be heard. Counties may consider adopting the procedure as part of their indigent defense plans. These models are available on the website at www.courts.state.tx.us/tfid.

Grants and other funding provided to counties for indigent defense services. In FY 2004, the Task Force awarded formula grants to 228 counties in the amount of \$10,700,000 – an increase of \$1.1 million over FY 2003 resulting from a surety bond fee adopted by the 78th Legislature. These funds support the overall indigent defense program in the counties and are the primary source of state assistance. The Task Force also sets aside money for direct disbursements to small counties that often do not have sufficient indigent defense expenses to spend the grant. If a county that does not apply for the formula grant does have indigent defense expenses above its baseline then it may apply for these funds on a reimbursement basis. If a county spent no formula grant funds in the prior year then the county is eligible to receive up to twice its formula grant allocation. In FY 2004 the Task Force paid out \$88,635 to 13 counties eligible for direct disbursement.

The Task Force also awarded discretionary (competitive) grants to six counties totaling \$1,121,303. These grants fund innovative programs in counties to improve the delivery of indigent defense services. Programs funded during FY 2004 included providing a mental health unit in the El Paso County Public Defender's office, as well as case management systems and two new indigent defense coordinators. Lastly, the Task Force paid out \$200,000 to four counties that had experienced extraordinary indigent defense expenditures. All involved expenses associated with representation in capital murder cases - unusual events in the counties.

Major Studies and Publications. The Task Force applied for, and was awarded a \$90,000 grant from the State Justice Institute. The study will evaluate the impact of direct electronic filing in criminal cases and will develop models of interest and relevance to local, state and national officials. The study is being conducted in collaboration with Public Policy Research Institute (PPRI) and will be complete by fall 2005. The Task Force also contracted with The Spangenberg Group, a nationally recognized experts in the study and improvement of indigent defense systems, to study the state's public defender offices. The study produced two technical assistance reviews of Dallas and Wichita Counties public defense systems and generated a publication entitled *Blueprint for Creating a Public Defender Office in Texas*. The *Blueprint* is intended to be a tool for Texas local and state officials who seek a deeper understanding of what a "public defender" is and whether creating one makes sense. The reviews and publication are available on the website at www.courts.state.tx.us/tfid.

Training and Outreach. In FY 2004, the Task Force and staff provided presentations across the state to at least 1,200 judges, county commissioners, defense attorneys, county employees, and other criminal justice stakeholders on their responsibilities and on the responsibilities of the Task Force.

FY04 Annual Report for the Task Force. The Task Force is statutorily required to submit an Annual Report, and the full report for FY 2004 may be viewed and downloaded at www.courts.state.tx.us/tfid.



Judicial Committee on Information Technology

Appellate Court and Judicial Agency Support. Carrying out strategies of the Judicial Committee on Information Technology (JCIT), the Office of Court Administration's Information Services Division implemented a new Windows-based case management and agenda system for the Supreme Court in FY 2004. In addition, division staff completed the conversion of both the Supreme Court and the Court of Criminal Appeals to the Texas Judiciary Online website early in the fiscal year. The Information Services Division continues to support the computer infrastructure for the 16 appellate courts and other judicial agencies.

Electronic Court Filing. In creating the JCIT, the 75th Texas Legislature charged the JCIT to "develop minimum standards for an electronically based document system to provide for the flow of information within the judicial system in electronic form and recommend rules relating to the electronic filing of documents with courts" (Government Code § 77.031(b)). To fulfill this mandate, JCIT has worked closely with the Department of Information Resources (DIR), the national judicial standards committees, district clerks, county clerks, commissioners' courts, and trial and appellate courts. Electronic court filing enables filers and courts to connect electronically through the state's e-Government portal, TexasOnline (www.texasonline.com) which was created by the 77th Texas Legislature to make government more accessible to Texas citizens through electronic means. The electronic filing architecture is designed to allow parties to file electronically in any participating court using a service provider of their choice. It also allows courts to accept filings from all commercial filing services without having to connect to each one individually.

In FY 2004, JCIT and TexasOnline concluded a successful pilot project in four counties to test statewide electronic court filing in Texas. The project entered the statewide implementation phase in April 2004. At the end of fiscal year 2004, six counties had implemented e-filing: Bexar, Dallas, El Paso, Fort Bend, Tarrant, and Upton. More than 40 others have expressed interest in e-filing and will be phased into the system. Based on lessons learned in the pilot, JCIT developed proposed standard rules for the implementation phase. The proposed rules were accepted by the Supreme Court in June 2004 and will remain in effect until rescinded by the Court or superseded by the Texas Rules of Civil Procedure. JCIT also provided the Supreme Court with proposed changes to the Texas Rules of Civil Procedure to incorporate electronic filing.

Telecommunications. In 2003, the Office of Court Administration contracted with the County Information Resource Agency (CIRA, part of the Texas Association of Counties (TAC)) to extend broadband Internet connectivity to courts and clerks that had no Internet access or only limited dial-up service. By the end of FY 2004, 64 courts and clerks in 19 counties had been provided broadband access to the Internet. In exchange for this improved Internet access, the recipient courts and clerks agreed to submit their monthly court activity reports to the Office of Court Administration electronically. JCIT's goal is to fund and install broadband hardware and initial connectivity in several additional rural counties. To achieve that goal, the Office of Court Administration received appropriations for FY 2004—FY 2005 to expand broadband connectivity during the biennium. In FY 2004, the Office of Court Administration again contracted with CIRA to extend broadband Internet connectivity to courts and clerks that have no Internet access or only limited dial-up service.

Trial Court Technology. In FY 2004, JCIT continued to develop innovative, low-cost solutions to meet several judicial requirements. For example, the Information Services Division coordinated the distribution of 448 surplus computers, most of which were from the 16 appellate courts, to trial courts, including 64 to support collections programs. In addition, JCIT and the Office of Court Administration assisted trial courts in obtaining surplus computer items from other state sources. Each month state agencies post surplus property item listings on the Comptroller's website. Eligible political subdivisions, including courts, can claim the items on a first come, first served basis. JCIT publicizes the availability of the items in its twice a year electronic newsletters and on its website (<http://www.courts.state.tx.us/jcit/tsp.htm>).

In January 2004, JCIT assisted the judicial training centers in planning and hosting the second Texas Court and Local Government Technology Conference in conjunction with the Government Technology Conference held in Austin. TAC served as sponsor, with the other three judicial training centers and JCIT providing co-sponsorship. The conference included seminars, technology demonstrations, online legal research training, and a wealth of vendor applications and products. A special addition for the 2004 conference was the demonstration of the National Center for State Courts' portable Courtroom 21.

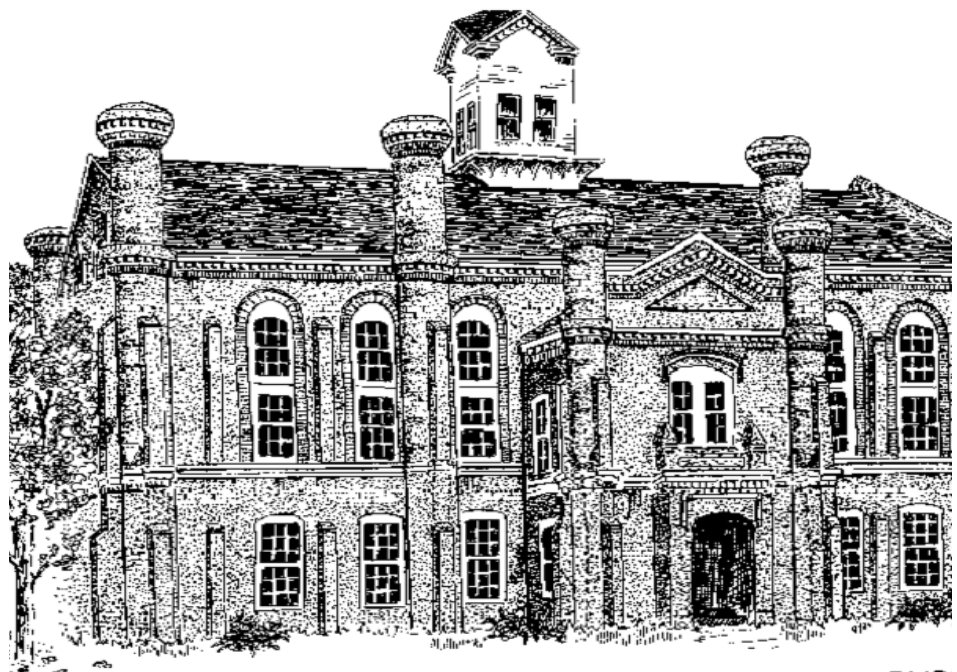
JCIT and the Office of Court Administration also assisted the Department of Public Safety (DPS) in developing a federal grant application to provide fingerprint capture capabilities for district clerks and county clerks in selected pilot counties. This initiative is intended to improve the criminal history database by providing fingerprints for each criminal case disposition. The grant application was funded by the National Criminal History Improvement Program (NCHIP) in FY 2004, with funding being provided directly to DPS. The pilot program is expected to be implemented in five counties in 2005.

For several years, the Office of Court Administration contracted with CIRA to provide secure e-mail services to rural Texas counties. Through this initiative, CIRA has established secure e-mail accounts for over 1,100 officials in rural counties, including more than 350 judges, clerks, and court staff, and has also established and supports official county websites for 149 rural counties. Since FY 2001, JCIT and the Office of Court Administration have provided a portable wireless training network with 20 student laptop computers for use by the four judicial training centers. In fiscal year 2004, this system was used to support training around the state, including over 130 justices of the peace and court staff through the Justice Court Training Center.

Trial Court Case Management System. JCIT and the Office of Court Administration developed the requirements, standards, and specifications for case management systems to replace the Office of Court Administration's DOS-based software developed and distributed in the 1980's. In FY 2004, after evaluating 12 vendor applications, the Office of Court Administration selected five for placement on statewide contracts through the Department of Information Resources (DIR). Local governments can now purchase the DIR-approved case management software and services at the best available rates through DIR contracts (<http://www.dir.state.tx.us/store/busops/softwaresubjects.htm>). JCIT and the Office of Court Administration plan to continue this effort in early FY 2005 by selecting more vendors for DIR statewide contracts.

Judicial Information Technology Standards. JCIT's Standards Subcommittee is charged with researching, developing, and recommending judicial information technology standards for statewide use. In FY 2004, as part of the electronic court filing project, the Subcommittee adopted a standard affidavit of indigency for civil cases for use by clerks for all civil cases involving indigent parties (available at www.courts.state.tx.us/jcit/Efiling/IndigencyForm.doc).

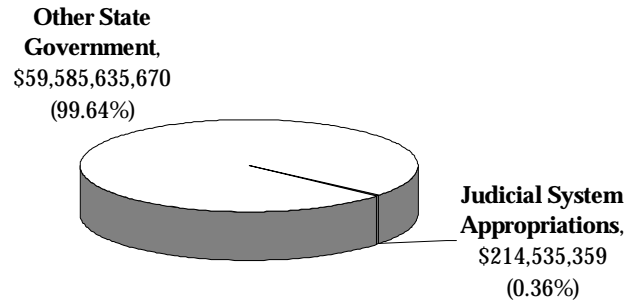
*Shelby County
Courthouse*



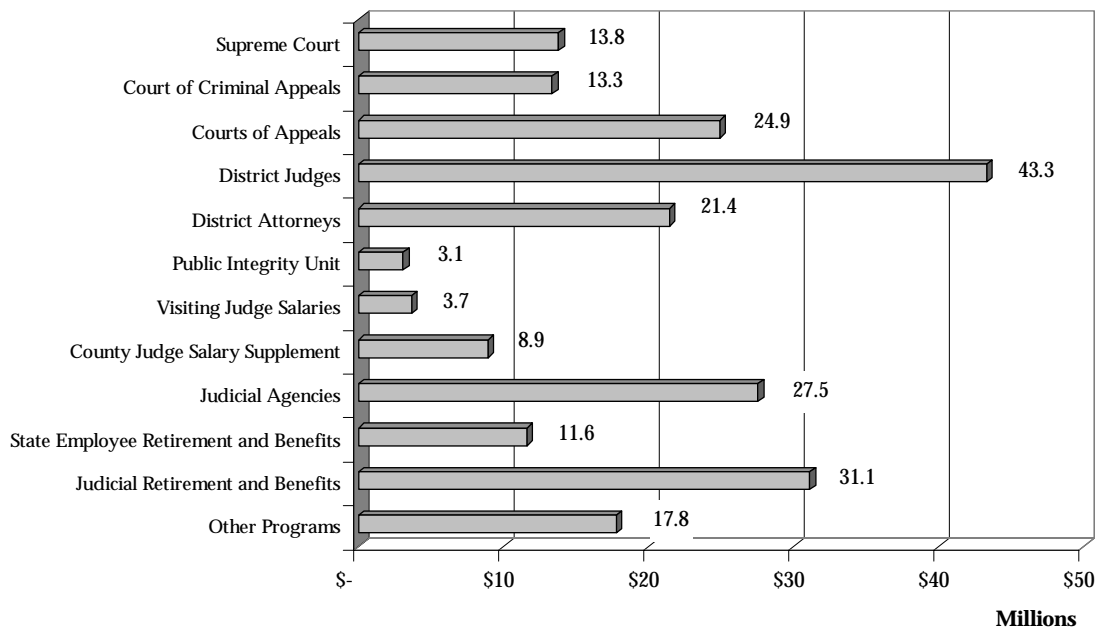


The Texas Judicial System: An Overview

Total State Appropriations, FY 2004

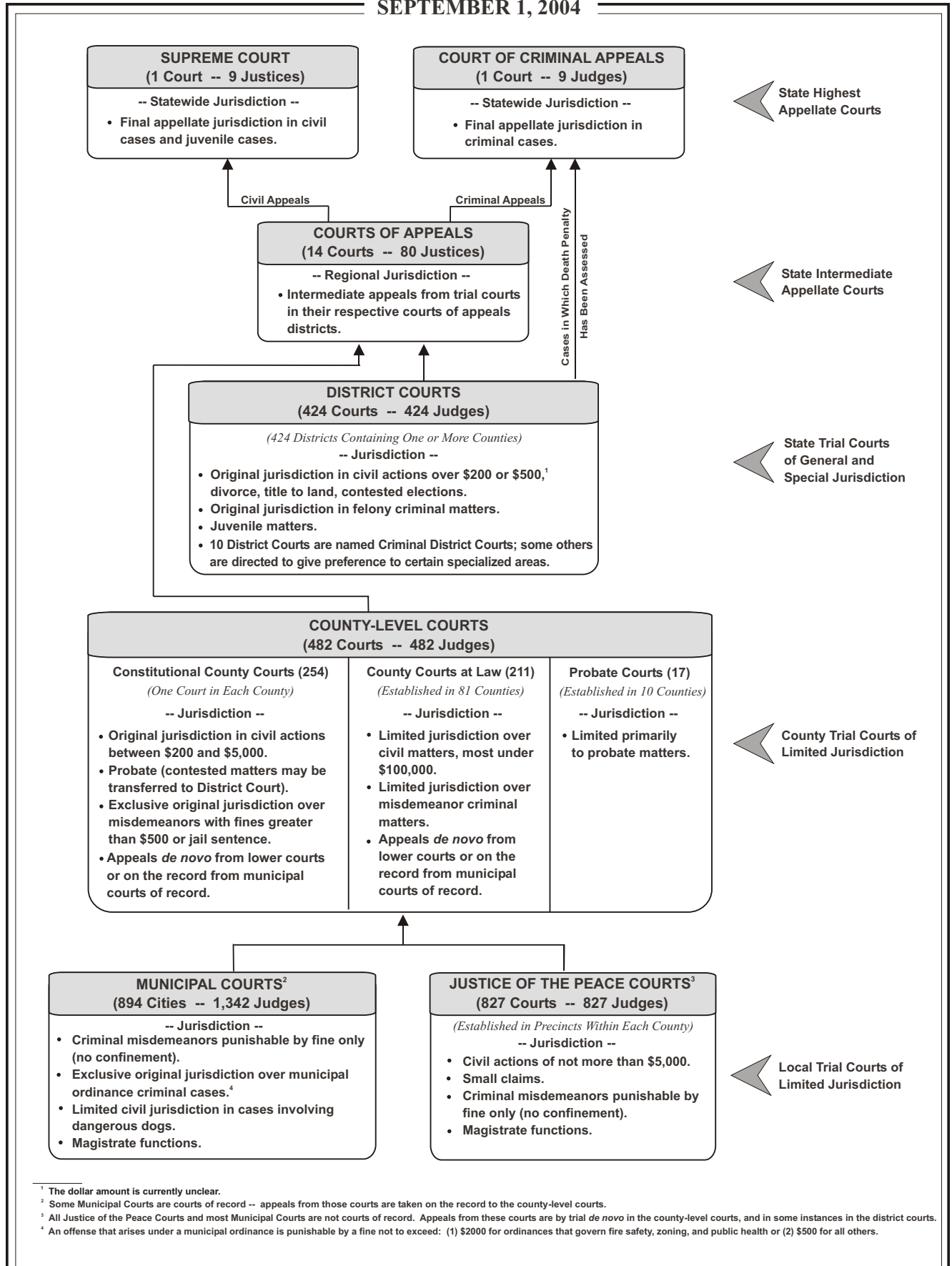


Judicial System Appropriations, FY 2004



COURT STRUCTURE OF TEXAS

SEPTEMBER 1, 2004



¹ The dollar amount is currently unclear.
² Some Municipal Courts are courts of record -- appeals from those courts are taken on the record to the county-level courts.
³ All Justice of the Peace Courts and most Municipal Courts are not courts of record. Appeals from these courts are by trial *de novo* in the county-level courts, and in some instances in the district courts.
⁴ An offense that arises under a municipal ordinance is punishable by a fine not to exceed: (1) \$2000 for ordinances that govern fire safety, zoning, and public health or (2) \$500 for all others.



The Texas Judicial System Structure & Function

The judicial power of the State of Texas is derived from Article 5, Section 1 of the Texas Constitution, which provides:

The judicial power of this State shall be vested in one Supreme Court, in one Court of Criminal Appeals, in Courts of Appeals, in District Courts, in County Courts, in Commissioners Courts, in Courts of Justices of the Peace, and in such other courts as may be provided by law.

The Legislature may establish such other courts as it may deem necessary and prescribe the jurisdiction and organization thereof, and may conform the jurisdiction of the district and other inferior courts thereto.

(As amended November 4, 1980, effective September 1, 1981.)

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 level courts.

Appellate courts do not try cases, have jurors, 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

In 1836, the Supreme Court of Texas was first established 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. The various constitutions and amendments thereto, however, 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.

A constitutional amendment adopted in 1980 provides:

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.

Thus, the Supreme Court of Texas has statewide final appellate jurisdiction in most civil and juvenile cases. The Supreme Court is empowered to make and enforce all necessary rules of civil trial practice and procedure, evidence, and appellate procedure, and to promulgate rules of administration to provide for the efficient administration of justice in the State. A constitutional amendment effective January 1, 1986, gave the Supreme Court, along with the Court of Criminal Appeals, jurisdiction to answer questions of state law certified from a federal appellate court. The Supreme Court has original jurisdiction to issue writs and to conduct proceedings for the involuntary retirement or removal of judges.

The Supreme Court is composed of one chief justice and eight justices, who are elected in partisan elections on a statewide basis for six-year terms of office. Vacancies between elections are filled by gubernatorial appointment with the advice and consent of the State Senate, until the next general election. To be eligible to serve as a justice of this court, a person must be licensed to practice law in this State, be a citizen of the United States and of the State of Texas, be at least 35 years of age, and have been a practicing lawyer, or a lawyer and judge of a court of record together, for at least ten years.

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. The judiciary article that was created by the constitutional amendment of 1891 changed the name of this court to the Court of Criminal Appeals and limited its jurisdiction to appellate jurisdiction in criminal cases only.

A constitutional amendment adopted in 1980 provides:

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.

The jurisdiction of the Court of Criminal Appeals extends to criminal cases heard by the intermediate courts of appeals and directly from the trial courts in all cases in which the death penalty has been imposed. In addition, the Court of Criminal Appeals promulgates rules of evidence and appellate procedure for criminal cases.

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, including a presiding judge. All judges on the Court of Criminal Appeals must have the same qualifications and be elected in the same manner as the justices of the Supreme Court.

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. However, by 1891, the docket of the Supreme Court had become so crowded that it became apparent that other changes were necessary to expedite the disposition of appellate cases. Thus, the amendment of 1891 authorized 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 at the same time providing for a more convenient and less expensive system of intermediate appellate courts for civil cases. By an amendment to the Texas Constitution in 1980 the Courts of Civil Appeals were renamed the "Courts of Appeals" with extended appellate jurisdiction to include criminal cases.

The legislature has divided the State into 14 court of appeals districts and has established a court of appeals in each. Courts of appeals are now located in the following cities: Amarillo, Austin, Beaumont, Corpus Christi, Dallas, Eastland, El Paso, Fort Worth, Houston (two courts), San Antonio, Texarkana, Tyler, and Waco.

Each court of appeals has jurisdiction of 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.

Each of the courts of appeals has at least three judges—a chief justice and two other justices. However, the legislature is empowered to increase this number whenever the workload of an individual court requires additional judges. There are now 80 judges serving on the 14 intermediate courts of appeals. The Dallas Court of Appeals has thirteen justices, the two courts located in Houston (the First and the Fourteenth) each have nine justices, the courts located in Fort Worth and San Antonio each have seven, the courts located in Austin and Corpus Christi each have six, the courts located in El Paso and Amarillo each have four, and the remaining courts each retain the constitutional minimum number of three. Effective January 1, 2005, the 78th Legislature increased the number of justices on the Beaumont Court of Appeals from three to four. The legislation also provides that when a vacancy occurs or a term expires on the El Paso Court of Appeals, that position will be eliminated leaving the El Paso court with three justices.

Judges of these courts are elected in partisan elections for six-year terms of office by the voters in their own districts. They must have the same qualifications for office as the justices of the Supreme Court of Texas.

Trial Courts

The trial courts are those courts in which witnesses are heard, testimony is received, exhibits are offered into evidence, and a verdict is rendered. In a civil case, the verdict determines which party to the lawsuit prevails; in a criminal case, the verdict determines whether the defendant is guilty or not guilty of the crime alleged. Defendants in criminal cases and the parties in civil lawsuits have the right to a trial by a jury of either six or twelve local citizens. Except in capital murder cases, the parties have the right to waive a trial by jury and have the judge presiding over the case make the final determination. Generally, determinations made in the trial courts can be appealed to the appellate courts for review.

The trial court structure in Texas has several different levels, each level handling different types of cases. 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 are the municipal courts, located in each incorporated city of the State, and the justice of the peace courts, located in precincts of each county of the State.

District Courts

The district courts are the primary trial courts in Texas, the successor to the common law *nisi prius* courts. 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 of the constitutions have provided that the judges of these courts must be chosen from defined districts (as opposed to statewide election).

District courts are courts of general jurisdiction. A constitutional amendment adopted effective in November 1985 amends Article V, Section 8 of the Texas Constitution, in pertinent part, as follows:

District Court jurisdiction consists of exclusive, appellate, and original jurisdiction of all actions, proceedings, and remedies, except in cases where exclusive, appellate, or original jurisdiction may be conferred by this Constitution or other law on some other court, tribunal, or administrative body.

