

Caseload Trends in the Justice of the Peace Courts

Analysis of Activity for Year Ended August 31, 2002

BACKGROUND

Justice of the peace courts have original jurisdiction in criminal cases when punishment is by a fine only; or punishable by a fine and such sanctions, if any, as authorized by statute not consisting of confinement in jail or imprisonment. They have exclusive jurisdiction over civil cases in which the amount in controversy is \$200 or less, and concurrent jurisdiction with both the county and district courts in civil matters in which exclusive jurisdiction is not in the district or county court and the amount in controversy is \$5,000 or less. They have jurisdiction over forcible entry and detainer actions (evictions) and function as small claims courts.

There were 834 justice of the peace courts in operation in the state during FY 2002. The Texas Constitution provides that each county shall have, depending on the population, one to eight justice precincts. In each precinct, one or more justices are to be elected, depending on the population.

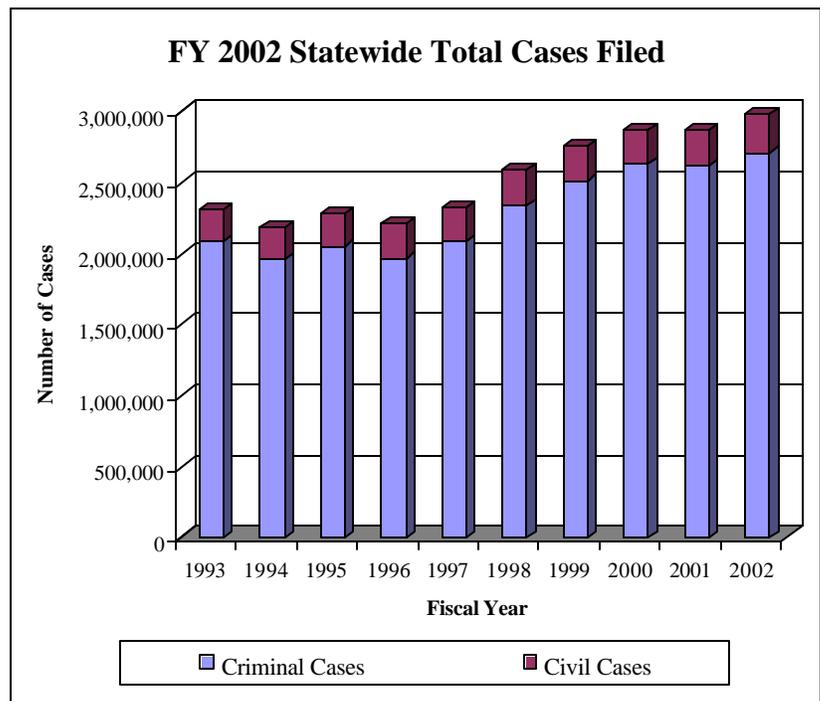
TOTAL CASELOAD

- **The total number of criminal and civil cases filed in justice courts increased slightly in FY 2002.** In FY 2002 the total number of new cases filed was 2,984,104, a 3.9 percent increase over FY 2001 (2,871,394) new cases filed. Traffic cases accounted for 68.1 percent (2,032,666 cases) of all cases filed.

- **The clearance rate (total cases disposed / total cases added) for justices of the peace was 88.3 percent for FY 2002, down slightly from 88.4 percent last fiscal year.** Total dispositions for civil and criminal cases increased 3.9 percent, from 2,537,364 in FY 2001 to 2,636,184 in FY 2002.

- **The number of jury trials decreased dramatically from the previous fiscal year.** There was a 39.4% decrease in the number of jury trials held in both civil and criminal cases. In FY 2001 7,685 jury trials were held, which is 3,030 more than in FY 2002. Of the 367,368 cases that went to trial in FY 2002 and were not dismissed, 98.7 percent were tried before a judge alone.