This provision, while it extends a district court’s potential jurisdiction to “all actions,” also makes such jurisdiction relative in that the court’s jurisdiction excludes 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 which confer exclusive, original, or appellate jurisdiction on other courts serving the same county or counties.

Taking into account the various constitutional and statutory provisions which confer general jurisdiction on other levels of court, 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. In some localities, the courts that exercise criminal jurisdiction exclusively are designated criminal district courts. 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. In those counties having statutory county courts at law, the district courts generally have exclusive jurisdiction in civil cases wherein the amount in controversy is \$100,000 or more and concurrent jurisdiction with the statutory county courts at law in cases where the amount in controversy exceeds \$500 but is less than \$100,000.

The district courts may hear contested matters involved 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 court of appeals having jurisdiction over the locale of the district court.

As of September 1, 2004, there were 424 separate district-level courts created by the Legislature. Each is identified by separate numbers, each having its own judge elected by the voters of the judicial district. In a number of locations, the geographical jurisdiction of two or more district courts is overlapping.

A 1985 constitutional amendment established a 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

The county courts were established by the Constitution of 1836. They were presided over by a chief justice appointed by the Congress of the Republic of Texas for a term of four years. This continued from 1836 to 1841, when the office was made elective. The term was shortened to two years in the Constitutions of 1845 and 1861. Under the Constitution of 1866, the name of the presiding officer of the court was changed from chief justice to county judge, and the term of office was again established at four years. The county court was abolished by the Constitution of 1869, but was re-established by the Constitution of 1876 with an elected presiding officer, the county judge, serving a two-year term. The term of office was increased to four years by a constitutional amendment adopted in 1954.

Today, the Texas Constitution provides for a county court in each county. Generally, “constitutional” county courts have concurrent jurisdiction with justice of the peace courts in civil cases where the matter in controversy exceeds \$200 but does not exceed \$5,000; 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, upon conviction, is by fine exceeding \$500 and/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 of the peace courts and municipal courts. Original and appellate judgments of the county courts may be appealed to the courts of appeals.

The Constitution provides that the county judge “shall be well informed in the law of the State ...”. This has been interpreted to mean that neither formal study of the law nor a license to practice law is a necessary qualification to hold office as county judge. Currently, of the 254 county judges in the State, approximately 12 percent are licensed to practice law.

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 has created statutory county courts and statutory probate courts, primarily in metropolitan counties, to provide assistance to the single “constitutional” county court. The first statutory county court was established under an act of the Texas Legislature in 1907, and the legislature has authorized a total of 234 of these statutory courts in 84 counties to relieve the county judge of some or all of the judicial duties of office. As of September 1, 2003, 226 of these courts were in actual operation in 81 counties.

Justice of the Peace Courts

The position of justice of the peace was established by the Constitution of the Republic which provided for a “convenient number of “Justices of the Peace” to be elected by the qualified voters of each county, for terms of two years. This office has been retained in all subsequent constitutions, although the jurisdiction of these courts has been severely restricted in later constitutions.

The justice of the peace is important in the capacity as a committing magistrate, with the authority to issue warrants for the apprehension and arrest of persons charged with the commission of public offenses, both felonies and misdemeanors. 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.

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. Approximately 835 justice of the peace courts are in operation today.

Justices of the peace are elected by the voters of the respective precincts of the county in partisan elections for four-year terms of office. There are no constitutional or statutory qualifications to hold this office and only about six percent of the justices of the peace in the State are lawyers.

Justice of the peace 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 is from \$200.01 to \$5,000. Justice of the peace courts also have jurisdiction over forcible entry and detainer cases and function as small claims courts. Trials in justice of the peace courts are not of record. Appeals from these courts are upon trial *de novo* in the county court, the county court at law, or the district court.

In thirty-six counties, the county court, by special statute, has been given concurrent jurisdiction with the justice of the peace courts in that county in all civil matters over which the justice of the peace courts have jurisdiction:

Municipal Courts

Under its constitutional authority to create "...such other courts as may be provided by law," the Texas Legislature has created municipal courts in each incorporated city of the State.

Presently, municipal courts are operating in approximately 886 cities. Metropolitan cities usually have more than one municipal court. These courts have no appellate jurisdiction, but do have original and exclusive jurisdiction over criminal violations of city ordinances and resolutions, rules or orders of joint boards that operate airports under Section 22.074, Transportation Code and are punishable by a fine not to exceed: 1) \$2,000 in cases arising under municipal ordinances or airport board resolutions, rules or orders that govern litter, fire safety, zoning, public health, and sanitation; or 2) \$500 in all other cases arising under a municipal ordinance or airport board resolution, rule or order. The municipal courts also have concurrent jurisdiction with justice courts in misdemeanor cases resulting from violations of state laws occurring within the city limits when punishment upon conviction is limited to a fine or the case arises under Ch. 106 of the Alcoholic Beverage Code relating to minors and does not include confinement as an authorized sanction. Municipal Courts also have limited civil jurisdiction in being able to assess civil penalties for owners of dangerous dogs. Furthermore, certain municipalities with a population in excess of 125,000 may declare the violation of city ordinances relating to parking and stopping vehicles to be civil offenses and prescribe civil fines, and establish an administrative adjudication hearing procedure for these offenses.

Municipal judges also serve as magistrates of the State. In this capacity, the municipal judge has authority to issue warrants for the apprehension and arrest of persons charged with the commission of public offenses, both felonies and misdemeanors. As a magistrate, the municipal judge may issue search and arrest warrants, hold preliminary hearings, reduce testimony to writing, discharge an accused, or remand the accused to jail and set bail.

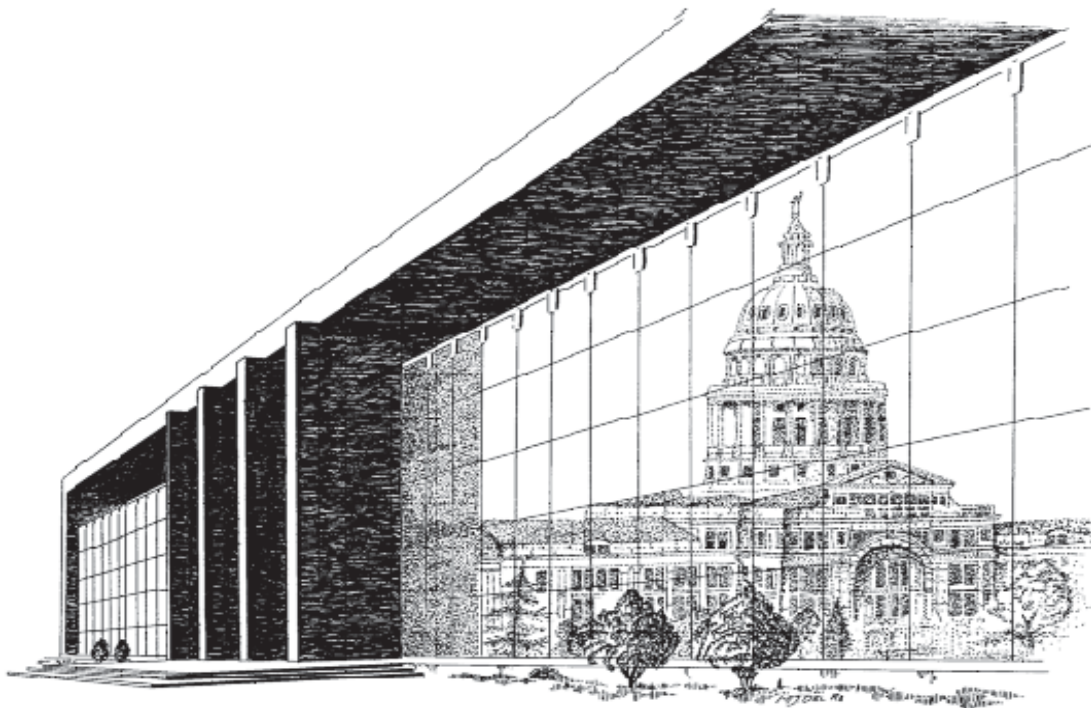
Trials in the municipal courts, generally, are not of record, and appeals go to the county court, the county court at law, or the district court upon trial *de novo*.

Under the authority of special and general legislation, several municipal courts operate as "courts of record." In the courts of record, a formal record and transcript are made of the proceedings in the trial and appeals of these cases are made on the record perfected in the municipal courts. Such appeals are generally heard in the county court or county court at law, but the Legislature has authorized the City of El Paso to create a municipal court of appeals to hear appeals from that city's municipal courts. The statutes creating these municipal courts of record uniformly require the judge to be licensed to practice law in this State. No such provision is required of the other municipal judges, and of the approximately 1,326 municipal judges in this State, about 30 percent presently are licensed as attorneys.

Selection and terms of office of municipal court judges vary from city to city. While in a few cities, municipal judges are elected at city elections, the vast number are appointed by the governing body of the city. Terms of office are usually two years.

Caseload Trends in the Appellate Courts

Analysis of Activity for the Fiscal Year
Ended August 31, 2004



Reflection of State Capitol in Supreme Court Building



The Supreme Court

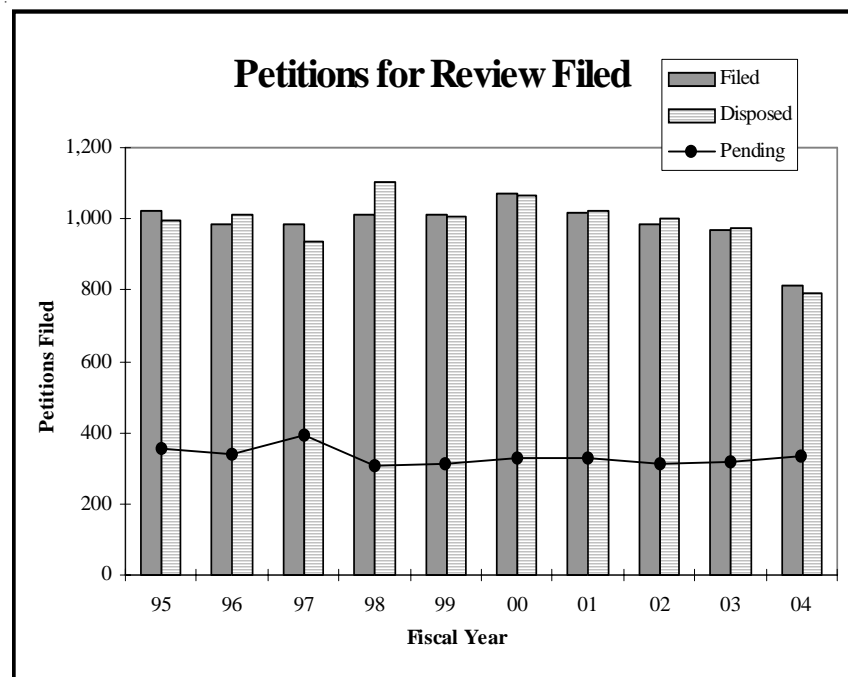
The caseload of the Supreme Court is directly affected by the structure and jurisdiction of Texas' appellate court system. The 14 Courts of Appeals handle most of the state's criminal and civil appeals from the district and county-level courts, and the Court of Criminal Appeals handles all criminal appeals beyond the Courts of Appeals. The case activity of the Supreme Court can be broken down into three broad categories: determining whether to grant review of a Court of Appeals' final judgment (i.e., to grant or not grant a petition for review); disposition of regular causes (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 motions. In addition, the Supreme Court handles cases involving attorney discipline (typically malpractice issues) upon appeal from the Board of Disciplinary Appeals of the State Bar of Texas.

"Regular causes" involve cases in which four or more of the Supreme Court 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. The Court does not have control over the number of petitions for review that are filed and must be considered. Much of the Court's time is spent determining which petitions for review will be granted. Usually the Court takes only cases presenting the most significant Texas legal issues in need of clarification. In deciding which petitions will be granted, the Court exercises some control over its caseload. In addition, the Court rules on hundreds of motions filed each year related to petitions and regular causes.

Petitions for Review - FY 2004 saw the continuation of a trend that began in FY 2000 with a decline in the number of filings of petitions for review, from 1,069 in FY 2000 to 810 in FY 2004. (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.) The 810 petitions filed in FY 2004 – down from 968 petitions filed in FY 2003 – represent the lowest number of petitions for review filed since FY 1983, when 703 petitions were filed, and fell well below

HIGHLIGHTS

- ◆ In FY 2004, 810 petitions for review were filed with the Supreme Court, the lowest number since FY 1983, when 703 petitions were filed.
- ◆ The number of regular causes added to the Supreme Court's docket was the lowest since FY 1984, when 94 regular causes were added.
- ◆ The number of regular causes disposed by the Court has remained stable over the past six years, while the number of other cases disposed in FY 2004 fell by more than 200 cases from the previous fiscal year.



the five-year (FY 2000 to FY 2004) average of 970 and ten-year (FY 1995 to FY 2004) average of 986 filings per year. The number of dispositions of petitions of review in FY 2004 – a total of 791, down from 973 dispositions in FY 2003 – was commensurate with the decline in the number of filings but considerably below the five-year average of 970 petitions disposed per year and the ten-year average of 990 petitions disposed per year. Overall, however, the number of pending petitions for review has remained relatively stable over the years. In FY 2004, the number of petitions for review pending at the end of the year was 332, identical to the average number of petitions pending per year for the last decade (FY 1995 – FY 2004). Of the 791 dispositions of petitions for review in FY 2004, initial review was granted or accepted in 82 (10.4 percent) of the causes, and review was refused or denied in 646 causes, with the balance being dismissed, abated, struck, transferred or withdrawn.

Regular Causes - The number of regular causes added in FY 2004 – a total of 99 – was down from the 115 added in FY 2003 and the lowest number since FY 1984 when 94 causes were added. (Regular causes include granted petitions for review, accepted petitions for writs of mandamus or habeas corpus, certified questions, accepted parental notification appeals, and direct appeals.) In FY 2004, the court disposed of 109 regular causes, or eight more than in FY 2003 but a number consistent with a six-year (FY 1998 – FY 2003) trend of stable disposition rates, with an average of 113 causes disposed per year, as contrasted with the downward trend over the prior five fiscal years (FY 1993 – FY 1997) with an average of 161 regular causes disposed each year. A total of 75 regular causes remained pending at the end of FY 2004, four fewer than remained pending at the end of FY 2003 but a number higher than the ten-year (FY 1995 – FY 2004) average of 60 causes pending per year. The decrease in the number of regular causes pending at the end of FY 2004 was commensurate with the decrease in the number of causes added in FY 2004.

Case Processing Times - In FY 2004, the average number of days from *filing to reporting date* (viz., August 31, 2004) for active cases on the Court’s docket was 2,718 days, while the average number of days for disposed cases from *filing until disposition* was 1,601 days. For cases on the docket of the Court during FY 2004, the average number of days from *filing to release* of an order was 1,205 days. The time from the *granting of review until date of oral argument* in cases on the docket during FY 2004 averaged 152 days, while the time from *date of oral argument to date of disposition* averaged 234 days.

Opinions Written - During FY 2003, the justices of the Supreme Court wrote 122 opinions, a number considerably below the five-year average of 147 opinions issued per year (FY 2000 – FY 2004). Of the 122 opinions written in FY 2004, 45 percent were majority opinions, 25.4 percent were *per curiam*, 15.6 percent were concurring, 9.8 percent were dissenting, 1.6 percent were concurring and dissenting, and 2.5 percent were other opinions.

SUPREME COURT DOCKET ACTIVITY:					
Fiscal Years 2000 - 2004					
	2000	2001	2002	2003	2004
Causes/Cases Added					
Regular Causes	116	119	118	115	99
Other Than Regular Causes	1,391	1,296	1,288	1,260	1,103
Disciplinary Appeals	7	5	7	14	9
Motions	1,720	1,642	1,778	2,761	1,607
Dispositions					
Regular Causes	111	118	112	101	109
Other Than Regular Causes	1,397	1,287	1,302	1,261	1,051
Disciplinary Appeals	5	10	4	13	11
Motions	1,672	1,600	1,812	2,775	1,517
Pending at the End of the FY					
Regular Causes	61	63	62	79	75
Other Than Regular Causes	370	380	371	377	425
Disciplinary Appeals	6	1	4	5	3
Motions	104	147	126	121	212

NOTE: Data for prior fiscal years are from the respective *Annual Reports of the Texas Judicial System*.

SUPREME COURT: Filings and Dispositions, FY 2004

	Pending 9/1/2003 ¹	Causes Added	Total on Docket	Disposi- tions	Pending 8/31/2004
REGULAR CAUSES²					
Granted Petitions for Review		83		96	
Accepted Petitions for Writs of Mandamus		8		7	
Granted Rehearings of Causes		3		3	
Motions for Rehearing of Causes		3		1	
Granted Petitions for Writs of Habeas Corpus		1		0	
Accepted Certified Question		1		2	
Parental Notification Appeals		0		0	
Direct Appeals		0		0	
Total for Regular Causes	85	99	184	109	75
OTHER THAN REGULAR CAUSES					
Petitions for Review	313	810	1,123	791	332
Mandamus	58	268	326	237	89
Habeas Corpus	2	21	23	20	3
Writs of Prohibition & Injunction	0	1	1	1	0
Direct Appeals	0	0	0	0	0
Certified Questions	0	0	0	0	0
Petitions for Certiorari	0	0	0	0	0
Petitions to Publish Under Rule 90c/47.3	0	0	0	0	0
Petitions for Temporary Injunctions	0	0	0	0	0
Parental Notification Waiver	0	0	0	0	0
Emergency Stays	0	0	0	0	0
Multidistrict Litigation	0	3	3	2	1
Total for Other than Regular Causes	373	1,103	1,476	1,051	425
MOTIONS					
Rehearing of Causes	8	26	34	23	11
<i>Petitions for Review</i>	12	187	199	177	22
<i>Mandamus: Civil</i>	0	43	43	33	10
<i>Habeas Corpus</i>	0	0	0	0	0
<i>Writs of Prohibition & Injunction</i>	0	0	0	0	0
<i>Direct Appeals</i>	0	3	3	2	1
<i>Certified Questions</i>	0	0	0	0	0
<i>Motions for Extension of Time to File</i>	0	0	0	0	0
<i>Petitions to Publish Under Rule 90c/47.3</i>	0	0	0	0	0
Miscellaneous Motions ³	102	1,348	1,450	1,282	168
Total for Motions	122	1,607	1,729	1,517	212
OTHER ACTIONS					
Disciplinary Actions	5	9	14	11	3
TOTAL FOR ALL	585	2,818	3,403	2,688	715

Notes: ¹ Cases pending at the beginning of the fiscal year (September 1) may not equal cases pending at the end of the previous fiscal year (August 31) due to docket adjustments.

² "Regular causes" involve cases in which four or more of the Supreme Court 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.

³ Includes Motions for Extension of Time to File.

SUPREME COURT: Disposition of Regular Causes, FY 2004

	<i>Affirmed</i>	<i>Modified</i>	<i>Reversed</i>	<i>Mixed</i>	<i>Dismissed</i>	<i>Accepted/ Granted</i>	<i>Denied</i>	<i>Total</i>
Granted Petitions for Review	17	1	57	14	2	4	1	96
Accepted Petitions for Writs of Mandamus: Civil	0	0	0	0	2	3	2	7
Certified Questions	0	0	0	0	0	2	0	2
Granted Rehearings of Causes	0	0	2	0	0	1	0	3
Motions for Rehearing of Causes	0	0	0	0	0	0	1	1
TOTAL FOR ALL	17	1	59	14	4	10	4	109

SUPREME COURT: Disposition of Other Than Regular Causes, FY 2004

	<i>Initial Review Granted/ Accepted</i>	<i>Review Refused/ Denied</i>	<i>Dismissed w/o Juris.</i>	<i>Dismissed</i>	<i>Abated</i>	<i>Struck</i>	<i>Trans- ferred</i>	<i>With- drawn</i>	<i>Other Dismissals</i>	<i>Total</i>
Petitions for Review	82	646	16	6	4	32	2	2	1	791
Petitions for Writs of Mandamus: Civil	13	180	26	0	1	10	5	0	2	237
Petitions for Writs of Habeas Corpus	1	17	0	1	0	0	0	0	1	20
Petitions for Writs of Prohibition & Injunction	0	1	0	0	0	0	0	0	0	1
Multidistrict Litigation	2	0	0	0	0	0	0	0	0	2
Appeals from Board of Disciplinary Appeals	9*	0	1	0	0	0	0	0	1	11
TOTAL FOR ALL	107	844	43	7	5	42	7	2	5	1,062

NOTE: * Affirmed



The Court of Criminal Appeals

The Court of Criminal Appeals is the highest state court for criminal appeals and, in conjunction with the Supreme Court of Texas, promulgates rules of evidence and appellate procedure. It is comprised of a presiding judge and eight judges.

The caseload of the Court of Criminal Appeals consists of a blend of mandatory and discretionary matters. Decisions made by the 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. In addition, the Court may review a decision on its own motion. 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 is the mandatory review of applications for post conviction habeas corpus relief in felony cases without a death penalty, under Article 11.07 of the Texas Code of Criminal Procedure.

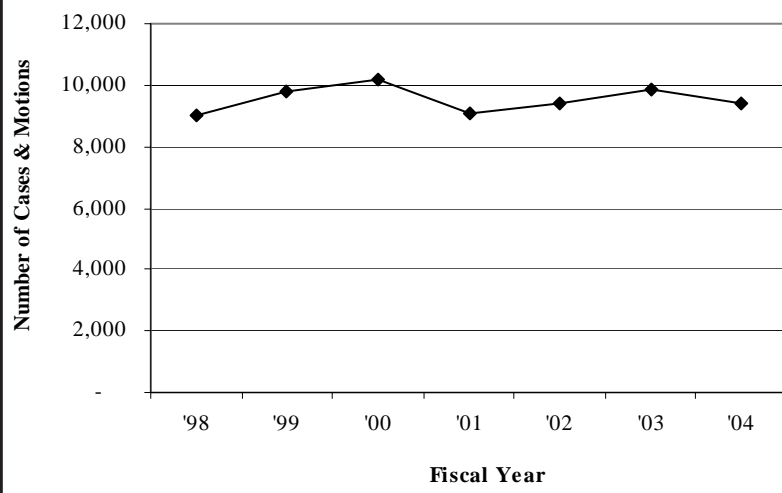
Direct Appeals - A total of 245 direct appeals were added to the caseload of the Court of Criminal Appeals in FY 2004, representing a nearly 39 percent drop from the high of 400 direct appeals added in FY 2000, and the lowest number of direct appeals added since FY 1995 when 245 were added to the docket. Of these direct appeals, 27 (or approximately 11 percent in FY 2004, compared to 14 percent in FY 2003) were death penalty appeals and three were DNA appeals involving the death sentence. The greatest number of direct appeals – a total of 215 – consisted of habeas corpus and extraordinary matters. During FY 2004, the Court disposed 253 direct appeals, compared to the 306 disposed in FY 2003 but nearly the same as disposed in FY 2001 (254 cases). Over the years, the number of direct appeals disposed by the Court has nearly mirrored the number of direct appeals added. From FY 2000 to FY 2004, an average of 297 direct appeals have been added per year, while an average of 298 direct appeals have been disposed per year. Over a ten-year period (FY 1995 – FY 2004) an annual average of 313 direct appeals were added and 324 disposed. The number of direct appeal cases pending at the end of FY 2004 – 84 cases (of which nearly three-quarters involved the death penalty) – was the lowest in ten years, with the ten-year average being 97 direct appeal cases pending at the end of a fiscal year.

Petitions for Discretionary Review – A total of 1,637 petitions for discretionary review were added to the Court's docket in FY 2004, down from 1,741 added in FY 2003 and continuing a downward trend that began in FY 2000 when the Court experienced a ten-year high of 2,271 petitions but still remaining relatively close to a ten-year average (FY 1995 – FY 2004) of 1,865 petitions added per year. The largest number of petitions for discretionary review added in FY 2004 were filed in Harris County (448 petitions, or 27 percent of the total), with the next largest being filed in Dallas County (278 petitions, or 17 percent of the total). The Court disposed of 1,777 petitions for

HIGHLIGHTS

- ◆ The 245 direct appeals added to the caseload of the Court in FY 2004 represented the lowest number since FY 1995, when the same number of direct appeals were added to the docket.
- ◆ In FY 2004, a total of 834 original proceedings were added to the Court's docket, the greatest number added in the last seven fiscal years and more than double the 413 added in FY 1998.
- ◆ At the end of FY 2004, the number of pending applications for writ of habeas corpus not involving the death penalty was nearly double the number pending at the beginning of the fiscal year.

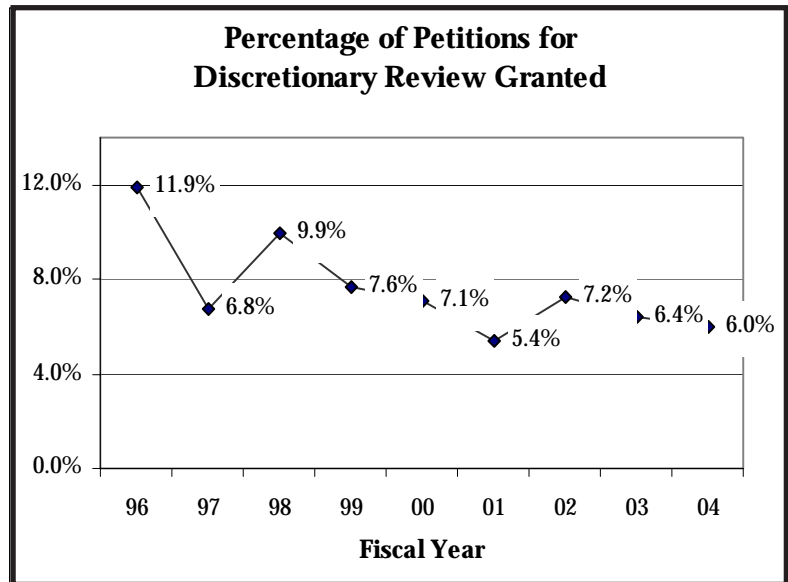
Cases & Motions Added to the Docket of the Court of Criminal Appeals



discretionary review in FY 2004, up from the 1,708 dispositions in FY 2003, but significantly lower than the number of dispositions (2,392) in FY 2000 which, again, marked a ten-year high for the Court. Of the petitions disposed in FY 2004, the Court granted the review of 106 petitions, or 6 percent of the total. The number of petitions for discretionary review pending at the end of the fiscal year was 383 petitions, down from 523 petitions at the end of FY 2003 and well below the ten-year average of 529 petitions pending per year.

Granted Petitions for Discretionary Review –

The number of granted petitions for discretionary review added in FY 2004 (119 petitions) was up slightly from the number (111 petitions) added in FY 2003, but below the ten-year (FY 1995 – FY 2004) annual average (145 petitions). The number of dispositions of granted petitions for discretionary review, however, fell sharply by over 32 percent, from 159 petitions in FY 2003 to 108 petitions in FY 2004, and well below the ten-year average of 147 dispositions per year. At the end of the fiscal year, 92 granted petitions for discretionary review were pending, an increase of 15 percent over the number pending at the end of FY 2003.



Applications for Writs of Habeas Corpus –

In FY 2004, a total of 6,342 applications for writs of habeas corpus upon appeals from trial courts were added to the docket of the Court, a number down from the 6,660 added the previous year, but close to the five-year (FY 2000 – FY 2004) average of 6,352 applications per year. Of the 6,342 applications in FY 2004, 83 were applications for writs involving the death penalty. With 942 applications pending at the beginning of the fiscal year, the Court had a total of 7,284 applications on its docket during FY 2004, of which it disposed 5,448, leaving 1,836 pending at the close of the fiscal year, or nearly double number pending at the beginning of the fiscal year.

Original Proceedings – In FY 2004, a total of 834 original proceedings were added to the Court’s docket, the greatest number added in the last seven fiscal years and more than double the 413 added in FY 1998 (the most recent year for which OCA has data). These proceedings included writs of certiorari, writs of habeas corpus, writs of mandamus, and original writs of prohibition involving extraordinary matters that were filed directly with the Court of Appeals, bypassing the trial court. With 146 original proceedings pending at the beginning of FY 2004, the addition of 834 proceedings during the fiscal year brought to 980 the total number of original proceedings on the FY 2004 docket of the Court. The Court disposed of 761 original proceedings during the fiscal year, leaving 219 pending at the end of FY 2004, an increase of 50 percent over the number pending at the beginning of FY 2004.

Motions for Rehearing and Reconsideration – In FY 2004, the number of motions for rehearing, reconsideration, or stay of execution added to the Court’s docket was 76, a decrease of nearly 25 percent from the previous fiscal year and a number below the five-year (FY 2000 – FY 2004) average of 108.8 motions per year. With 20 motions pending at the beginning of the fiscal year, the motions added during fiscal year brought to 96 the total number of motions on the Court’s docket during FY 2004. Of these, the Court disposed of 81 motions, or over 84 percent of the total.

Opinions – During FY 2004, the judges of the Court wrote 471 opinions, a decrease from the 612 opinions written in FY 2003 and well below the five-year (FY 2000 – FY 2004) average of 572 opinions per year. More than 78 percent (368 opinions) of the total number of opinions in FY 2004 were “deciding” opinions, of which 151 were signed and 217 were issued *per curiam*.

Case Processing Times – During FY 2004, the average number of days for active cases was 2,718 from the date of filing until the reporting date (August 31, 2004). For disposed cases, the average number of days was 1,601 from the date of filing until disposition. For cases on the docket, the average number of days from filing date to release of the Court’s order was 1,205 days, from date of granting review until date of oral argument was 152 days, and from date of oral argument until disposition, 234 days.

COURT OF CRIMINAL APPEALS: Filings and Dispositions, FY 2004

	<i>Pending 9/1/2003¹</i>	<i>Cases Added²</i>	<i>Total on Docket</i>	<i>Dispositions</i>	<i>Pending 8/31/2004</i>
Regular Appeals					
Direct Appeals: <i>Death Penalty</i>	68	27	95	34	61
<i>DNA Appeal³ Death</i>	1	3	4	3	1
<i>DNA Appeals Life</i>	8	0	8	8	0
<i>Habeas Corpus & Extraordinary Matters</i>	15	215	230	208	22
Petitions for Discretionary Review	523	1,637	2,160	1,777	383
Granted Petitions for Discretionary Review	81	119	200	108	92
Redrawn Petitions for Discretionary Review	25	179	204	183	21
SUBTOTAL	721	2,180	2,901	2,321	580
Applications for Writ of Habeas Corpus					
11.07 Writs (other than death penalty)	790	5,870	6,660	4,980	1,680
11.071 Writs (death penalty)	38	72	110	76	34
Supplemental 11.07 Writs (other than death penalty)	114	389	503	384	119
Supplemental 11.071 Writs (death penalty)	0	11	11	8	3
SUBTOTAL	942	6,342	7,284	5,448	1,836
Original Proceedings⁴					
Writs of Certiorari	2	6	8	8	0
Writs of Habeas Corpus	5	26	31	25	6
Writs of Mandamus	138	797	935	723	212
Writs of Prohibition	1	5	6	5	1
SUBTOTAL	146	834	980	761	219
Motions for Rehearing & Reconsideration					
Rehearing on Direct Appeal	7	18	25	16	9
Rehearing on Refused Petitions for Discretionary Review	3	28	31	30	1
Rehearing on Granted Petitions for Discretionary Review	6	13	19	18	1
Rehearing on Habeas Corpus (filed & set)	1	4	5	4	1
Motions for Reconsideration (for original proceedings & 11.07 writs)	1	5	6	6	0
Motions for Stay of Execution (for 11.071 writs)	2	8	10	7	3
SUBTOTAL	20	76	96	81	15
Motions for Extensions of Time⁵	0	1,516	1,516	1,516	0
TOTAL	1,829	10,948	12,777	10,127	2,650

NOTES:

¹ Cases pending at the beginning of the fiscal year (September 1) may not equal cases pending at the end of the previous fiscal year (August 31) due to docket adjustments.

² All cases added were new filings except one death penalty direct appeal added by reinstatement and two added by rehearings granted, as well as two direct appeals involving habeas corpus & extraordinary matters added by rehearings granted.

³ The 77th Legislature passed a law permitting convicted persons to submit a motion to the convicting court for forensic DNA testing of evidence containing biological material. After holding a hearing, the convicting court makes a finding as to whether the results are favorable to the convicting person. If the person was convicted in a capital case, an appeal of the convicting court's finding is a direct appeal to the Court of Criminal Appeals. (Texas Code of Criminal Procedure art. 64.05, effective April 5, 2001.)

⁴ Original proceedings are filed directly with the Court of Criminal Appeals. Applications for writ of habeas corpus, although 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.

⁵ Motions for extensions of time to file transcripts of court reporter's notes, bill of exceptions, briefs and petitions for discretionary review.

COURT OF CRIMINAL APPEALS: Disposition of Cases, FY 2004

Direct Appeals:

<i>Death Penalty</i>	
Affirmed	33
Reversed and remanded	1
TOTAL	34

<i>DNA Appeal</i>	
Affirmed	2
Affirmed trial court	1
Dismissed	2
Transferred to Court of Appeals	6
TOTAL	11

<i>Habeas Corpus & Extraordinary Matters</i>	
Habeas corpus application granted	195
Habeas corpus application denied	4
Habeas corpus application dismissed	1
Habeas corpus application remanded to trial court	1
Mandamus dismissed	1
Mandamus dismissed with written order	1
Mandamus relief conditionally granted	2
Other appeals dismissed	1
Appeal denying bail dismissed	2
TOTAL	208

TOTAL: Direct Appeals 253

Petitions for Discretionary Review

Granted	106
Refused	1,357
Dismissed	14
Struck	229
Withdrawn	1
Untimely	70

TOTAL: Petitions for Discretionary Review 1,777

Granted Petitions for Discretionary Review

Affirmed Court of Appeals	29
Dismissed Court of Appeals	1
Dismissed as improvidently granted	4
Dismissed and remanded to Court of Appeals	2
Remanded to Court of Appeals	5
Reversed Court of Appeals and remanded to Court of Appeals	28
Reversed Court of Appeals and remanded to trial court	4
Reversed Court of Appeals and affirmed trial court	11
Reversed in part, affirmed in part; remanded to Court of Appeals	1
Vacated Court of Appeals and dismissed	1
Vacated Court of Appeals and remanded to Court of Appeals	22

TOTAL: Granted Petitions for Discretionary Review 108

Redrawn Petitions for Discretionary Review

Granted	12
Refused	167
Untimely	4

TOTAL: Redrawn Petitions for Discretionary Review 183

Applications for Writ of Habeas Corpus

Abuse of writ order previously entered	4
Dismissed - direct appeal pending, no action necessary	175
Dismissed - Art. 11.07, Section 4	593
Dismissed - Art. 11.07, Tex.Gov. Code, §501.0081	353
Dismissed	265
Filed & set	211

Habeas corpus relief denied without written order	1,387
Habeas corpus relief denied with written order	4
Habeas corpus relief denied with hearing	75
Habeas corpus relief denied without hearing	1,431
Habeas corpus remanded for evidentiary hearing / aff with order	217
Habeas corpus dismissed – juvenile matter	1
Habeas corpus dismissed – misdemeanor offense	2
Habeas corpus dismissed – moot	28
Habeas corpus dismissed – sentence discharged	41
Habeas corpus dismissed – community supervision not revoked	37
Habeas corpus dismissed with written order	4
Habeas corpus relief moot	18
Habeas corpus returned for non compliance	370
Motion for leave to file denied with written order	3
Motion for leave to file denied without written order	143
Motion for leave to file held in abeyance with order	2
11.071 Motion for leave to file denied without written order	1
11.071 Writ denied with written order	28
11.071 Writ dismissed with an order	29
11.071 Writ dismissed	1
11.071 Writ remanded with order	25
TOTAL: Applications for Writ of Habeas Corpus	5,448

Original Proceedings

Writs of Certiorari

Motion for leave to file original writ of certiorari denied without written order	8
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Writs of Habeas Corpus

Motion for leave to file original writ of habeas corpus denied without written order	25
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Writs of Mandamus

Original mandamus filed and set	2
Original mandamus dismissed	2
Original mandamus – moot	1
Motion for leave to file original mandamus denied without order	548
Motion for leave to file original mandamus denied with written order	3
Motion for leave to file original mandamus held in abeyance with written order	166
Motion for leave to file original mandamus dismissed – misdemeanor offense	1
TOTAL	723

Writs of Prohibition

Motion for leave to file writ of prohibition denied without written order	5
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TOTAL: Original Proceedings 761

Motions for Reconsideration and Stay of Execution

Motions for Reconsideration (original proceedings and 11.07 writs)

Denied	1
Denied with written order	1
Dismissed	2
Remanded for evidentiary hearing/aff	2
TOTAL	6

Motions for Stay of Execution

Granted	1
Denied	4
Denied with written order	1
Dismissed with written order	1
TOTAL	7

TOTAL: Motions for Reconsideration and Stay of Execution 13



The Intermediate Courts of Appeals

The 14 Courts of Appeals have intermediate appellate jurisdiction in civil and criminal cases. Each Court of Appeals has jurisdiction over appeals from the trial courts in its respective district. The Courts of Appeals also have limited original writ jurisdiction.

A total of 80 justices serve on the Courts of Appeals, which are located in Fort Worth, Austin, San Antonio, Dallas, Texarkana, Amarillo, El Paso, Beaumont, Waco, Eastland, Tyler, Corpus Christi/Edinburg, and Houston. The number of justices on each court ranges from three, on five of the smaller courts, to thirteen on the Court of Appeals in Dallas, which is the largest court.

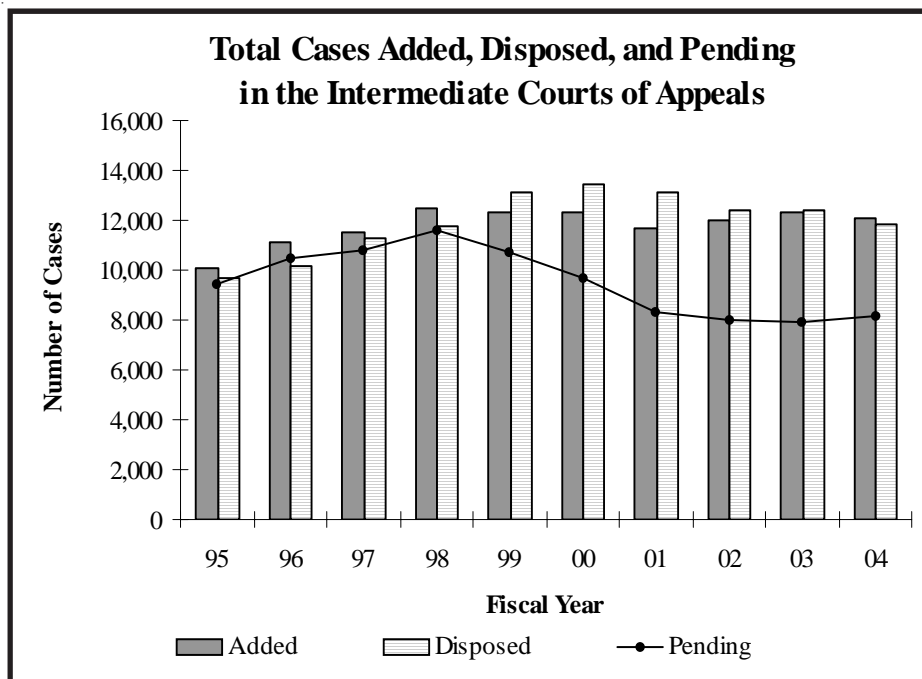
Cases Added to the Dockets – New cases filed in FY 2004 totaled 10,443, a slight decline (1.1 percent) from the 10,559 filed in FY 2003. Civil cases (4,999) made up nearly 48 percent of all new filings, while criminal cases (5,444) made up approximately 52 percent. In addition to new filings, the total number of cases added to the dockets of the Courts of Appeals in FY 2004 included rehearings granted, cases reinstated, cases remanded from higher courts, and transferred cases, for a total of 12,111 cases added - continuing a relatively stable seven-year trend.

Cases Disposed - During FY 2004, the Courts of Appeals disposed of 11,830 cases, down from the 12,420 cases disposed in FY 2003 and below the five-year average (FY 2000 - FY 2004) of 12,641 dispositions annually. Also, the number of cases disposed was slightly less than the total number of cases added to the dockets, resulting in a “clearance rate” of 97.68 percent, down from the greater than 100 percent of the prior five years, with the peak being 112.3 percent in FY 2001. However, statewide, the average time between filing and disposition in FY 2004 was 8.2 months for civil cases - 0.3 months less than the prior five-year average time of 8.5 months - and 8.5 months for criminal cases - 1.2 months lower than the prior five-year average of 9.7 months. In FY 2004, the average time between *submission and disposition* for civil cases was 2.8 months (identical to FY 2003), while the average time for criminal cases was 1.7 months (down from 1.9 months in FY 2003). Of the 11,830 cases disposed in FY 2004, affirmed cases (4,824 cases) accounted for nearly 41 percent of the total cases disposed. The second most frequent type of disposition was dismissals (3,519 cases), which comprised approximately 30 percent of total cases disposed statewide.

Pending Cases – At the end of FY 2004, a total of 8,167 cases were pending statewide in the Courts of Appeals, up slightly (2.6 percent) from the number pending at the end of FY 2003,

HIGHLIGHTS

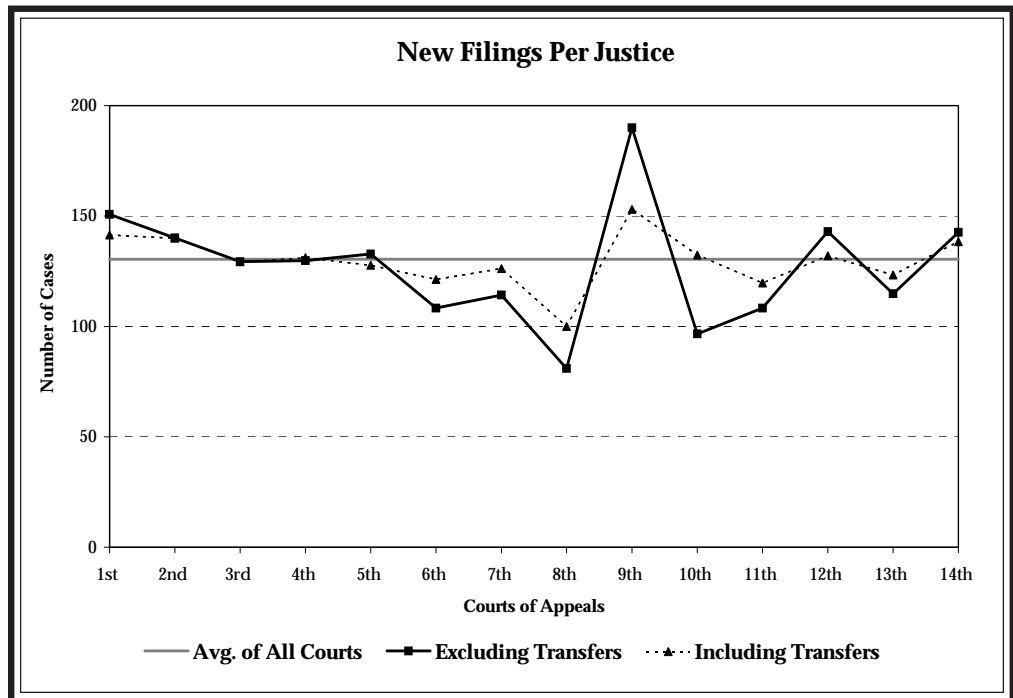
- ◆ The number of cases added to the dockets of the Courts of Appeals has remained relatively stable over the last seven fiscal years.
- ◆ In FY 2004, the overall clearance rate (97.68 percent) fell below 100 percent for the first time since FY 1998.
- ◆ As a result of the docket equalization program, the average difference per court from the statewide average number of new cases filed per justice (130.5 cases) was reduced from 19.9 cases to 8.6 cases, indicating a significant reduction in the caseload disparity among the 14 Courts of Appeals.



which was the lowest number pending in any year over the last decade. Criminal cases made up 58 percent of the total number of pending cases, a percentage unchanged from FY 2003. Pending cases that had been on the dockets for a period of less than six months made up 54.4 percent of the total, while those that had been on the dockets between six and twelve months accounted for 28.7 percent of the total, those that had been pending from twelve to twenty-four months, 15.8 percent of the total, and those on the dockets for longer than 24 months, only 1.2 percent of the total.

Opinions Written – During FY 2004, the justices of the Courts of Appeals wrote 11,363 opinions, of which 6,040, or better than 53 percent, were published – a significant increase over the prior five-year average of 20.1 percent of total opinions published. The primary reason for this increase an amendment to Rule 47, Texas Rules of Appellate Procedure, effective January 1, 2003, which 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.

Docket Equalization – In order 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 larger filing rates to those with smaller filing rates. Because the natural fluctuation in the number of new case filings in each court is not known in advance, the number of cases transferred each quarter is determined according to a formula that takes into account the average filings in each court during the previous four quarters. As a result, the number of cases filed in a given fiscal year is influenced by the filing rates of the previous, as well as the current year. The combination of natural fluctuations in case filings and the lag in case transfers result in some Courts of Appeals having more new cases filed per justice than others in a given fiscal year. Over longer periods, however – such as five years – the filing rates for new cases in each court are closer to the average because of docket equalization.



In FY 2004, a total of 367 cases were transferred among the Courts of Appeals in an effort to equalize the workload of the justices. The Ninth Court of Appeals (Beaumont) transferred out the most cases (111 cases), while the Tenth Court of Appeals (Waco) received the largest number of transferred cases (107 cases).

Before equalization, the number of new cases filed ranged from 81 cases per justice in the Eighth Court of Appeals (El Paso) to 190 cases per justice in the Ninth Court of Appeals (Beaumont). The average number of new cases filed per justice for all the Courts of Appeals was 130.5 cases. Prior to equalization, the average difference from the mean in the number of cases filed per justice was 19.9 cases, while the average difference from the mean following docket equalization was 8.6 cases – a significant reduction in disparity of case load.

After equalization, the average number of cases filed per justice in each court, except for the Eighth and Ninth Courts of Appeals, fell within a range that was plus or minus 8.4 percent of the overall average number of cases filed per justice (130.5 cases). Specifically, after equalization, the average number of cases filed per justice ranged from a low of 100 per justice in the Eighth Court of Appeals (El Paso) to a high of 153 cases filed per justice in the Ninth Court of Appeals (Beaumont).