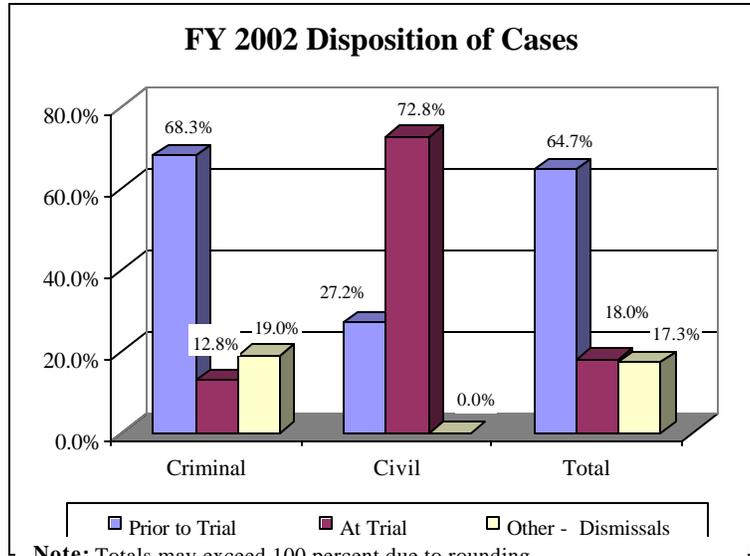
- **The number of cases dismissed at trial increased in all case categories.** Total cases dismissed at trial increased from 85,306 in FY 2001 to 106,440 in FY 2002. The largest percentage increase (34.2 percent) occurred in the traffic misdemeanors category.



CRIMINAL CASES

- **Criminal cases accounted for 90.8 percent of the total cases filed in FY 2002.** The 2,709,473 new criminal cases filed during FY 2002 continues the slight upward trend in new criminal filings over the past five years.
- **The 2,709,473 criminal cases filed during FY 2002 marked an increase of 3.4 percent (90,266 cases) from criminal filings in the previous year.** Traffic cases comprised 75 percent of criminal filings, with the remaining 25 percent consisting of non-traffic misdemeanors.

- **In FY 2002, the majority of criminal case dispositions, 68.3 percent, occurred prior to trial.** Most of these dispositions, 77.1 percent, were by payment of fine. For traffic misdemeanors, the payment of fines prior to trial accounted for 53.8 percent of dispositions. This percentage has remained constant over the past five years.
- **In FY 2002, the conviction rate in bench trials for all criminal cases was 96.9 percent, while the conviction rate in jury trials was lower at 84.7 percent.** Just 6,822 acquittals resulted from bench trials in justice of the peace courts, out of a total 219,409 criminal bench trials. Defendants fared much better in jury trials, obtaining 439 acquittals in 2,868 jury trial dispositions.



CIVIL CASES

- **Civil cases accounted for 9.2 percent of the total new cases filed in justice of the peace courts.** In FY 2002, 274,631 new civil cases were filed. This is 12 percent more than the previous five-year average of 245,237 new civil cases filed.
- **The number of civil cases filed in FY 2002 increased by almost 9 percent (22,444 cases) in comparison to FY 2001 filings.** Forcible entry and detainer suits made up 54.1 percent of the 274,631 civil cases filed, while small claims and other civil actions comprised 23.1 and 22.9 percent, respectively.
- **Forcible entry and detainer cases filed increased by 11.2% over the previous fiscal year, from 133,514 to 148,515 cases.** The number of new forcible entry and detainer cases filed has increased each year over the past five fiscal years.
- **Jury trials accounted for only 0.8 percent of all civil cases disposed in FY 2002.** Juries disposed of 1,787 cases in FY 2002, compared with 2,157 cases in FY 2001.

JUVENILE AND OTHER ACTIVITY

- **Juvenile statements taken by justices of the peace decreased significantly from FY 2001, while warnings administered and detention hearings held remained steady.** In FY 2001, 10,928 statements were taken from juveniles, while 3,799 were taken in FY 2002. The number of statements taken from juveniles averaged 6,203 for the period FY 1998 through FY 2002.
- **During FY 2002, justices of the peace held 38,002 conferences prior to legal action.** This was a 12.5 percent decrease from FY 2001, when 43,452 conferences were held. Of these conferences, 47.1 percent resulted in cases not being filed as formal cases.
- **Total appeals (14,184 cases) were lower than the average for the previous five-year average.** For FY 1997 through FY 2001, the average number of cases appealed was 16,131.
- **Total revenues received by justice of the peace courts have continued to grow over the past five years.** For FY 2002, the revenues received were \$238,623,166, a 38 percent increase over FY 1998, when \$173,165,324 was collected.