Activity for the Fiscal Year Ended August 31, 2004

	1st-Houston 9 Justices			2nd-Fort Worth 7 Justices			3rd-Austin 6 Justices			4th-San Antonio 7 Justices		
	Civil	Crim	Total	Civil	Crim	Total	Civil	Crim	Total	Civil	Crim	Total
Cases Pending September 1, 2003	485	572	1,057	236	431	667	230	251	481	295	361	656
New Cases Filed During Year Ended August 31, 2004	708	649	1,357	397	584	981	426	350	776	465	444	909
Rehearings granted	24	6	30	5	1	6	14	4	18	2	1	3
Cases reinstated	18	95	113	25	58	83	17	10	27	21	15	36
Cases remanded from higher courts	1	11	12	0	6	6	0	1	1	2	8	10
Cases transferred in	3	0	3	0	0	0	0	0	0	4	6	10
Cases transferred out	(34)	(53)	(87)	(1)	0	(1)	0	0	0	(1)	0	(1)
Total Cases Added	720	708	1,428	426	649	1,075	457	365	822	493	474	967
Total Cases On Docket	1,205	1,280	2,485	662	1,080	1,742	687	616	1,303	788	835	1,623
Dispositions:												
Cases affirmed	134	417	551	145	361	506	164	197	361	152	247	399
Cases modified and/or reformed and affirmed	2	7	9	3	3	6	4	7	11	9	2	11
Cases affirmed in part and in part reversed and remanded	11	0	11	14	2	16	10	1	11	10	1	11
Cases affirmed in part and in part reversed and rendered	9	0	9	4	1	5	9	0	9	5	1	6
Cases reversed and remanded	27	8	35	18	19	37	26	11	37	38	7	45
Cases reversed and rendered	22	6	28	9	4	13	13	3	16	22	2	24
Cases otherwise disposed	107	127	234	109	65	174	80	14	94	139	18	157
Cases dismissed	298	200	498	149	116	265	87	78	165	144	169	313
Case consolidations or voids	1	0	1	0	0	0	9	1	10	0	0	0
Total Cases Disposed	611	765	1,376	451	571	1,022	402	312	714	519	447	966
Cases Pending August 31, 2004:												
Pending up to 6 months	335	259	594	139	294	433	165	173	338	164	204	368
Pending from 6 to 12 months	142	178	320	57	158	215	79	91	170	75	104	179
Pending from 12 to 24 months	102	78	180	13	56	69	40	40	80	27	78	105
Pending over 24 months	15	0	15	2	1	3	1	0	1	3	2	5
Total Cases Pending August 31, 2004	594	515	1,109	211	509	720	285	304	589	269	388	657
Average time between filing and disposition (in months)	8.9	9.1	9.0	7.5	9.5	8.6	7.0	8.9	7.9	6.7	8.7	7.6
Average percent of cases filed but not yet disposed for more than 24 months	2.00	0.19	1.08	0.72	0.20	0.37	0.23	0.03	0.13	0.97	0.16	0.50
Average time between submission and disposition (in months)	1.1	0.8	0.9	2.4	2.3	2.3	2.8	2.3	2.6	1.3	1.0	1.2
Average percent of cases under submission for more than 12 months	4.18	5.37	4.61	5.57	0.29	2.55	1.10	0.00	0.66	0.28	0.85	0.55
Clearance Rate	84.86	108.05	96.36	105.87	87.98	95.07	87.96	85.48	86.86	105.27	94.30	99.90

Activity for the Fiscal Year Ended August 31, 2004

	5th-Dallas 13 Justices			6th-Texarkana 3 Justices			7th-Amarillo 4 Justices			8th-El Paso 4 Justices		
	Civil	Crim	Total	Civil	Crim	Total	Civil	Crim	Total	Civil	Crim	Total
Cases Pending September 1, 2003	361	695	1,056	93	197	290	187	263	450	209	364	573
New Cases Filed During Year Ended August 31, 2004	718	1,009	1,727	143	182	325	215	242	457	175	149	324
Rehearings granted	7	1	8	2	1	3	2	1	3	0	0	0
Cases reinstated	41	576	617	0	18	18	11	48	59	12	4	16
Cases remanded from higher courts	0	4	4	0	3	3	0	4	4	1	0	1
Cases transferred in	3	2	5	16	23	39	24	24	48	22	56	78
Cases transferred out	(22)	(50)	(72)	0	0	0	0	0	0	(1)	(1)	(2)
Total Cases Added	747	1,542	2,289	161	227	388	252	319	571	209	208	417
Total Cases On Docket	1,108	2,237	3,345	254	424	678	439	582	1,021	418	572	990
Dispositions:												
Cases affirmed	148	610	758	52	191	243	64	171	235	82	204	286
Cases modified and/or reformed and affirmed	0	5	5	5	6	11	2	3	5	1	4	5
Cases affirmed in part and in part reversed and remanded	10	7	17	7	0	7	6	2	8	5	1	6
Cases affirmed in part and in part reversed and rendered	2	0	2	5	0	5	2	0	2	0	0	0
Cases reversed and remanded	40	26	66	14	12	26	14	5	19	24	12	36
Cases reversed and rendered	9	0	9	9	4	13	10	1	11	7	3	10
Cases otherwise disposed	175	603	778	7	19	26	50	51	101	44	30	74
Cases dismissed	300	177	477	95	55	150	93	72	165	82	64	146
Case consolidations or voids	22	22	44	0	0	0	0	1	1	0	0	0
Total Cases Disposed	706	1,450	2,156	194	287	481	241	306	547	245	318	563
Cases Pending August 31, 2004:												
Pending up to 6 months	250	565	815	37	88	125	87	141	228	93	102	195
Pending from 6 to 12 months	112	187	299	21	40	61	53	72	125	41	45	86
Pending from 12 to 24 months	40	35	75	2	9	11	56	61	117	37	101	138
Pending over 24 months	0	0	0	0	0	0	2	2	4	2	6	8
Total Cases Pending August 31, 2004	402	787	1,189	60	137	197	198	276	474	173	254	427
Average time between filing and disposition (in months)	7.7	5.8	6.4	6.3	8.3	7.5	7.9	9.1	8.6	11.2	14.8	13.2
Average percent of cases filed but not yet disposed for more than 24 months	4.30	0.00	0.98	0.00	0.07	0.04	0.99	0.69	0.82	2.88	4.05	3.61
Average time between submission and disposition (in months)	1.3	1.2	1.2	0.5	0.6	0.5	1.8	0.8	1.2	4.7	5.5	5.2
Average percent of cases under submission for more than 12 months	2.83	0.04	1.80	0.00	0.00	0.00	2.33	0.52	1.67	8.89	7.57	8.07
Clearance Rate	94.51	94.03	94.19	120.50	126.43	123.97	95.63	95.92	95.80	117.22	152.88	135.01

Activity for the Fiscal Year Ended August 31, 2004

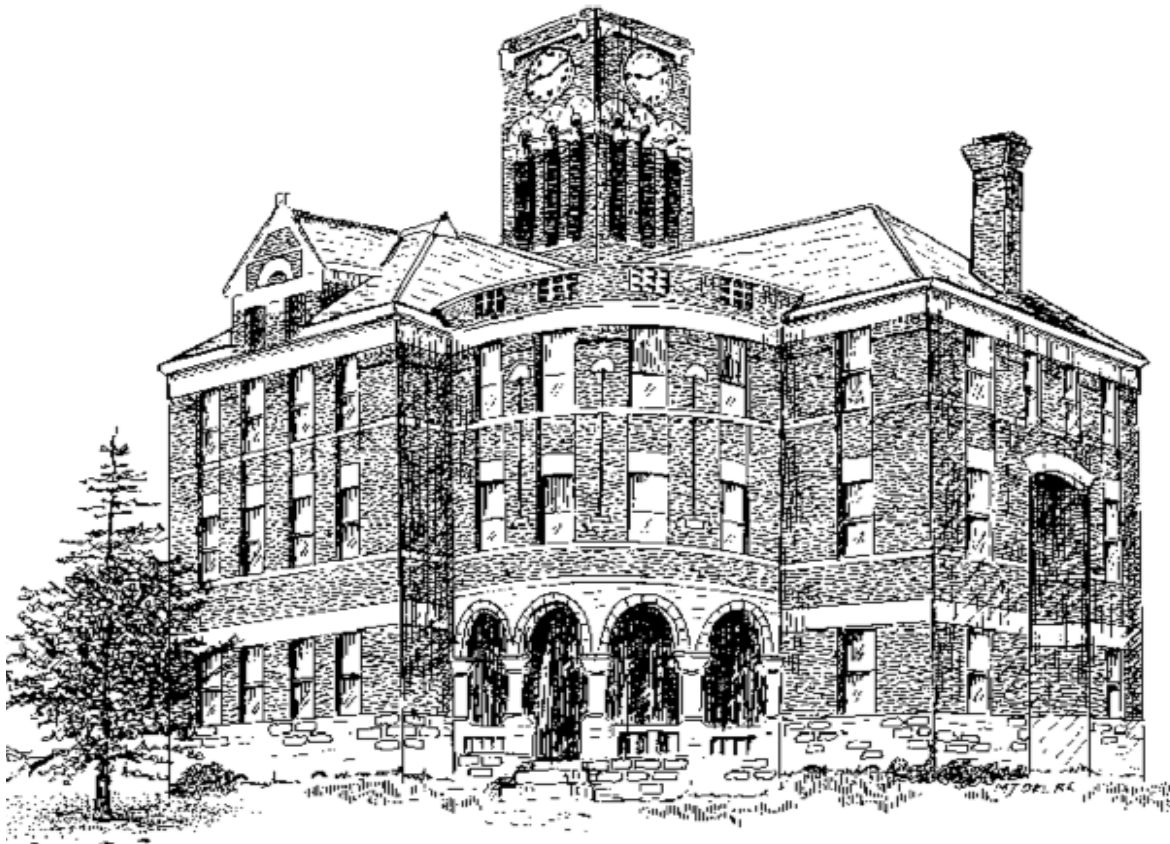
	9th-Beaumont 3 Justices			10th-Waco 3 Justices			11th-Eastland 3 Justices			12th-Tyler 3 Justices		
	Civil	Crim	Total	Civil	Crim	Total	Civil	Crim	Total	Civil	Crim	Total
Cases Pending September 1, 2003	108	83	191	181	219	400	78	226	304	88	164	252
New Cases Filed During Year Ended												
August 31, 2004	280	290	570	143	147	290	142	183	325	207	222	429
Rehearings granted	1	0	1	2	0	2	2	4	6	1	2	3
Cases reinstated	5	1	6	8	25	33	8	26	34	8	1	9
Cases remanded from higher courts	3	0	3	1	1	2	1	4	5	1	3	4
Cases transferred in	0	0	0	37	70	107	23	11	34	3	5	8
Cases transferred out	(50)	(61)	(111)	0	0	0	0	0	0	(19)	(22)	(41)
Total Cases Added	239	230	469	191	243	434	176	228	404	201	211	412
Total Cases On Docket	347	313	660	372	462	834	254	454	708	289	375	664
Dispositions:												
Cases affirmed	61	51	112	55	85	140	32	164	196	53	144	197
Cases modified and/or reformed and affirmed	6	1	7	0	1	1	1	4	5	3	0	3
Cases affirmed in part and in part reversed and remanded	2	1	3	7	2	9	1	0	1	2	0	2
Cases affirmed in part and in part reversed and rendered	0	0	0	0	0	0	2	0	2	1	0	1
Cases reversed and remanded	17	3	20	21	4	25	2	3	5	9	12	21
Cases reversed and rendered	10	1	11	5	4	9	6	6	12	2	0	2
Cases otherwise disposed	52	2	54	43	33	76	35	30	65	37	4	41
Cases dismissed	83	132	215	73	51	124	53	51	104	71	64	135
Case consolidations or voids	0	0	0	1	2	3	2	1	3	0	0	0
Total Cases Disposed	231	191	422	205	182	387	134	259	393	178	224	402
Cases Pending August 31, 2004:												
Pending up to 6 months	62	60	122	75	115	190	56	75	131	51	79	130
Pending from 6 to 12 months	48	51	99	42	70	112	46	81	127	42	53	95
Pending from 12 to 24 months	6	11	17	42	94	136	16	39	55	18	19	37
Pending over 24 months	0	0	0	8	1	9	2	0	2	0	0	0
Total Cases Pending August 31, 2004	116	122	238	167	280	447	120	195	315	111	151	262
Average time between filing and disposition (in months)	6.4	5.8	6.1	13.8	14.3	14.0	6.7	8.9	8.1	6.0	10.0	8.2
Average percent of cases filed but not yet disposed for more than 24 months	0.13	0.99	0.52	12.28	4.62	7.77	0.43	0.04	0.19	0.00	0.00	0.00
Average time between submission and disposition (in months)	1.9	1.0	1.6	8.0	7.2	7.6	1.6	2.0	1.9	2.2	1.7	1.8
Average percent of cases under submission for more than 12 months	0.00	0.00	0.00	23.80	17.60	21.20	0.00	0.00	0.00	0.64	1.68	1.06
Clearance Rate	96.65	83.04	89.98	107.33	74.90	89.17	76.14	113.60	97.28	88.56	106.16	97.57

Activity for the Fiscal Year Ended August 31, 2004

	13th-Corpus Christi 6 Justices			14th-Houston 9 Justices			Grand Totals		
	Civil	Crim	Total	Civil	Crim	Total	Civil	Crim	Total
Cases Pending September 1, 2003	373	270	643	398	468	866	3,322	4,564	7,886
New Cases Filed During Year Ended August 31, 2004	377	312	689	603	681	1,284	4,999	5,444	10,443
Rehearings granted	6	2	8	7	8	15	75	31	106
Cases reinstated	37	304	341	33	71	104	244	1,252	1,496
Cases remanded from higher courts	1	8	9	0	6	6	11	59	70
Cases transferred in	11	24	35	4	0	4	150	221	371
Cases transferred out	0	0	0	(26)	(34)	(60)	(154)	-221	(375)
Total Cases Added	432	650	1,082	621	732	1,353	5,325	6,786	12,111
Total Cases On Docket	805	920	1,725	1,019	1,200	2,219	8,647	11,350	19,997
Dispositions:									
Cases affirmed	95	248	343	139	358	497	1,376	3,448	4,824
Cases modified and/or reformed and affirmed	5	6	11	9	1	10	50	50	100
Cases affirmed in part and in part reversed and remanded	7	3	10	23	2	25	115	22	137
Cases affirmed in part and in part reversed and rendered	11	1	12	0	0	0	50	3	53
Cases reversed and remanded	42	10	52	39	26	65	331	158	489
Cases reversed and rendered	27	4	31	18	5	23	169	43	212
Cases otherwise disposed	121	178	299	151	5	156	1,150	1,179	2,329
							0	0	0
Cases dismissed	149	155	304	236	222	458	1,913	1,606	3,519
Case consolidations or voids	0	0	0	31	74	105	66	101	167
Total Cases Disposed	457	605	1,062	646	693	1,339	5,220	6,610	11,830
Cases Pending August 31, 2004:									
Pending up to 6 months	140	156	296	205	272	477	1,859	2,583	4,442
Pending from 6 to 12 months	81	114	195	98	162	260	937	1,406	2,343
Pending from 12 to 24 months	90	45	135	62	71	133	551	737	1,288
Pending over 24 months	37	0	37	8	2	10	80	14	94
Total Cases Pending August 31, 2004	348	315	663	373	507	880	3,427	4,740	8,167
Average time between filing and disposition (in months)	11.4	7.6	9.2	7.4	8.2	7.9	8.2	8.4	8.3
Average percent of cases filed but not yet disposed for more than 24 months	10.93	0.32	5.20	0.73	0.82	0.78	2.72	0.55	1.43
Average time between submission and disposition (in months)	9.8	1.6	5.3	1.7	1.3	1.5	2.8	1.7	2.2
Average percent of cases under submission for more than 12 months	26.95	2.23	22.03	3.05	6.55	4.48	5.68	2.53	4.84
Clearance Rate	105.79	93.08	98.15	104.03	94.67	98.97	98.03	97.41	97.68

Caseload Trends in the Trial Courts

Analysis of Activity for the Fiscal Year
Ended August 31, 2004



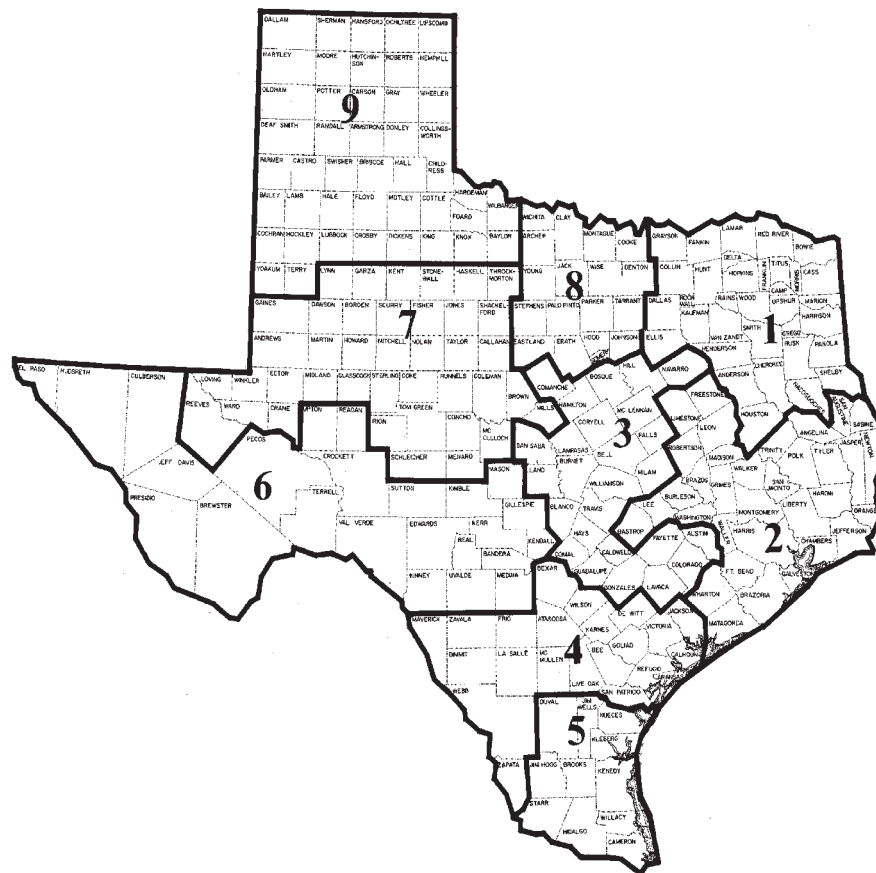
Lee County Courthouse

Assignment of Judges to Active Duty in the Trial Courts

The state is divided into nine administrative judicial regions, in each of which a presiding judge is designated by the governor and confirmed by the senate. These presiding judges are authorized by Sections 74.054 and 74.056, Government Code, to assign judges of their respective regions for service on courts other than those to which they were elected. Judges who may be assigned are regular, retired ("senior") and former district judges, and regular, retired and former statutory county court judges.

The presiding judge of one administrative judicial region may request that the presiding judge of another region furnish judges for assignment in the region of the requesting judge. The Chief Justice of the Supreme Court also is authorized by Section 74.057, Government Code, to assign judges of one administrative judicial region for service in another. The Chief Justice may also assign active and retired appellate judges to the trial bench.

During the year ended August 31, 2004, a total of 5,343 assignments were made to the trial courts of the state, and 12,321 days were served by the judges on assignment. Assuming 250 working days per year, this service was equivalent to approximately 49.3 additional full-time judges serving in the trial courts of the state.



Retired and former judges received 4,640 assignments and served 11,688 days, while active judges serving a regular court received 703 assignments to courts in other areas and served 633 days.

The highest total number of assignments occurred in the Second Administrative Judicial Region, with 1,261 assignments made. However, assignments in the First Administrative Judicial Region resulted in the highest total number of days of service (3,689 days).

The presiding judges of the nine administrative judicial regions also made a total of 241 assignments of their resident judges for service in other regions.

Assignment of Judges to Trial Courts

For the Year Ended August 31, 2004

Assignments to the Administrative Regions By the Chief Justice of the Supreme Court

	1st Region	2nd Region	3rd Region	4th Region	5th Region	6th Region	7th Region	8th Region	9th Region	TOTALS
Number of Assignments:										
Supreme Court Justice	0	0	9	0	0	0	0	0	0	9
Active District Judges	0	1	0	0	1	0	0	0	2	4
Senior Appellate Judges	2	0	13	0	0	0	0	0	0	15
Former Appellate Judges	0	0	0	0	0	2	0	0	0	2
Senior District Judges	0	0	0	0	4	3	0	0	3	10
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
TOTAL Assignments	2	1	22	0	5	5	0	0	5	40

Days Served:										
Supreme Court Justice	0.0	0.0	25.0	0.0	0.0	0.0	0.0	0.0	0.0	25.0
Active District Judges	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	2.0	2.0
Senior Appellate Judges	2.0	0.0	37.5	0.0	0.0	0.0	0.0	0.0	0.0	39.5
Former Appellate Judges	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Senior District Judges	0.0	0.0	0.0	0.0	3.0	5.0	0.0	0.0	0.0	8.0
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	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL Days Served	2.0	0.0	62.5	0.0	3.0	5.0	0.0	0.0	2.0	74.5

Assignments within the Administrative Regions By Presiding Judges of Administrative Regions

Number of Assignments:										
Active District Judges	39	94	29	21	35	39	33	153	46	489
Senior Appellate Judges	121	82	120	19	0	26	1	75	56	500
Former Appellate Judges	0	30	25	1	0	0	2	3	0	61
Senior District Judges	476	749	717	205	182	115	227	249	165	3,085
Former District Judges	141	219	0	42	72	12	0	4	27	517
Active Statutory County Court Judges	11	36	0	0	39	3	38	20	0	147
Retired/Former Statutory County Court Judges	59	38	20	1	24	50	0	25	31	248
TOTAL Assignments	847	1,248	911	289	352	245	301	529	325	5,047

Days Served:										
Active District Judges	112.0	46.0	14.0	17.0	9.0	47.0	11.0	96.5	47.0	399.5
Senior Appellate Judges	336.0	214.5	192.0	46.0	0.0	219.5	0.0	179.0	123.0	1,310.0
Former Appellate Judges	0.0	37.0	41.0	1.0	0.0	0.0	1.5	14.0	0.0	94.5
Senior District Judges	2,238.0	1,184.5	825.5	877.5	661.0	302.5	287.5	613.0	326.0	7,315.5
Former District Judges	583.0	448.5	0.0	187.0	312.0	17.5	0.0	4.5	109.0	1,661.5
Active Statutory County Court Judges	11.0	44.0	0.0	0.0	5.0	22.0	35.5	14.5	0.0	132.0
Retired/Former Statutory County Court Judges	173.0	7.5	66.0	3.0	123.0	161.5	0.0	29.5	161.0	724.5
TOTAL Days Served	3,453.0	1,982.0	1,138.5	1,131.5	1,110.0	770.0	335.5	951.0	766.0	11,637.5

Assignments from Other Administrative Regions By Presiding Judges of Administrative Regions

Number of Assignments:										
Supreme Court Justice	0	0	2	0	0	0	0	0	0	2
Active District Judges	3	2	2	0	6	4	3	0	0	20
Senior Appellate Judges	0	0	0	0	0	6	2	0	0	8
Former Appellate Judges	0	0	0	0	0	2	0	0	0	2
Senior District Judges	9	3	70	8	2	26	4	11	7	140
Former District Judges	18	0	17	3	0	0	1	0	1	40
Active Statutory County Court Judges	0	5	15	0	1	0	0	0	0	21
Retired/Former Statutory County Court Judges	0	0	0	12	0	0	0	0	0	12
TOTAL Assignments	30	10	106	23	9	38	10	11	8	245

Days Served:										
Supreme Court Justice	0	0.0	4	0.0	0.0	0.0	0	0.0	0.0	4
Active District Judges	3.0	4.0	2.0	0.0	19.0	11.0	1.0	0.0	0.0	40.0
Senior Appellate Judges	0.0	0.0	0.0	0.0	0.0	13.5	4.0	0.0	0.0	17.5
Former Appellate Judges	0.0	0.0	0.0	0.0	0.0	8.0	0.0	0.0	0.0	8.0
Senior District Judges	46.0	14.0	65.5	22.0	10.0	44.5	12.0	37.5	11.0	262.5
Former District Judges	185.0	0.0	11.0	4.0	0.0	0.0	0.0	0.0	0.0	200.0
Active Statutory County Court Judges	0.0	5.0	9.0	0.0	0.0	0.0	0.0	0.0	0.0	14.0
Retired/Former Statutory County Court Judges	0.0	0.0	0.0	46.0	0.0	0.0	0.0	0.0	0.0	46.0
TOTAL Days Served	234.0	23.0	91.0	72.0	29.0	77.0	17.0	37.5	11.0	591.5

Assignments Made by the Supreme Court*

Number of Assignments:										
Active District Judges	0	2	1	4	3	0	0	0	1	11
Days Served:										
Active District Judges	0	7	1	4	5	0	0	0	0	17

Total — Trial Court Assignments

Number of Assignments	879	1,261	1,040	316	369	288	311	540	339	5,343
Days Served	3,689	2,012	1,293	1,208	1,147	852	353	989	779	12,331
Assignments to Other Administrative Regions	28	40	47	12	6	9	62	24	13	241

Assignment authorized by Government Code, sections 74.056 and 75.002. Information provided by the Presiding Judges of the Administrative Judicial Regions.

* Disciplinary Proceedings (Rule 3.02, Texas Rules of Disciplinary Procedure).



The District Courts

Cases Added – In FY 2004 there were 424 district courts operating in the state. During the fiscal year a total of 823,257 cases were added to the dockets of these courts.¹ While the total number of new cases in FY 2004 – including civil, criminal, and juvenile – was somewhat less than the number added in FY 2003 (a total of 840,440 cases), it was well above the five-year (FY 2000 – FY 2004) average of 791,000 new cases per year and significantly higher than the ten-year (FY 1995 – FY 2004) average of 747,295 new cases per year. From FY 1995 to FY 2004 the number of new cases added to the district court docket has increased by 17.7 percent. The composition of the new cases – civil, criminal, and juvenile – as percentages of the total number added has, however, varied little since FY 1995.

Although the total number of new cases added in FY 2004 was less than in FY 2003, the number of new criminal cases (254,441 cases) added in FY 2004 was greater than the number (250,791 cases) added in the previous fiscal year and above the ten-year average of 221,747 criminal cases added per year. Indeed, over the past ten years the number of new criminal cases added to the district court docket has fairly steadily increased, resulting in a 26.3 percent increase from FY 1995 to FY 2004. The number of new civil cases, on the other hand, dropped from 550,633 cases added in FY 2003 to 529,523 cases added in FY 2004 and accounted for the overall decrease from FY 2003 to FY 2004 in the total number of new cases added to the docket. Nonetheless, from FY 1995 to FY 2004 there has been an 11.8 percent increase in new civil cases added. The greatest increase, however, in the ten-year period has been in the number of juvenile cases added – a 60.6 percent change from FY 1995 to FY 2004.

Civil cases (including new filings, show causes, and other cases) accounted for 64.3 percent of the total number of new cases added in FY 2004. Taken together, divorce and other family law matters constituted more than half of the new civil cases – 25.9 percent and 30.4 percent, respectively. Tax cases made up 14.3 percent of new civil cases, accounts and contracts 7.5 percent, injury or damage involving motor vehicles 3.5 percent, injury or damage not involving motor vehicles 3.5 percent, workers’ compensation 0.09 percent, and other civil matters making up the remainder.

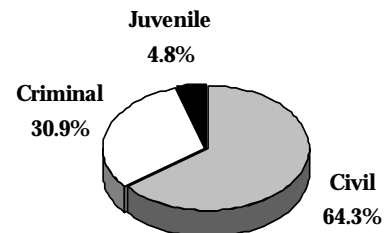
Criminal cases (including indictments, informations, motions to revoke probation, shock probations, cases transferred in, and other cases) accounted for 30.9 percent of the total number of new cases added in FY 2004. Of the new criminal cases, more than one-third were drug-related – 22.2 percent being drug possession cases and 9.5 percent being drug sale or manufacture cases. Assault or attempted murder cases and theft cases each accounted for 8.7 percent, burglary cases 8.6 percent, felony DWI cases 5.0 percent, robbery cases 2.9 percent, misdemeanors 2.7 percent, auto theft cases 2.6 percent, and other felony cases 23.7 percent of new criminal cases added. Capital murder cases made up only 0.2 percent of the total.

¹ The statistical information for this section is derived from the monthly activity reports of the district courts filed with the Office of Court Administration. All counties did not file the required district court reports during FY 2004. (See below.) There was, however, a 95.3 percent reporting rate for the fiscal year.

HIGHLIGHTS

- ◆ A record number of juvenile cases (39,293) were added to the dockets of the district courts in FY 2004.
- ◆ More than one-third of criminal cases added to the dockets in FY 2004 involved drug possession, sale or manufacturing charges; divorce and other family law cases accounted for approximately 56 percent of all civil cases added.
- ◆ The total number of cases pending at the end of FY 2004 – 799,976 cases – was 7.8 percent below the total number pending at the end of FY 2003 and the lowest number in three fiscal years.

**Cases Added
FY 2004 (823,257 Cases)**



More juvenile cases were added to the dockets of the district courts in FY 2004 than in any other fiscal year. Juvenile cases made up 4.8 percent (39,293 cases) of all cases added in FY 2004. Of these, the great majority – 29,699 cases – were new filings, with delinquent conduct cases making up 98 percent of the new filings and conduct indicating need for supervision (CINS) case comprising the remaining 2 percent.

Dispositions – During FY 2004 the district courts disposed of 49.6 percent of the total number of cases on their dockets (1,588,297 cases), with an overall clearance rate (the number of cases disposed/the number of cases added) of 95.8 percent, in line with the five-year (FY 2000 – FY 2004) average, annual clearance rate of 95.9 percent, but below the ten-year (FY 1995 – FY 2004) average rate of 97.1 percent.

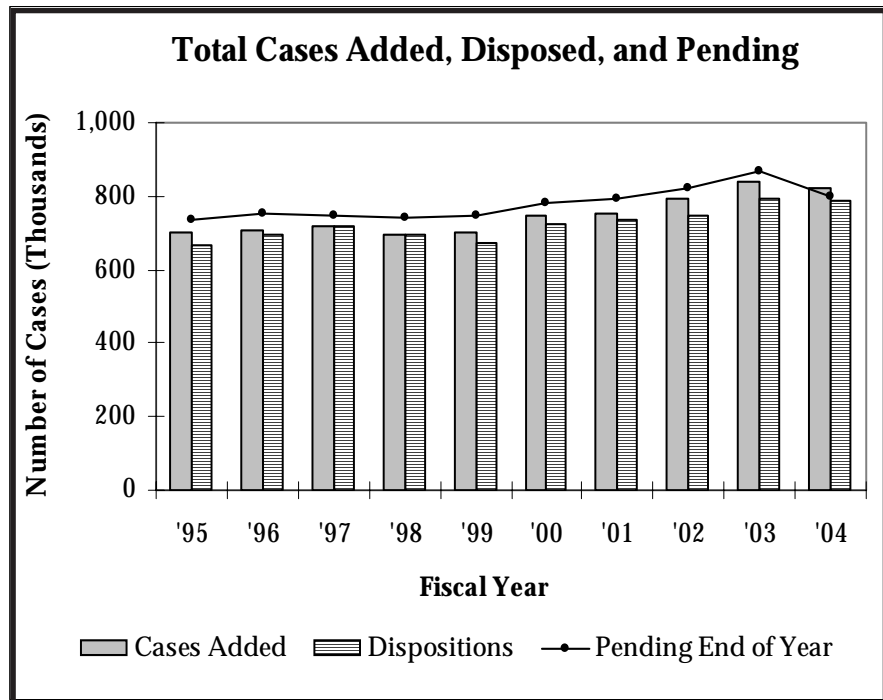
By type of case, the highest clearance rate in FY 2004 was in civil cases – 96.1 percent. The clearance rate for criminal cases was 95.2 percent and 94.9 percent for juvenile cases.

The total number of dispositions in FY 2004 – 788,328 dispositions – was slightly lower than the total number in FY 2003 (791,294 dispositions) but well above both the five-year average of 757,858 and the ten-year average of 724,722 dispositions per year. On average, each of the 424 district court judges disposed of 1,859.3 cases during the fiscal year, compared to 1,893 cases in FY 2003 when there were fewer judges (418) than in FY 2004.

Civil cases comprised 64.6 percent of all cases disposed in FY 2004, while criminal cases comprised 30.7 percent of all dispositions and juvenile cases 4.7 percent. These percentages nearly mirror the percentages, by type, of the total cases added during the fiscal year: 64.3 percent civil, 30.9 percent criminal, and 4.8 percent juvenile.

The number of civil cases disposed – 508,905 cases – was less than the number disposed in FY 2003 (513,905) but above the five-year average of 495,193 and the ten-year average of 475,032 dispositions per year. Approximately 23 percent were disposed by bench trials, and approximately 41 percent of these non-jury trials involved divorce cases and 32.5 percent involved other family law matters. Agreed judgments accounted for 14.6 percent of the dispositions in civil cases, while 8.3 percent were dismissed for want of prosecution and another 17.1 percent dismissed at the request of the plaintiff. By case type, divorce and other family law cases together accounted for 63.0 percent of all civil cases disposed in FY 2004 - divorce cases being 22.2 percent and other family law cases making up 40.8 percent of all civil dispositions. Tax cases comprised 11.3 percent of the total number of dispositions during the fiscal year, account and contract cases made up 5.6 percent of all dispositions, and other civil cases accounted for 12.3 percent of all dispositions.

The number of criminal cases disposed in FY 2004 – 242,146 cases – was slightly higher than the 241,854 disposed in FY 2003 but well above both the five-year average of 226,398 and the ten-year average of 215,717 dispositions per year. Convictions accounted for 44.2 percent of the total number of dispositions during the fiscal year, and only 2 percent of the criminal cases disposed in FY 2004 were disposed at trial. Of the 4,768 cases that went to trial, 23.7 percent were bench trials, and 72.4 percent of bench trials resulted in convictions, compared to 83.4 percent in jury trials. Convictions made up 48.5 percent of all dispositions and 63.1 percent of dispositions in capital murder cases. Deferred



	Bench	Jury	All Trials
Convictions	817 (72.4%)	3,009 (82.7%)	3,826 (80.2%)
Acquittals	311 (27.6%)	631 (17.3%)	942 (19.8%)
Total	1,128 (100%)	3,640 (100%)	4,768 (100%)

adjudication made up 16.4 percent, dismissals, 14.8 percent, transfers and other dispositions, 24.2 percent, and acquittals, only 0.4 percent. Of the cases disposed by convictions the defendant entered a guilty plea or *nolo contendere* in 97.1 percent of the cases. By case type, the highest rate of disposition by conviction was in felony DWI cases with conviction in 63 percent of these cases, followed by capital murder cases at 63.1 percent and murder cases at 60.3 percent. The highest rate of disposition by dismissal was in cases involving sexual assault of an adult at 31.8 percent, followed by capital murder cases at 26.8 percent and indecency with or sexual assault of a child at 24 percent. The lowest rate of dismissal was for felony D.W.I. at 8.4 percent.

The 37,277 dispositions in juvenile cases was the highest number of dispositions in juvenile cases in any prior fiscal year, above both the five-year average of 36,268 and the ten-year average of 33,973 dispositions per year. Findings of delinquent conduct or CINS were made in 51.9 percent of the cases disposed in FY 2004, with preponderance (99.7 percent) of these findings being made in bench trials. Of the 799 CINS cases disposed during FY 2004, an affirmative finding was made in 39.4 percent of the cases, all by bench trial. Of the 36,478 delinquent conduct cases disposed, an affirmative finding was made in 52.1 percent of the cases, the vast majority (99.4 percent) of these findings being made in bench trials. Probation was revoked in 5.3 percent of the cases disposed during the fiscal year and was continued in 5.0 percent of all cases disposed. Dismissal or other disposition accounted for 36.4 percent of all dispositions.

Disposition Rates - Of the civil cases disposed in FY 2004, 31.0 percent were disposed within 3 months of the date of filing, 18.7 percent in 3 to 6 months, 20.9 percent in 6 to 12 months, 10.2 percent in 12 to 18 months, and 19.2 percent in more than 18 months. Overall these percentages varied little from five-year (FY 2000 - FY 2004) and ten-year (FY 1995 - FY 2004) average percentages for disposition rates. Tax cases tend to stay on the civil docket for long periods of time compared to other civil actions. In FY 2004, the district courts disposed of only about one-third of the tax cases filed during the year or carried over from FY 2003, leaving 120,202 tax cases pending at the end of FY 2004.

The district courts disposed of 33.1 percent of the criminal cases on their dockets in under 60 days from the date of indictment or information, 10.7 percent in 61 to 90 days, 9.3 percent in 91 to 120 days, and 46.9 percent in over 120 days. These percentages, too, have varied little in a ten-year period.

Cases Pending - At the end of FY 2004 there were 559,472 civil cases, 221,041 criminal cases, and 19,463 juvenile cases pending. Compared to the numbers of cases pending at the end of FY 2003, the FY 2004 numbers represent a decrease of 12.1 percent in the number of civil cases pending and of 7.7 in the number of juvenile cases pending but an increase of 5.1 percent in the number of criminal cases pending at the end of the fiscal year. Overall, however, the total number of cases pending at the end of FY 2004 - 799,976 cases - was 7.8 percent below the total number pending at the end of FY 2003 and the lowest number in three fiscal years.

Other Activity - In FY 2004 there were 23 death sentences and 354 life sentences assessed in the district courts. The number of death sentences was the lowest in a ten-year period (FY 1995 - FY 2004) during which the average number was 31 per year. The number of life sentences assessed in FY 2004 was also below the average number - 372 - for the ten-year period but was the highest number in any fiscal year since 1998 when 374 life sentences were handed down.

The district courts serving as juvenile courts held 22,718 detention hearings - 98 percent of these in delinquent conduct cases. They certified 113 children to stand trial as adults and appointed a total of 21,495 attorneys to represent juveniles in court proceedings. In 22,902 findings of delinquent conduct, the courts placed 20,042 juveniles on probation, the majority of them - 80.2 percent - under parental care, 18.8 percent in residential facilities, and 1 percent under foster care. In 2,147 cases, juveniles were committed to the Texas Youth Commission.

In FY 2004, the district courts disposed 4,102 post-conviction writs of habeas corpus, below the five-year (FY 2000 - FY 2004) average of 4,493 writs disposed per year but above the ten-year (FY 1995 - FY 2004) average of 3,990 writs disposed per year. The number of bond forfeiture proceedings - 7,469 proceedings - in FY 2004 was very close to the five year average of 7,465 proceedings per year and well above the ten-year average of 7,059 proceedings per year.

The following counties did not submit any district court monthly activity reports to the Office of Court Administration during FY 2004.

Armstrong	Hudspeth	Zapata
Atascosa	Sherman	

District Courts

Activity Summary by Case Type from September 1, 2003 to August 31, 2004

CRIMINAL DOCKET																				
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 Manu-facture	Drug Posses-sion	Felony D.W.I	Other Felony	All Misdemeanors	Total Cases				
Cases Pending 9/01/2003	779	2,513	16,119	2,380	9,715	6,960	17,748	24,473	5,934	1,086	17,488	42,060	10,821	44,659	6,187	208,923				
Docket Adjustments	4	(67)	215	(9)	(64)	(108)	(50)	(215)	(83)	(20)	(167)	87	491	(86)	(112)	(184)				
Cases Filed by Indictment	413	1,125	15,594	1,344	5,636	6,606	12,939	14,884	4,039	689	15,092	31,630	8,304	41,696	959	160,950				
Cases Filed by Information	1	19	1,450	43	227	437	1,869	2,362	1,021	103	3,391	9,894	787	5,305	4,508	31,417				
Other Cases Reaching Docket:																				
<i>Motions to Revoke Probation Filed</i>	17	125	4,603	255	1,478	1,922	6,561	4,774	1,515	359	5,338	14,190	3,344	12,193	1,208	57,882				
<i>Shock Probation Returned from TDCJ/ID</i>	0	2	59	3	22	71	183	53	14	8	138	168	67	124	8	920				
<i>Transfers from Other Counties</i>	0	0	2	1	6	0	2	1	0	0	1	7	1	4	0	25				
<i>All Other Cases</i>	11	29	457	35	93	138	244	170	71	39	321	496	111	966	66	3,247				
Total Cases on Docket:	1,225	3,746	38,499	4,052	17,113	16,026	39,496	46,502	12,511	2,264	41,602	98,532	23,926	104,861	12,824	463,180				
Dispositions:																				
Convictions:																				
<i>Guilty Pleas or Nolo Contendere</i>	138	412	7,275	443	2,054	4,249	8,432	9,277	3,166	406	11,417	22,388	7,325	23,261	2,956	103,199				
<i>Not Guilty Plea - No Jury</i>	4	6	67	18	26	20	62	68	10	3	47	110	48	305	23	817				
<i>Guilty Plea - Jury Verdict</i>	13	35	95	16	91	86	39	14	5	4	77	65	34	94	9	677				
<i>Not Guilty Plea - Jury Verdict</i>	114	225	318	79	284	247	111	78	14	9	193	209	65	372	14	2,332				
Total Convictions	269	678	7,755	556	2,455	4,602	8,644	9,437	3,195	422	11,734	22,772	7,472	24,032	3,002	107,025				
Placed on Deferred Adjudication	1	41	4,131	206	1,331	962	3,487	3,898	860	203	3,953	10,092	131	9,974	513	39,783				
Acquittals:																				
<i>Non - Jury Trial</i>	0	5	56	2	14	5	13	28	7	3	17	51	22	81	7	311				
<i>Jury Verdict</i>	15	24	104	21	121	21	29	14	9	3	43	55	20	115	5	599				
<i>Directed Verdict or JNOV</i>	0	1	4	1	3	3	3	3	2	0	1	2	1	8	0	32				
Total Acquittals	15	30	164	24	138	29	45	45	18	6	61	108	43	204	12	942				
Dismissals:																				
<i>Insufficient Evidence</i>	3	9	217	33	124	65	131	166	51	19	167	660	67	521	57	2,290				
<i>Conviction in Another Case</i>	29	32	882	105	511	353	679	643	251	47	680	1,699	143	2,823	191	9,068				
<i>Speedy Trial Act Limitation</i>	1	5	7	1	1	1	10	8	1	0	2	12	6	25	0	80				
<i>Case Refiled</i>	38	64	336	74	159	162	134	196	37	13	208	297	124	609	75	2,526				
<i>Defendant Unapprehended</i>	0	0	5	1	4	3	11	23	5	0	21	41	21	38	2	175				
<i>Defendant Granted Immunity</i>	5	0	5	0	4	1	0	1	3	2	6	11	3	37	6	84				
<i>Other Dismissals</i>	38	105	2,413	281	873	639	1,541	2,255	638	110	1,292	3,753	636	5,795	1,181	21,550				
Total Dismissals	114	215	3,865	495	1,676	1,224	2,506	3,292	986	191	2,376	6,473	1,000	9,848	1,512	35,773				
Transfers:																				
<i>On Change of Venue To County Court</i>	1	2	1	0	2	1	3	3	0	0	2	13	3	6	13	50				
<i>To County Court</i>	0	1	40	2	1	15	20	41	4	0	1	17	29	115	447	733				
Other Dispositions:																				
<i>Placed on Shock Probation</i>	2	1	65	3	12	72	181	43	12	5	138	164	72	149	10	929				
<i>Motion to Revoke Granted</i>	16	80	2,456	159	750	1,129	3,886	2,660	1,082	176	3,750	7,224	1,742	6,721	777	32,608				
<i>Motion to Revoke Denied</i>	5	38	1,466	64	474	604	1,856	1,549	331	131	1,232	4,666	1,082	3,907	513	17,918				
<i>All Other Dispositions</i>	3	38	637	46	152	230	618	416	132	54	600	1,270	293	1,838	58	6,385				
Total Other Dispositions	26	157	4,624	272	1,388	2,035	6,541	4,668	1,557	366	5,720	13,324	3,189	12,615	1,358	57,840				
Total Dispositions	426	1,124	20,580	1,555	6,991	8,868	21,246	21,384	6,620	1,188	23,847	52,799	11,867	56,794	6,857	242,146				
Cases Pending 8/31/2004	799	2,622	17,919	2,497	10,122	7,158	18,250	25,118	5,891	1,076	17,755	45,733	12,059	48,067	5,967	221,034				
Sentencing Information:																				
Death Sentence	23	0	0	0	0	0	0	0	0	0	0	0	0	0	0	23				
Life Sentence	108	61	12	20	42	44	16	3	0	1	6	2	0	39	0	354				
Lesser Offense Convictions	73	69	2,671	104	532	1,192	1,143	1,333	140	77	1,328	2,417	539	3,654	196	15,468				
Cases - Unapprehended Defendants																71,426				
Additional Court Activity:																				
Jury Panels Examined			3,559																	
Jury Sworn & Evidence Presented			3,624																	
Cases in Which Attorney Appointed			150,454																	
									Age of Cases Disposed:		60 Days or Less		61 to 90 Days		91 to 120 Days		Over 120 Days		TOTAL	
									Number of Cases		80,140		25,820		22,561		113,625		242,146	

District Courts
Activity Summary by Case Type from September 1, 2003 to August 31, 2004

CIVIL DOCKET											
	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
Cases on Docket:											
Cases Pending 9/01/2003	28,301	39,655	2,361	115,034	379	38,086	5,745	88,350	217,102	98,311	633,324
Docket Adjustments	(282)	(240)	(186)	(179)	52	(495)	(590)	(1,859)	(86,467)	(4,223)	(94,470)
New Cases Filed	14,736	13,193	373	60,855	200	31,964	3,030	111,648	119,763	60,367	416,129
Other Cases Reaching Docket:											
<i>Show Causes Added</i>	0	0	0	0	0	0	0	0	100,206	0	100,206
<i>Other Cases Added</i>	569	2,294	33	1,983	5	977	79	2,470	2,927	1,851	13,188
Total Cases on Docket:	43,324	54,902	2,581	177,693	636	70,532	8,264	200,609	353,531	156,306	1,068,377
Dispositions:											
Change of Venue Transfers	142	984	5	27	0	229	17	317	1,129	378	3,228
Default Judgments	383	424	22	9,778	7	6,874	335	8,187	7,433	6,701	40,144
Agreed Judgments	2,629	1,980	34	937	16	2,443	645	32,560	22,812	10,336	74,392
Summary Judgments	201	574	21	287	3	1,207	9	255	167	1,047	3,771
Final Judgments:											
<i>After Trial - No Jury</i>	1,779	1,070	65	11,646	40	2,320	701	48,103	38,254	13,864	117,842
<i>By Jury Verdicts</i>	430	301	24	49	3	134	2	105	97	294	1,439
<i>By Directed Verdicts</i>	19	17	1	0	4	23	2	39	92	27	224
<i>Dismissed for Want of Prosecution</i>	2,052	2,263	72	4,193	18	3,916	325	14,575	9,062	5,845	42,321
<i>Dismissed by Plaintiff</i>	6,891	7,112	126	25,863	27	8,387	800	5,372	18,815	13,796	87,189
<i>Show Causes Disposed</i>	0	0	0	0	0	0	0	0	96,890	0	96,890
<i>Other Dispositions</i>	2,203	4,573	47	4,711	50	3,220	259	3,550	12,668	10,184	41,465
Total Dispositions	16,729	19,298	417	57,491	168	28,753	3,095	113,063	207,419	62,472	508,905
Cases Pending 8/31/2004	26,595	35,604	2,164	120,202	468	41,779	5,169	87,546	146,112	93,834	559,472
Court Jury Activity:											
Jury Fee Paid/Oath	24,871	Age of Cases Disposed:			3 Months or Less	Over 3 to 6 Months	Over 6 to 12 Months	Over 12 to 18 Months	Over 18 Months	TOTAL	
Jury Panel Examined	1,764	Number of Cases			157,677	94,959	106,582	52,029	97,658	508,905	
Jury Sworn Evid. Presented	1,797										
JUVENILE DOCKET											
	CINS	Delin	Total		CINS	Delin	Total				
Cases on Docket:				Findings of Delinquent Conduct or CINS:							
Cases Pending 9/01/2003	566	20,462	21,028	Placed on Probation:							
Docket Adjustments	177	(3,758)	(3,581)	<i>Under Parental Care</i>	322	16,077	16,399				
New Petitions Filed	615	29,084	29,699	<i>Under Foster Care</i>	0	191	191				
Motion to Revoke Probation Filed	62	5,148	5,210	<i>Residential Facility</i>	21	3,774	3,795				
Other Cases Added	10	4,374	4,384	Committed to TYC	0	2,147	2,147				
Total on Docket	1,430	55,310	56,740	Final Judgment Without Disp.	12	713	725				
Dispositions:				Total	355	22,902	23,257				
Finding of Delinquent Conduct/CINS:				Other Juvenile Court Activity:							
<i>Trials by Judge</i>	315	18,961	19,276	Detention Hearings	472	22,246	22,718				
<i>Trials by Jury</i>	0	57	57	Hearing to Modify Order	16	1,495	1,511				
Finding of No Delinquent Conduct/CINS:				Child Certified for Adult Crim. Court	0	113	113				
<i>Trials by Judge</i>	3	290	293	Attorneys Appointed	415	21,080	21,495				
<i>Trials by Jury</i>	0	20	20								
<i>Directed Verdicts</i>	0	3	3								
Probation Revoked	3	1,960	1,963								
Continue on Probation	34	1,845	1,879								
Change of Venue Transfer	0	219	219								
Dismissed & Other Dispositions	444	13,123	13,567								
Total Dispositions	799	36,478	37,277								
Cases Pending 8/31/2004	631	18,832	19,463								
OTHER PROCEEDINGS											
	Post-Conviction Writs of Habeas Corpus	Other Writs of Habeas Corpus	Contempt, Extradition and Other Separately Docketed Proceedings	Bond Forfeiture Proceedings							
Pending 9/01/2003	11,130	2,659	2,484	32,141							
Docket Adjustments	(74)	(339)	(24)	(1,235)							
Total Added	4,960	8,107	3,123	10,570							
Total Disposed	4,102	7,850	2,877	7,469							
Pending 8/31/2004	11,914	2,577	2,706	34,007							



The County-Level Courts

Cases on Docket - In FY 2004, there were 482 county-level courts operating in the state – 254 constitutional courts, 211 county courts at law, and 17 probate courts. During the fiscal year 860,219 cases were added to the dockets of these courts – the largest number of cases ever added to the dockets in a fiscal year and well above both the five-year (FY 2000 – FY 2004) average of 801,698 cases and the ten-year (FY 1995 – FY 2004) average of 776,437 cases added per year.¹ These cases included new filings, appeals from lower courts, show causes (civil), motions to revoke probation, probate, mental health, and other cases that entered the dockets.

Of the total number of cases added to the courts' dockets, criminal cases constituted 70.4 percent, civil cases 17.8 percent, juvenile cases 1 percent, probate cases 7.1 percent, and mental health cases 3.6 percent. While relative percentages reflecting the composition of new cases have varied slightly over the past ten fiscal years, the 605,594 criminal cases added during FY 2004 represents only a 6.6 percent increase since FY 1995, while the 153,501 civil cases added during the fiscal year represents a 63.2 increase since FY 1995, and the 8,852 juvenile cases, a 60.9 percent increase since FY 1995.

Of the total number of civil cases (323,300) on the dockets of the courts during the fiscal year – including cases pending at the beginning of the fiscal year and cases added during the fiscal year – suits on debt made up 33.2 percent, while divorce cases constituted 6.3 percent and other family law matters, about 10 percent. Personal injury/damage suits accounted for 15.9 percent of the total, other civil cases were 33.8 percent, and tax suits were just 0.8 percent.

With respect to the total number of criminal cases (1,225,662) on the dockets during FY 2004, cases relating to theft or worthless checks made up 31.4 percent, DWI or DUID cases accounted for 17.3 percent, drug offenses were 9.7 percent, assault cases were 8.8 percent, traffic cases were 9.4 percent, and other criminal made up the remaining 23.4 percent. In FY 2004, 27,691 cases on the criminal dockets of the county-level courts came by way of appeal from justice of the peace and municipal courts; the vast majority of these – 24,586 cases or 88.8 percent of the total – were cases relating to traffic offenses.

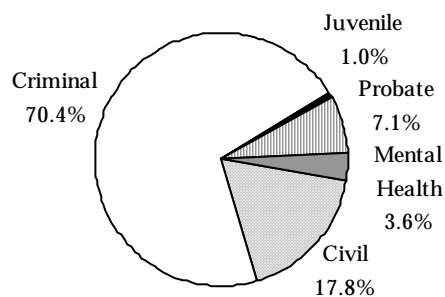
FY 2004 marked the third consecutive fiscal year in which the number of juvenile cases added to the dockets has increased, putting the number of cases added – 8,852 cases – well above the five-year (FY 2000 – FY 2004) average of 8,339 new cases per year and significantly higher than the ten-year (FY 1995 – FY 2004) average of 7,664 new cases per year. FY 2004 is also the third consecutive year in which delinquent conduct cases as a percentage of all juvenile cases added have declined (92.4 percent in FY 2001 to 85.9 percent in FY 2004).

Dispositions – Excluding mental health and probate cases, a total of 767,947 cases were added to the courts' dockets in FY 2004, an increase of 15 percent since FY 1995. During the fiscal year the courts disposed of 714,746 cases, resulting in an overall clearance rate (total cases disposed/total cases added) of 93.1 percent. With respect to types of cases, the clearance rate for juvenile cases was 90.1 percent, for civil cases, 91.3 percent, and for criminal cases, 93.6 percent. The overall clearance rate was below the five-year (FY 2000 – FY 2004) average rate of 97.4 percent and the ten-year (FY 1995

HIGHLIGHTS

- ◆ During FY 2004, 860,219 cases were added to the dockets of the county-level courts – the largest number of cases ever added to the dockets during a fiscal year.
- ◆ One-third of civil cases added in FY 2004 involved suits on debt; nearly one-third of criminal cases added involved theft or worthless check offenses.
- ◆ Excluding mental health and probate cases, the courts disposed of 714,746 cases during the fiscal year, resulting in an overall clearance rate (total cases disposed/total cases added) of 93.1 percent.
- ◆ The 847,308 cases (excluding probate and mental health) pending at the end of FY 2004 was the largest number of cases ever pending in the county-level courts.

**Total Cases Added
FY 2004 (860,219 Cases)**

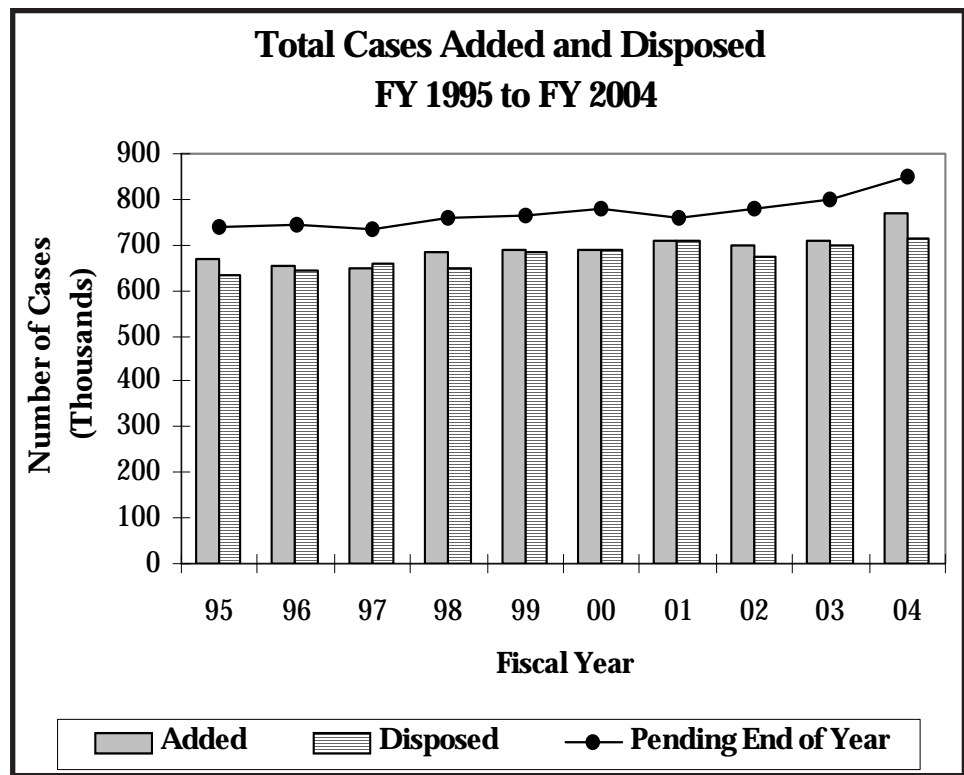


¹ The statistical information for this section is derived from the monthly activity reports of the county-level courts filed with the Office of Court Administration. All counties did not file the required county-level court reports in FY 2004. (See below.) There was, however, a 97.2 percent reporting rate.

- FY 2004) average rate of 97.5 percent. Since FY 1995, the total number of cases added has risen by 15 percent, while the number of dispositions has increased by 13.1 percent.

Although the overall clearance rate in FY 2004 exceeded 90 percent, the county-level courts actually disposed of only 45.8 percent of the total number of cases - including civil, criminal, and juvenile cases - on their dockets during the fiscal year. Looked at by category of case, 46.2 percent of criminal cases on the docket were disposed, 43.4 percent of civil cases were disposed, and 60.9 percent of juvenile cases were disposed. In each category there were more cases pending at the end of the fiscal year than had been pending at the beginning of the fiscal year. The number of criminal cases

pending at the end of FY 2004 had increased by 7.3 percent over the number pending at the beginning of the fiscal year, civil cases by 8.5 percent, and juvenile cases by 23.5 percent. Of the 847,308 cases pending at the end of FY 2004 - the largest number of cases ever pending in the county-level courts - 77.8 percent were criminal cases, 21.6 percent were civil, and less than 1 percent (0.6 percent) were juvenile cases.



Of the criminal cases on the docket, the county-level courts disposed of 59 percent of drug offenses, 45.4 percent of DWI/DUID charges, 53.7 percent of traffic cases, 32.9 percent of theft or worthless check charges, 51.4 percent of assault charges, and 53.4 percent of all other criminal cases. These percentages of case-type disposition have varied only slightly since FY 2000. Convictions accounted for 47.6 percent of all dispositions, and 98.6 percent of all convictions resulted from guilty pleas or *nolo contendere*. Dismissals constituted 28.7 percent of all dispositions, while acquittals made up only 0.4 percent of the dispositions, with 40.3 percent occurring in non-jury trials, 53.1 percent in jury trials, and the remainder by directed verdict. Of the 5,706 cases going to trial and reaching a verdict, convictions were reached in 56.2 percent of all cases, 49.5 percent of bench trials and 62.6 percent in jury trials.

	Bench	Jury	All Trials
Convictions	987 (49.5%)	2,220 (59.8%)	3,207 (56.2%)
Acquittals	1,006 (50.5%)	1,493 (40.2%)	2,499 (43.8%)
Total	1,993 (100%)	3,713 (100%)	5,706 (100%)

The age of criminal cases when disposed has remained relatively stable over the last ten fiscal years (FY 1995 - FY 2004), although in FY 2004 the percentage of cases disposed in under 30 days from date of filing was the highest in a ten-year (FY 1995 - FY 2004) period. In FY 2004, 25.2 percent were disposed within 30 days, 12.5 percent within 31-60 days, 9.2 percent within 61-90 days, and 53.1 percent in more than 90 days from filing. The respective five-year percentages for the age of criminal cases disposed are 23.7 percent, 12.6 percent, 9.3 percent, and 54.4 percent, while the respective ten-year percentages are 23.3 percent, 12.3 percent, 9.4 percent, and 54.9 percent.

With regard to the 140,160 civil cases disposed in FY 2004, only 1,259 cases - or less than 1 percent (0.9 percent) - were determined by jury verdicts. Nearly 17 percent of all cases were disposed by judgments after a trial or hearing by a judge, and 31 percent of all dispositions were dismissals. The remaining 51 percent of dispositions were default judgments, agreed judgments, show causes, or other dispositions. In FY 2004, 34 percent of civil cases were disposed in under three months from the date of filing - the highest percentage in a ten-year (FY 1995 - FY 2004) period and comfortably above the ten-year average of 30 percent for cases disposed under three months from date of filing. Indeed, over a ten-year period (FY 1995 - FY 2004) there has been a steady improvement in the rate at which civil cases are disposed in the county-level

courts, with only 12.2 percent of cases over 18 months from time of filing being disposed in FY 2004, compared to 23.7 percent of such cases being disposed in FY 1995.

In juvenile cases, 66.4 percent of the dispositions were made in trials by judge and less than one percent (0.7 percent) in trials by jury. There was a finding of delinquent conduct in approximately two-thirds of all juvenile delinquency cases disposed in FY 2004 and a finding of no delinquent conduct in only 0.5 percent of cases disposed. Nearly 27 percent of the delinquency cases were disposed by dismissal or other disposition. Of the 707 CINS cases disposed in FY 2004, 63.5 percent were disposed at a bench trial with a finding of CINS. In FY 2004, 9,136 detention hearings were held, 89 percent of them in delinquent conduct cases, and 42 children were certified to stand trial as adults.

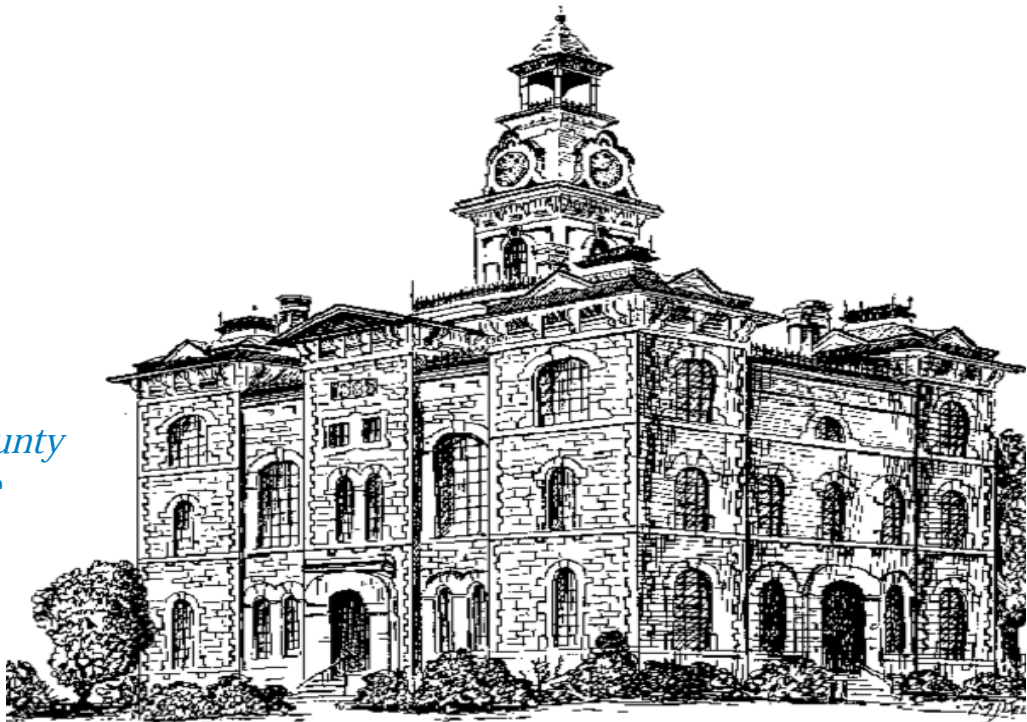
Probate and Mental Health Cases – In FY 2004, 61,425 probate cases were filed – well above the 55,716 cases filed in FY 2003, as well as above the ten-year (FY 1995 – FY 2004) average of 56,339 cases filed per year. There were 30,847 mental health cases filed during the fiscal year, up somewhat from the 29,012 cases filed in FY 2003 and greater than the ten-year average of 27,921 cases filed per year. In FY 2004, 19,458 applications for commitment orders for involuntary mental health services were filed with the county-level courts having jurisdiction to order commitment. About 98 percent of these applications were for temporary mental health services, with release being ordered prior to final hearing in 43.8 percent of the cases. Of the total number of application filed, release was ordered prior to final hearing in 8,359 – or 43 percent – of the cases. Applications for commitment to extended mental health service constituted only 1.5 percent of the total number filed. In FY 2004, the courts ordered 7,488 individuals committed to temporary mental health services on an inpatient basis and another 278 to extended care on an inpatient basis.

The following counties did not submit any district court monthly activity reports to the Office of Court Administration during FY 2004.

Armstrong
Donley

Hudspeth
Sherman

*Shackelford County
Courthouse*



County-Level Courts
Activity Summary by Case Type
September 1, 2003 to August 31, 2004

CRIMINAL DOCKET							
Cases on Docket:	DWI or DUID	Theft or Worthless Check	Drug Offenses	Assault	Traffic	Other Criminal Cases	Total Cases
Cases Pending 9/01/2003	100,825	256,590	42,895	49,017	45,952	119,150	614,429
Docket Adjustments	279	1,570	409	66	458	2,869	5,639
New Cases Filed	94,320	114,111	66,319	50,755	41,505	148,981	515,991
Cases Appealed From Lower Courts	0	244	80	135	24,586	2,646	27,691
Other Cases Reaching Docket:							
<i>Motions to Revoke Filed</i>	15,409	11,128	9,196	7,222	2,805	11,306	57,066
<i>All Other Cases Reaching Docket</i>	692	883	493	811	494	1,473	4,846
Total Cases on Docket	211,525	384,526	119,392	108,006	115,800	286,425	1,225,662
Dispositions:							
Convictions:							
<i>Guilty Pleas or Nolo Contendere</i>	63,113	43,608	31,490	22,098	20,966	84,511	265,786
<i>Not Guilty Plea - No Jury</i>	236	170	84	183	88	226	987
<i>Guilty Plea - Jury Verdict</i>	148	78	54	60	55	123	518
<i>Not Guilty Plea - Jury Verdict</i>	886	287	195	280	128	444	2,220
Total Convictions	64,383	44,143	31,823	22,621	21,237	85,304	269,511
Placed on Deferred Adjudication	458	16,543	13,789	7,526	16,626	16,562	71,504
Acquittals:							
<i>Non - Jury Trial</i>	243	80	66	338	46	233	1,006
<i>Jury Verdict</i>	620	58	57	319	25	247	1,326
<i>Directed Verdict or JNOV</i>	34	36	11	25	25	36	167
Total Acquittals	897	174	134	682	96	516	2,499
Dismissals:							
<i>Insufficient Evidence</i>	1,283	935	755	787	2,620	2,051	8,431
<i>Speedy Trial Act Limitation</i>	306	760	247	236	154	634	2,337
<i>Other Dismissals</i>	13,148	52,895	14,319	16,569	16,906	38,212	152,049
Total Dismissals	14,737	54,590	15,321	17,592	19,680	40,897	162,817
Other Dispositions:							
<i>Motion to Revoke Granted</i>	7,697	5,780	5,261	4,010	1,433	6,460	30,641
<i>Motion to Revoke Denied</i>	4,505	2,561	1,688	1,537	612	2,137	13,040
<i>All Other Dispositions</i>	3,364	2,876	2,440	1,513	2,520	3,886	16,599
Total Other Dispositions	15,566	11,217	9,389	7,060	4,565	12,483	60,280
Total Dispositions	96,042	126,667	70,456	55,481	62,202	155,763	566,611
Cases Pending 8/31/2004	115,483	257,859	48,936	52,525	53,598	130,662	659,051
Cases - Unapprehended Defendants							266,070
Cases Where Attorney Appointed as Counsel							78,958
Age of Cases Disposed	30 Days or Less	31 to 60 Days	61 to 90 Days	Over 90 Days	TOTAL		
Number of Cases	142,522	71,018	52,261	300,810	566,611		
PROBATE AND MENTAL HEALTH DOCKET							
	Cases Filed	Hearings Held					
Probate	61,425	80,273					
Mental Health	30,847	34,719					

County-Level Courts
Activity Summary by Case Type
September 1, 2003 to August 31, 2004

CIVIL DOCKET									
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	
Cases Pending 9/01/2003	21,791	7,569	2,022	56,349	8,563	14,149	58,315	168,758	
Docket Adjustments	468	230	(17)	13	354	75	(82)	1,041	
New Cases Filed	16,528	4,113	713	49,140	10,565	10,580	48,210	139,849	
Cases Appealed From Lower Courts	31	170	0	497	0	0	2,262	2,960	
Show Cause Motions Filed	0	0	0	0	0	6,082	0	6,082	
Other Cases Added	432	92	3	1,239	893	1,369	582	4,610	
Total Cases on Docket	39,250	12,174	2,721	107,238	20,375	32,255	109,287	323,300	
Dispositions:									
Default Judgments	2,205	493	134	15,089	538	644	4,734	23,837	
Agreed Judgments	1,555	385	65	4,065	2,579	1,611	6,105	16,365	
Judg. After Trial - No Jury	1,350	425	167	3,879	6,269	4,155	7,533	23,778	
Judg. by Jury Verdicts	284	54	21	133	343	286	138	1,259	
Dismissed for Want of Prosecution or by Plaintiff	8,593	2,118	233	18,277	1,315	2,332	10,567	43,435	
Show Causes Disposed	0	0	0	0	0	6,481	0	6,481	
Other Dispositions	2,080	998	17	3,787	478	1,965	15,680	25,005	
Total Dispositions	16,067	4,473	637	45,230	11,522	17,474	44,757	140,160	
Cases Pending 8/31/2004	23,183	7,701	2,084	62,008	8,853	14,781	64,530	183,140	
Age of Cases Disposed	3 Months or Less	Over 3 to 6 Months	Over 6 to 12 Months	Over 12 to 18 Months	Over 18 Months	TOTAL			
Number of Cases	47,672	31,788	30,862	12,778	17,060	140,160			
JUVENILE DOCKET									
Cases on Docket:	CINS	Delin	Total	Findings of Delinquent Conduct or CINS:			CINS	Delin	Total
Cases Pending 9/01/2003	730	3,414	4,144						
Docket Adjustments	32	64	96	Placed on Probation					
New Petitions Filed	1,197	6,845	8,042	Under Parental Care			455	4,321	4,776
Motions to Revoke Filed	42	509	551	Under Foster Care			0	19	19
Other Cases Added	6	253	259	Residential Facility			17	341	358
Total on Docket	2,007	11,085	13,092						
Dispositions:									
Find Delin Cond/CINS				Committed to TYC			0	419	419
Trials by Judge	449	4,827	5,276	Judgment No Disp.			7	124	131
Trials by Jury	0	46	46	Total			479	5,224	5,703
Find No Delin Cond/CINS				Other Juvenile Court Activity:					
Trials by Judge	0	19	19	Detention Hearings			1,012	8,124	9,136
Trials by Jury	0	13	13	Hearing to Modify Order			30	531	561
Directed Verdicts	0	2	2	Child Cert. as Adult			0	42	42
Probation Revoked	23	214	237	Attorneys Appointed			704	6,227	6,931
Continue on Probation	7	137	144						
Change of Venue Transfer	2	60	62						
Dismissed & Other Disp.	226	1,950	2,176						
Total Dispositions	707	7,268	7,975						
Cases Pending 8/31/2004	1,300	3,817	5,117						



Juvenile Caseload Trends

Under Texas law, each of the state's 254 counties is required to have a juvenile board consisting of district and county judges. The juvenile board (which may actually govern several counties) is responsible for the overseeing the juvenile justice system in that county, including the designation of one or more district court, criminal district court, county court at law, or constitutional county court as the "juvenile court" of the county. (If the county court is so designated, then at least one other court must be also designated as a juvenile court.) The juvenile court has jurisdiction in all proceedings brought under provisions of Title 3 of the Texas Family Code involving unlawful acts by a "child" – that is, a person who is at least 10 years of age and under 17 years of age or who is 17 years of age but found to have engaged in unlawful acts committed before the age of 17 years.

Two types of cases are brought to the juvenile court: delinquent conduct and conduct indicating the need for supervision. Delinquent conduct encompasses violations of laws (except traffic laws) punishable by incarceration if committed by an adult, contempt of magistrate orders, D.W.I. (and other related offenses), and third offense driving under the influence of alcohol. Conduct indicating the need for supervision (CINS) includes status offenses (that is, conduct not a crime if committed by an adult) such as truancy, running away from home, public intoxication of a minor, inhalant abuse, expulsion for violating a school discipline code, or fineable only offenses that have been transferred to a juvenile court from a municipal or justice court.

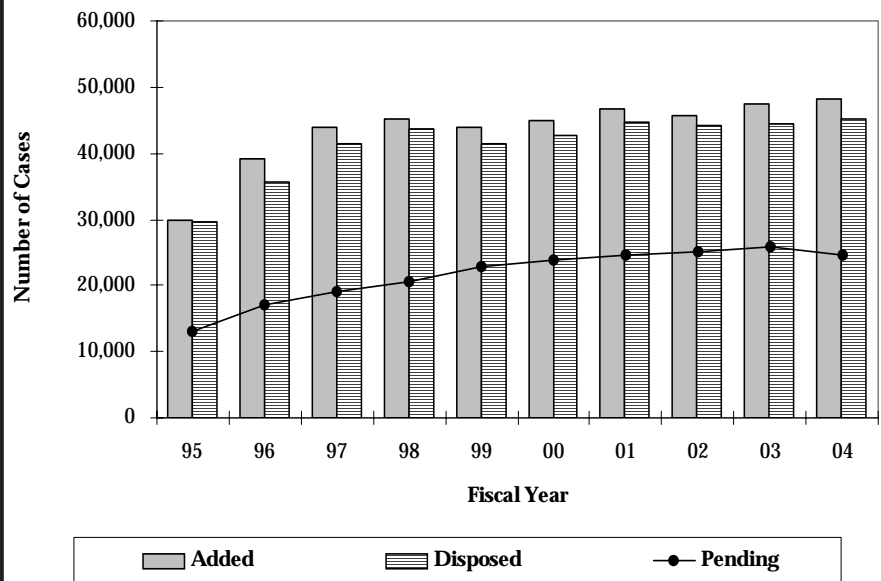
Except for public intoxication of a minor, justice and municipal courts have original jurisdiction over criminal offenses for which the penalty is only a fine. These courts also have exclusive jurisdiction over traffic offenses committed by juveniles.

Caseload - In FY 2004, a record number of cases– 48,145 – were added to the dockets of the state's juvenile courts. In a period of ten fiscal years (FY 1995 – FY 2004) the caseload of the juvenile courts has increased by 60.6 percent, with most of that increase occurring between FY 1995 and FY 1997. Since FY 1998 the annual rate of increase has slowed considerably. In FY 2004, there were only 3,106 more

HIGHLIGHTS

- ◆ In a period of ten fiscal years (FY 1995 – FY 2004) the caseload of the juvenile courts has increased by 51 percent. However, since FY 2000 the annual rate of increase has slowed considerably.
- ◆ For the first time in the last decade, the number of cases pending at the end of the fiscal year was lower than the number pending at the end of the previous fiscal year (24,580 cases in FY 2004 versus 25,859 cases in FY 2003).
- ◆ The vast majority (88.4 percent) of findings of delinquent conduct or CINS and dispositions involving motions to revoke probation resulted in probation being granted or continued.

**Juvenile Cases Added, Disposed and Pending
FY 1995 to FY 2004**



cases added than there were added in FY 2000 and only 670 more cases than the number added in FY 2003. Of the total number of juvenile cases added in FY 2004, approximately 82 percent were filed in the district courts functioning as juvenile courts. Although there has been an increase in the numbers of cases brought before the juvenile courts since FY 1995, there has actually been a decrease since calendar year 1995 – and for at least seven consecutive years thereafter – in the number of referrals to juvenile probation authorities in Texas. (See, *The State of Juvenile Probation Activity in Texas, Calendar Year 2002*, Texas Juvenile Probation Commission, November 2003.) According to the most recent data of the Texas Juvenile Probation Commission (*supra*) juvenile courts resolved 43 percent of all juvenile cases in calendar year 2002, with prosecutors resolving 15 percent and probation departments, 42 percent.

The six most populous counties in Texas – Harris, Dallas, Tarrant, Bexar, Travis, and El Paso – accounted for 58 percent of the juvenile cases added in FY 2004. Harris alone accounted for over a quarter of all the new cases added to the juvenile courts’ dockets in FY 2004. In an effort to address the rise in delinquent conduct and CINS cases 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.

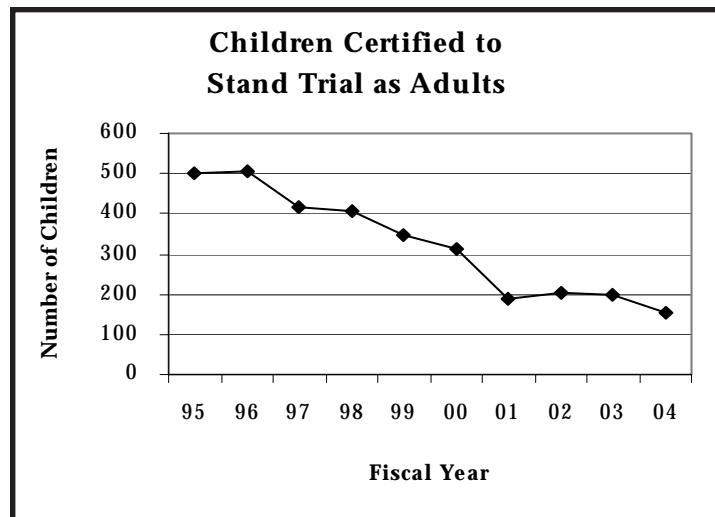
Delinquent conduct cases made up the bulk – 96 percent – of the cases added in FY 2004, and, as in CINS cases, included the filing of new petitions, motions to revoke probation, and cases transferred from municipal and justice of the peace courts. The cases added during the fiscal year together with cases pending at the beginning of the fiscal year resulted in a total docket of 69,832 cases for FY 2004, slightly less than the 70,302 cases comprising the total docket for FY 2003.

Dispositions – During the fiscal year, the juvenile courts disposed of 45,252 cases on their dockets. This constituted a clearance rate (total cases disposed/total cases added) of 94 percent, only slightly below the five-year (FY 2000 – FY 2004) and ten-year (FY 1995 – FY 2004) rates of 94.9 percent. The FY 2004 clearance rate in the district courts was nearly 94.9 percent, while that in the county courts was 90.1 percent.

For the first time in the last decade, the number of cases pending at the end of the fiscal year was lower than the number pending at the end of the previous fiscal year (24,580 cases in FY 2004 compared to 25,859 cases in FY 2003). This may indicate a stabilization of the upward trend over the previous ten years (FY 1994 – FY 2003) during which the number of cases pending doubled.

Of the 45,252 dispositions made in FY 2004, nearly 55 percent resulted in a finding of delinquent conduct or CINS. The vast majority (88.4 percent) of findings of delinquent conduct or CINS and dispositions involving motions to revoke probation resulted in probation being granted or continued. Of those cases in which probation was granted or continued (25,538 cases), probation was granted or continued under parental care in 82.9 percent of the cases, in residential facilities in 16.3 percent of the cases, and under foster care in 0.8 percent of the cases. A total of 2,566 commitments were made to the Texas Youth Commission – representing 10.4 percent of all cases in which there was a finding of delinquent conduct and continuing a stable trend during the last five fiscal years in which this percentage ranged from 10.2 to 10.4 percent. In FY 2004, 155 children in delinquent conduct cases were certified for trial as adults, down from 198 in FY 2003 and continuing the downward trend over the past ten fiscal years, from 715 children certified in FY 1994.

Other Activity – In FY 2004, the juvenile courts held 31,854 detention hearings, approximately 6 percent more than in FY 2003 (29,962 hearings) and higher than the five-year (FY 2000 – FY 2004) average of 30,968 hearings per year. The number of hearings to modify court orders – 2,072 hearings – was only slightly above the number of hearings in FY 2003 – 2,042 hearings – but well below the five-year (FY 2000–FY 2004) average of 2,531 hearings held per year.



Total of Reported Juvenile Activity

Combined District and County-Level Juvenile Activity from September 1, 2003 to August 31, 2004

87.7 Percent Reporting Rate			
2,673 Reports Received Out of a Possible 3,048			
	CINS*	Delinquent	TOTAL
CASES PENDING September 1, 2003	1,296	23,876	25,172
Docket Adjustments	209	(3,694)	(3,485)
CASES ADDED DURING YEAR:			
New Petitions Filed	1,812	35,929	37,741
Motions to Revoke Filed	104	5,657	5,761
Other Cases Added	16	4,627	4,643
TOTAL CASES ADDED DURING YEAR	1,932	46,213	48,145
TOTAL CASES ON DOCKET	3,437	66,395	69,832
CASES DISPOSED OF DURING YEAR:			
Finding of Delinquent Conduct or CINS*	764	23,891	24,655
Finding of No Delinquent Conduct or CINS*	3	347	350
Transfers on Change of Venue	2	279	281
Motions to Revoke Disposed	67	4,156	4,223
Dismissals and Other Dispositions	670	15,073	15,743
TOTAL DISPOSITIONS DURING YEAR	1,506	43,746	45,252
CASES PENDING August 31, 2004	1,931	22,649	24,580
INFORMATION ON FINDINGS OF DELINQUENT CONDUCT OR CINS:			
Probation Granted or Continued:			
Under Parental Care	777	20,398	21,175
Under Foster Care	0	210	210
To Residential Facilities	38	4,115	4,153
Commitments to Texas Youth Commission	0	2,566	2,566
Judgments with No Disposition	19	837	856
MISCELLANEOUS INFORMATION:			
Detention Hearings Held	1,484	30,370	31,854
Hearings to Modify Court Orders Held	46	2,026	2,072
Children Certified for Trial as Adults	0	155	155
Attorneys Appointed	1,119	27,307	28,426

*Conduct Indicating a Need for Supervision.



The Justice of the Peace Courts

Cases Filed – In FY 2004, there were 827 justice of the peace courts operating in the state. The reporting courts received a total of 3,147,271 new cases – which is an increase over new filings in FY 2003 (2,957,016 cases) and above the five-year (FY 2000 – FY 2004) average of 2,966,732 new cases per year.¹ As in past years, criminal cases made up the great majority – 90.6 percent – of the new filings. Although there has been a steady increase over the years in the total number of cases filed in recent years, the docket composition for the justice of the peace courts has remained basically unchanged.

FY 2004 continued the upward trend in the number of new criminal filings since FY 1996. The 2,851,530 criminal cases filed in FY 2004 marked an increase of 7 percent over criminal filings in the previous fiscal year and was well above the five-year average of 2,695,958 cases per year. Traffic cases comprised the majority of new criminal filings – accounting for nearly 77 percent of the total number of new criminal cases– and made up almost 70 percent of all cases filed in justice of the peace courts. These percentages have varied little over the past ten fiscal years.

Over the last decade, the number of new civil cases filed in the state’s justice of the peace courts has also gradually increased. The number of cases filed in FY 2004 – 295,741 cases – was only slightly higher than the number reported in FY 2003 (292,893 cases) but was well above the five- and ten-year averages (270,774 and 256,398 new civil cases filed per year, respectively).

Forcible entry and detainer cases made up 57.6 percent of new civil cases filed during the fiscal year, while small claims suits and other civil suits constituted 20.8 percent and 21.6 percent respectively. The number of new forcible entry and detainer cases in FY 2004 – 170,465 cases – was well above the five-year average of 146,291 cases filed per year.

Dispositions – In FY 2004, the reporting justice of the peace courts achieved a clearance rate (total cases disposed/total cases added) of 91.4 percent, well above the five-year (FY 2000 – FY 2004) average of 88.9 percent. The total number of dispositions – 2,876,325 – represents a 10.2 percent increase over FY 2003 and stood well above the five-year average of 2,630,995 cases disposed per year.

The majority of case dispositions in FY 2004 - 65.7 percent – occurred prior to trial, and the majority of these dispositions – 65.4 percent – were by payment of fines. For traffic misdemeanors, payment of a fine accounted for 55.4 percent of all criminal cases disposed prior to trial, down from 59.8 percent in FY 2003 but reflecting a fairly stable rate over the past several years. Nearly 34 percent of dispositions prior to trial resulted from dismissal.

¹ At the time of preparation of this report, not all justice of the peace courts in the state had provided monthly activity reports for the fiscal year. Nonetheless, the courts that did submit reports – 90.1 percent of all justice courts – represent the most populous counties and the courts with the greatest degree of activity during the fiscal year and thereby provide a statistically reliable basis for analyzing court activity and identifying historical trends in that activity.

HIGHLIGHTS

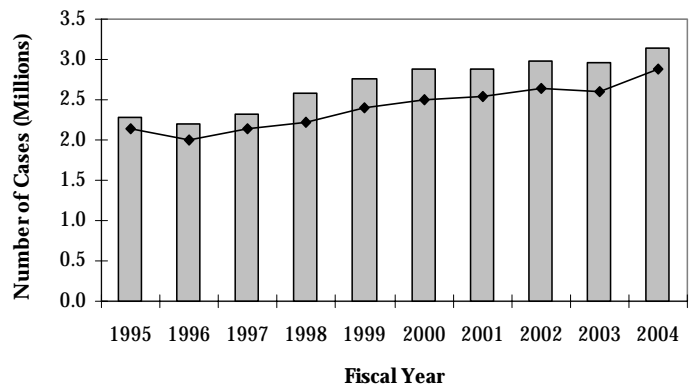
◆ The number of new cases filed in reporting justice of the peace courts has generally increased every year since FY 1996 and exceeded three million for the first time in FY 2004.

◆ In FY 2004, justice courts disposed of a record 2,876,325 cases, nearly two-thirds (65.7 percent) of which were disposed prior to trial by bond forfeiture, payment of fines, or dismissal.

◆ Of the 377,664 cases that went to trial in FY 2004 and were not dismissed, 98.8 percent were tried before a judge.

◆ The conviction rate in bench trials was 95.9 percent in FY 2004, compared to 72.1 percent in jury trials.

Cases Filed and Disposed FY 1995 - 2004



Of the 377,664 cases that went to trial in FY 2004 and were not dismissed, 98.8 percent – a percentage that has varied little over the last decade – were tried before a judge. In FY 2004, the conviction rate in bench trials for all criminal cases was 95.9 percent, while the conviction rate in jury trials was considerably lower at 72.1 percent.

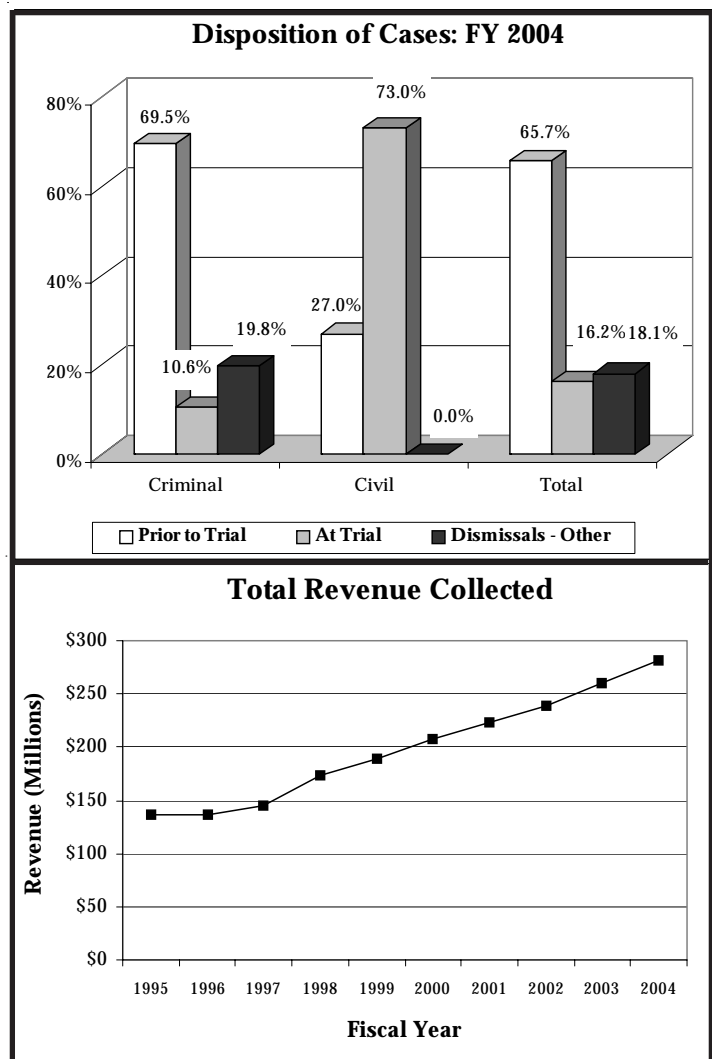
The majority of civil cases – 73 percent – were disposed at trial, while the remaining cases were dismissed prior to trial. Of the cases disposed at trial, 11.6 percent resulted in dismissal. Of the 166,199 civil cases disposed at trial and not dismissed, only 1,434 cases – less than 1 percent (0.9) – were tried before a jury, a percentage that accords with the past ten years, with the exception of FY 2000 in which an anomalous 6 percent of civil cases, not dismissed at trial, were tried by jury.

Appeals – The number of appeals in criminal and civil cases combined – 17,782 appeals – was greater than FY 2003 (15,386), but as a percentage of all cases disposed at trial – 3.8 percent – was only slightly higher than the FY 2003 rate of appeals – 3.2 percent. FY 2004 is, however, the tenth consecutive fiscal year when the annual rate of appeals has been below 5 percent.

Juvenile Activity – In FY 2004, 10,210 juvenile warnings were administered by the reporting justices of the peace – a number close to the five-year (FY 2000 – FY 2004) average of 10,226 warnings administered per year. The reporting justices of the peace also held 3,736 detention hearings, compared to the five-year average of 7,689 hearings per year, and referred 5,375 cases to juvenile court for delinquent conduct.

Other Activity – During FY 2004, the reporting justices of the peace held 38,130 conferences prior to legal action, with 45 percent of these conferences resulting in no legal action being taken. They also held 2,606 peace bond hearings, conducted 3,262 examining trials, gave 291,834 magistrate warnings, and issued 2,429 search warrants, 5,795 magistrate orders for emergency protection, and 795,364 arrest warrants, 88.6 percent of which were for class C misdemeanors.

Revenues – Total revenues collected by the justice of the peace courts has grown steadily over the past ten years. In FY 2004, collected revenue totaled \$281,645,375 – an increase of 8.0 percent over FY 2003 revenues and of 106.9 percent over FY 1995 revenues. Excluding cases dismissed prior to or at trial, the amount of revenue collected in FY 2004 per justice of the peace disposition was \$131.29, compared to \$127.63 in FY 2003.



The following counties did not submit any justice of the peace court monthly activity reports to the Office of Court Administration during FY 2004.

Archer 4-1	Culberson 2	Hidalgo 4-2	Madison 2	Shelby 1-1	Val Verde 1-1
Atascosa 3	Culberson 4	Hill 4-1	Marion 2-1	Shelby 2-1	Val Verde 2-1
Brooks 2	Dallas 1-1	Hudspeth 2-1	Matagorda 1-1	Sherman 3-1	Val Verde 3-1
Brooks 3	Dallas 1-A	Jasper 6-1	McLennan 6	Starr 5-1	Val Verde 4-1
Brooks 4	Dallas 5-A	Kleberg 1-1	McLennan 8	Throckmorton	Victoria 2
Cameron 1-1	Falls 3-1	La Salle 2-1	Morris 1	Trinity 3-1	Victoria 4
Cameron 2-1	Hardeman	La Salle 3-1	Presidio 1-1	Tyler 2-1	Zavala 2
Colorado	Hidalgo 4-1	Madison 1	Reeves 4-1	Tyler 4-1	Zavala 4

Activity Report for Justice of the Peace Courts

September 1, 2003 to August 31, 2004

90.1 Percent Reporting Rate 8,970 Reports Received Out of a Possible 9,960						
	CRIMINAL CASES		CIVIL CASES			REPORTED TOTALS
	Traffic Misdemeanors	Non-Traffic Misdemeanors	Small Claims Suits	Forcible Entry & Detainer	Other Civil Suits	
NEW CASES FILED	2,185,210	666,320	61,452	170,465	63,824	3,147,271
DISPOSITIONS:						
Dispositions Prior to Trial:						
<i>Bond Forfeitures</i>	7,570	3,711	---	---	---	11,281
<i>Fined</i>	1,009,877	227,137	---	---	---	1,237,014
<i>Cases Dismissed</i>	367,204	205,518	17,823	36,508	15,239	642,292
Total Dispositions Prior to Trial	1,384,651	436,366	17,823	36,508	15,239	1,890,587
Dispositions at Trial:						
<i>Trial by Judge</i>						
Guilty	130,292	69,744	---	---	---	200,036
Not Guilty	4,603	3,967	---	---	---	8,570
Civil Trials	---	---	29,171	103,995	31,599	164,765
<i>Trial by Jury</i>						
Guilty	1,674	386	---	---	---	2,060
Not Guilty	278	521	---	---	---	799
Civil Trials	---	---	626	629	179	1,434
<i>Dismissed at Trial</i>	43,134	23,757	4,085	15,625	2,179	88,780
Total Dispositions at Trial	179,981	98,375	33,882	120,249	33,957	466,444
Cases Dismissed After:						
<i>Driving Safety Course</i>	217,974	---	---	---	---	217,974
<i>Deferred Disposition</i>	129,536	35,430	---	---	---	164,966
<i>Proof of Financial Responsibility</i>	136,354	---	---	---	---	136,354
Total Cases Dismissed After	483,864	35,430	---	---	---	519,294
TOTAL DISPOSITIONS	2,048,496	570,171	51,705	156,757	49,196	2,876,325
CASES APPEALED	13,853	1,514	693	1,492	230	17,782
JUVENILE ACTIVITY:						
Warnings Administered						10,210
Statements Certified						4,378
Detention Hearings Held						3,736
Failure to Attend School Cases Filed						60,791
Violation of Local Daytime Curfew Ordinance Cases Filed						487
Referred to Juvenile Court for Delinquent Conduct						5,375
Held in Contempt, Fined, or Denied Driving Privileges						8,598
OTHER ACTIVITY:						
Parent Contributing to Nonattendance Cases Filed						41,378
Peace Bond Hearings Held						2,606
Class A or B Misdemeanor Complaints Accepted						75,869
Felony Complaints Accepted						57,504
Examining Trials Conducted						3,262
Inquests Conducted						17,199
Safety Responsibility and Driver's License Suspension Hearings Held						5,171
Search Warrants Issued						2,429
Arrest Warrants Issued:						
Class C Misdemeanors Only						704,895
Felonies and Class A and B Misdemeanors Only						90,469
<i>Total Arrest Warrants Issued</i>						795,364
Magistrate Warnings Given						291,834
Emergency Mental Health Hearings Held						9,094
Magistrate's Orders for Emergency Protection						5,795
Conference Held Prior to Legal Action Resulting in:						
Legal Action Being Filed in Court			11,910	9,064	20,974	
No Legal Action Being Taken			8,873	8,283	17,156	
TOTAL REVENUE						\$281,645,375



The Municipal Courts

Cases Filed – In FY 2004, municipal courts and municipal courts of record operated in 894 cities in the state – 11 more cities than in FY 2003. The eight most populous of these cities – Houston, Dallas, San Antonio, Austin, El Paso, Fort Worth, Arlington, and Corpus Christi – accounted for 46.8 percent of the total new filings (7,629,203) in the municipal courts reporting court activity in FY 2004.¹ Houston alone handled nearly 16.6 percent of those new cases.

The number of new cases entering the municipal court system in FY 2004 was consistent with the gradual increase over the past ten fiscal years in the annual number of new filings in the municipal courts and was above the average (7,516,223) for the prior five-year (FY 1999 – FY 2003) period. It should be noted, however, that the increase in new cases reflects to some extent the fact that the number of municipal courts and judges has also increased over the years. In FY 2004, there were 116 more judges than there were in FY 1999, and 40 more municipalities with courts. Not surprisingly, traffic cases – both non-parking and parking – made up the great majority – 83.9 percent – of all new filings in the municipal courts, close to the 84.5 percent average for the prior ten-year (FY 1994 – FY 2003) period.

Dispositions – The reporting municipal courts disposed of 7,463,869 cases in FY 2004 – well above the prior five-year (FY 1999 – FY 2003) average of 7,224,721 cases. The FY 2004 number reflected the upward trend in the number cases disposed in municipal courts over the past decade, congruent with the increase in new filings during that period. Traffic cases accounted for 86 percent of all dispositions – a percentage that has varied little over the past ten fiscal years.

Nearly 45 percent of all dispositions occurred prior to trial. Nearly all – 96.3 percent – of parking violations and 38 percent of non-parking offenses were disposed prior to trial, the great majority of these dispositions (84.7 percent) involving the payment of a fine. The percentage of non-traffic cases – 46.4 percent – disposed prior to trial was the same as the percentage disposed at trial. Of all cases brought to trial (2,035,586 cases), just over 40 percent (820,070 cases) were dismissed at trial. Of the remaining cases not dismissed (1,215,512 cases) nearly 99.7 percent were bench trials, with only a small fraction of one percent (4,207 cases) being trial by jury. Guilty findings were made in over 98 percent of the bench trials, as compared to guilty verdicts in approximately 75 percent of the cases tried by jury – percentages largely unchanged over the past ten years.

In FY 2004, the average municipal court clearance rate (total number of cases disposed divided by the total number added) was 97.8 percent – well above the prior five-year (FY 1999 – FY 2003) average of 96.1 percent

HIGHLIGHTS

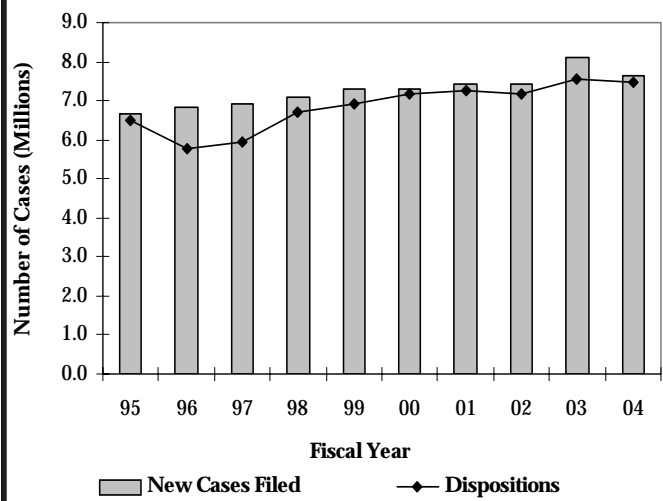
◆ **Reporting municipal courts had a clearance rate (total cases disposed/total cases added) of 97.8 percent in FY 2004, compared to 93.4 percent in FY 2003.**

◆ **Nearly 45 percent of all cases were disposed before trial. Most of these dispositions – approximately 84.7 percent – involved payment of a fine.**

◆ **Just over 40 percent of cases brought to trial were dismissed at trial, and of the ones not dismissed, 99.7 percent were tried before a judge alone. There was a finding of guilt in over 98 percent of bench trials and in approximately 75 percent of jury trials.**

◆ **In juvenile activity, reporting municipal courts dealt with 171,756 transportation code offenses – an increase of 56.7 percent over FY 2003 – and 39,655 Alcoholic Beverage Code offenses – a decrease of 45 percent over such filings in FY 2003.**

Cases Filed and Disposed: FY 1995 - 2004



¹ At the time of preparation of this report not all municipal courts in the state had provided monthly activity reports for the fiscal year. Nonetheless, the courts that did submit reports – 86.4 percent of all municipal courts – represent the most populated metropolitan areas in state and, thereby, provide a statistically reliable basis for analyzing court activity and identifying historical trends in that activity.

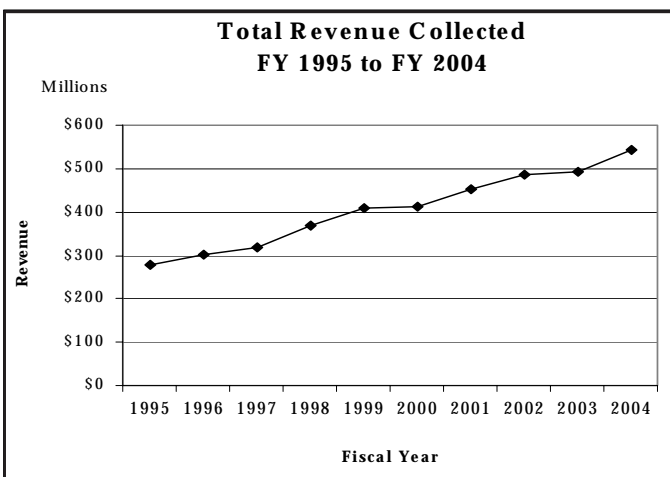
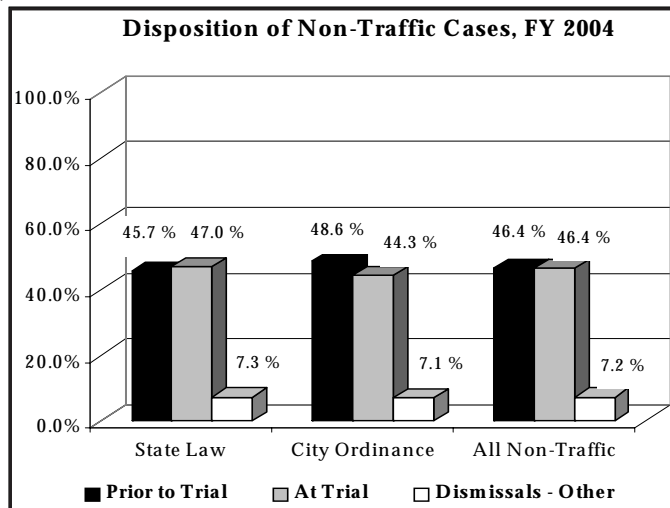
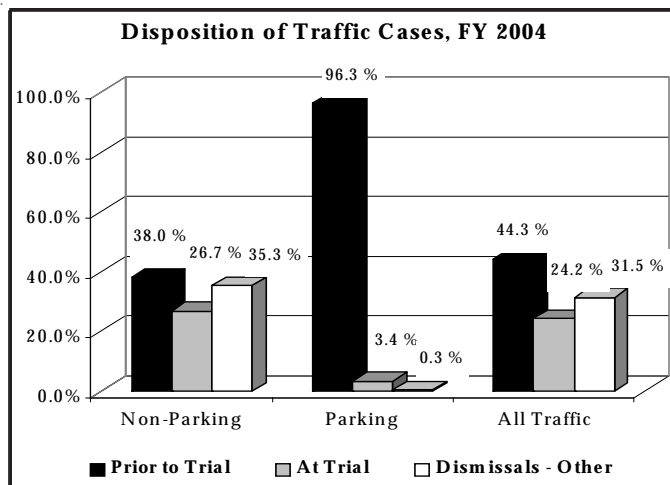
and significantly greater than the prior ten-year (FY 1994 – FY 2003) rate of 93.1 percent.

The number of appeals filed (16,473) represented approximately 1.4 percent of all cases in which there was a finding of guilt, whether by bench or jury trial. This is the same as the average percentage of cases appealed in the prior five-year (FY 1999 – FY 2003) period and represents a stabilization of the sharp decline in appeals that began in the mid-1980s when appeals to higher courts were made in 13 percent of cases.

Juvenile Case Activity – Juvenile case activity in the municipal courts was at a record high in FY 2004. Some 384,779 juvenile-related matters were handled by the courts – or 44,834 more than in FY 2003, which itself was a record setting year. The greatest increase was in the number of Transportation Code cases filed. In FY 2004, 171,756 such cases were filed, compared to 109,595 cases in FY 2003 – a 56.7 percent increase over FY 2003. By contrast, the number of non-driving Alcoholic Beverage Code cases filed in FY 2004 – 39,655 cases – represented a decrease of 45 percent over FY 2003 during which a record 72,466 cases were filed but was more in line with the FY 2002 number of 40,344 case filings. The number of non-traffic fine-only cases (100,771 cases) increased by 11.7 percent over the number of such cases filed in FY 2003 and a 27.3 percent increase over the number filed in FY 2002 but actually decreased by 3 percent as compared with FY 2000.

Other Activity – In FY 2004, the reporting courts issued 5,937 search warrants, 6,908 magistrate orders for emergency protection, 235,459 magistrate warnings in felony and Class A and B misdemeanors, and 2,172,620 arrest warrants for felonies and misdemeanors, continuing the upward trend in these areas of court activity over the past five fiscal years.

Court Revenues – Total revenues collected by the reporting municipal courts were in excess of \$542 million – a 94 percent increase since FY 1995. Excluding cases dismissed prior to trial or at trial, the amount of revenue collected per disposition averaged approximately \$88.50 – an increase of nearly 11 percent over the average in FY 2003. Except for certain court costs on each case remitted to the state government, this revenue becomes part of the treasury of the municipality collecting it.



The following cities did not submit any municipal court monthly activity reports to the Office of Court Administration during FY 2004.

Alice	Collinsville	Enchanted Oaks	La Villa	Quinlan	Wheeler
Anthony	Como	Evant	Lacy-Lakeview	Rising Star	Whitewright
Archer City	Crane	Gainesville	Lakewood Village	San Augustine	Windthorst
Bells	Danbury	Garrison	Maypearl	Santa Rosa	Winona
Big Lake	Dayton Lakes	Grapeland	Milford	Somerset	Wolfe City
Bracketville	Dimmitt	Groesbeck	Munday	Texhoma	Woodbranch
Brownfield	Dripping Springs	Iraan	Town of New Hope	Valley View	
Center	Driscoll	Italy	Paradise	Vinton	
Cockrell Hill	Edgewood	Joaquin	Pernitas Point	Westminster	

Activity Report for Municipal Courts

September 1, 2003 to August 31, 2004

86.4 Percent Reporting Rate

9,232 Reports Received Out of a Possible 10,680

	<u>Traffic Misdemeanors</u>		<u>Non-Traffic Misdemeanors</u>		REPORTED TOTALS
	Non - Parking	Parking	State Law	City Ordinance	
NEW CASES FILED	5,458,043	940,208	953,016	278,562	7,629,829
DISPOSITIONS:					
Dispositions Prior to Trial:					
<i>Bond Forfeitures</i>	38,043	1,802	11,346	2,390	53,581
<i>Fined</i>	1,793,279	617,631	275,931	71,689	2,758,530
<i>Cases Dismissed</i>	345,433	51,348	76,120	44,636	517,537
Total Dispositions Prior to Trial	2,176,755	670,781	363,397	118,715	3,329,648
Dispositions at Trial:					
<i>Trial by Judge</i>					
Guilty	890,768	16,302	226,235	56,539	1,189,844
Not Guilty	14,595	330	4,188	2,348	21,461
<i>Trial by Jury</i>					
Guilty	2,250	81	509	298	3,138
Not Guilty	627	40	252	150	1,069
<i>Dismissed at Trial</i>	622,031	6,857	142,383	48,803	820,074
Total Dispositions at Trial	1,530,271	23,610	373,567	108,138	2,035,586
Cases Dismissed After:					
<i>Driver Safety Course</i>	454,539	—	—	—	454,539
<i>Deferred Disposition</i>	611,559	2,128	57,766	17,425	688,878
<i>Proof of Financial Responsibility</i>	513,377	—	—	—	513,377
<i>Compliance Dismissal</i>	441,841	—	—	—	441,841
Total Cases Dismissed After	2,021,316	2,128	57,766	17,425	2,098,635
TOTAL DISPOSITIONS	5,728,342	696,519	794,730	244,278	7,463,869
COMMUNITY SERVICE ORDERED	157,236	967	34,827	9,864	202,894
CASES APPEALED	13,422	147	2,499	405	16,473
JUVENILE ACTIVITY:					
Transportation Code Cases Filed					171,756
Non-Driving Alcoholic Beverage Code Cases Filed					39,655
DUI of Alcohol Cases Filed					4,099
Health & Safety Code Cases Filed					10,859
Failure to Attend School Cases Filed					22,481
Education Code Cases Filed					13,803
Violation of Local Daytime Curfew Ordinance Cases Filed					6,771
All Other Non-Traffic Fine-Only Cases Filed					100,771
Waiver of Jurisdiction of Non-Traffic Cases					3,828
Referred to Juvenile Court for Delinquent Conduct					487
Held in Contempt, Fined, or Denied Driving Privileges					5,703
Warnings Administered					3,333
Statements Certified					1,233
OTHER ACTIVITY:					
Parent Contributing to Nonattendance Cases Filed					5,522
Safety Responsibility and Driver's License Suspension Hearings Held					1,062
Search Warrants Issued					5,937
Arrest Warrants Issued					
Class C Misdemeanors					2,100,392
Felonies and Class A and B Misdemeanors					72,228
Total Arrest Warrants Issued					2,172,620
Magistrate Warnings Given					
Class A and B Misdemeanors					157,694
Felonies					77,765
Total Magistrate Warnings Given					235,459
Emergency Mental Health Hearings Held					987
Magistrate's Orders for Emergency Protection					6,908
TOTAL REVENUE					\$542,165,109



Alternative Dispute Resolution Centers

In 1983, the 70th Texas Legislature authorized the commissioners' court of a county to order the establishment of a dispute resolution system financed by a \$10 filing fee in most civil cases heard by a district court, county-level court, probate court, or justice of the peace court. (*See* Civil Practices and Remedies Code §§ 152.002 – 152.005.) In 1987, the legislature enacted the Texas Alternative Dispute Resolution Act (the Act), making it “the policy of this state to encourage the peaceable resolution of disputes . . . and the early settlement of pending litigation through voluntary settlement procedures.” (*Id.* § 154.002) Moreover, said the legislature, “[i]t is the responsibility of all trial and appellate courts and their court administrators to carry out [this] policy . . .” (*Id.* § 154.003) The intention of the legislature was to relieve the courts of disputes that could be resolved through mediation and non-binding arbitration more expeditiously and, perhaps, more amicably than through lengthy and costly court battles. Under provisions of the Act, on its own motion or the motion of a party, a court may refer a pending dispute to a dispute resolution organization – including a private profit or non-profit or public entity offering services to the public – or to a dispute resolution system established by a county commissioners' court. (*Id.* § 154.021)

In FY 2004, there were 17 dispute resolution centers (DRCs) operating in Texas. A survey of the DRCs, conducted during FY 2004 by the Center for Public Policy Dispute Resolution of the University of Texas School of Law (the Center) at the request of the Office of Court Administration, showed that most DRCs were formed as non-profit centers that have contracts for providing resolution services to the counties.¹ The majority of the 11 DRCs that responded to the survey are supported – at least in part – by the \$10 filing fee. Four DRCs have the \$10 filing fee – which has remained unchanged since 1983 – as their only source of funding, while the others may receive supplemental funding from the counties or cities they serve or from grants, fees to clients, and fees for mediation training. Most look to trained volunteers to serve as the neutral mediators in cases handled by the DRC.

The sizes of the caseload of the DRCs vary, depending on the populations served. The services provided also vary, although, according to an evaluation of alternative dispute resolution in Texas made by the Center, the two standard services offered by the DRCs are in the areas of domestic relations (including parent-teen mediation and resolution of child support and visitation issues) and general civil mediation (including community, non-court related civil dispute mediation). For most DRCs, the majority of cases are court-referred. Some offer mediation in child protective cases, while a few provide probate mediation services.

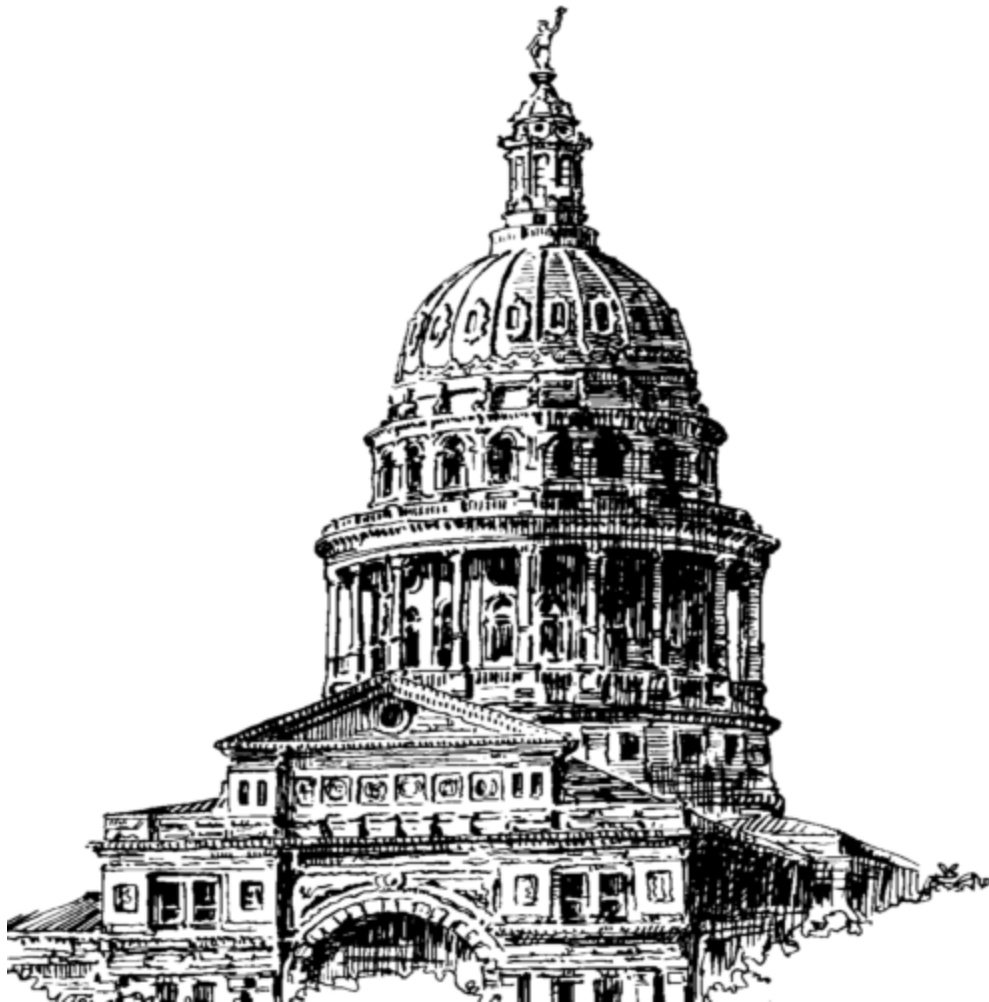
The Center found that “DRCs have high resolution rates and client satisfaction rates, and resolution is typically reached quickly. The value of volunteer hours involved in mediations is quite high, as well, and neither the local governments nor the state pays directly for those benefits.”² Moreover, the Center estimates from informal contact with DRC directors that, in calendar year 2003, “the DRCs handled over 12,000 cases that were referred by courts, and saved money for the courts, local, and state governments.”³ FY 2004 data collected by the Office of Court Administration showed that, in addition to direct referral from the courts, the DRCs handled significant numbers of cases referred to them by private attorneys, Better Business Bureaus, domestic relations offices, law enforcement agencies and other government entities, as well as referrals by friends and relatives of clients. The efficiency of the DRCs in handling cases is demonstrated by an average clearance rate (number of cases disposed/number of cases added) in FY 2004 of 97.2 percent.

¹ The Office of Court Administration wishes to thank the Center for Public Policy Dispute Resolution of the University of Texas School of Law and its Executive Director, E. Janice Summer, for the use of material derived from the survey. Particular thanks are due Adam J. Lenert, an intern of the Center, who compiled and provided an analysis of the survey data.

² “Evaluating ADR in the Texas Judicial System,” a policy memorandum from Adam J. Lenert to Jan Summer, Executive Director, Center for Public Policy Dispute Resolution, University of Texas School of Law, May 10, 2004, p. 10.

³ *Id.*

Appendix



Dome of the Texas State Capitol

District Courts

Explanation of Case Categories

CRIMINAL DOCKET

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 Sections 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 Art. Section 49.09, Penal Code.

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.

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.

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.

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.

OTHER PROCEEDINGS

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

CRIMINAL DOCKET

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 Sections 49.04 or 49.09, Penal Code.

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 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.

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.

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.

PROBATE AND MENTAL HEALTH CASES

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 of the Peace 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 \$5,000) 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 \$5,000) 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.