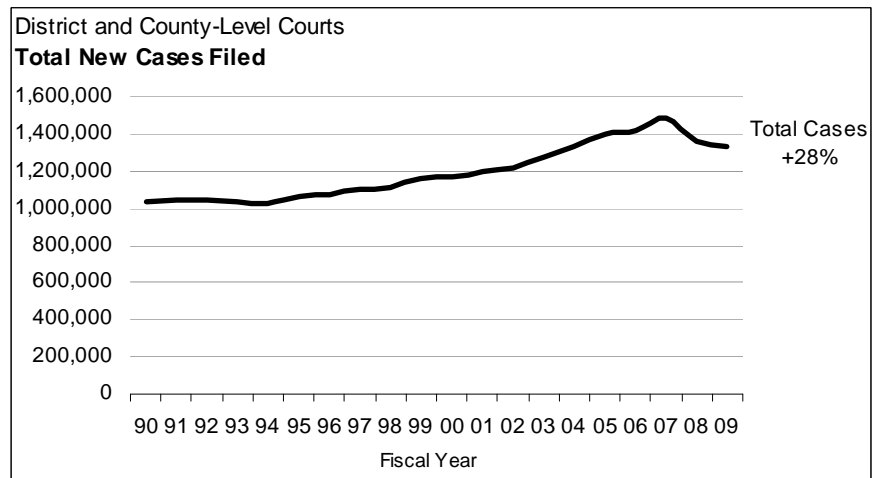


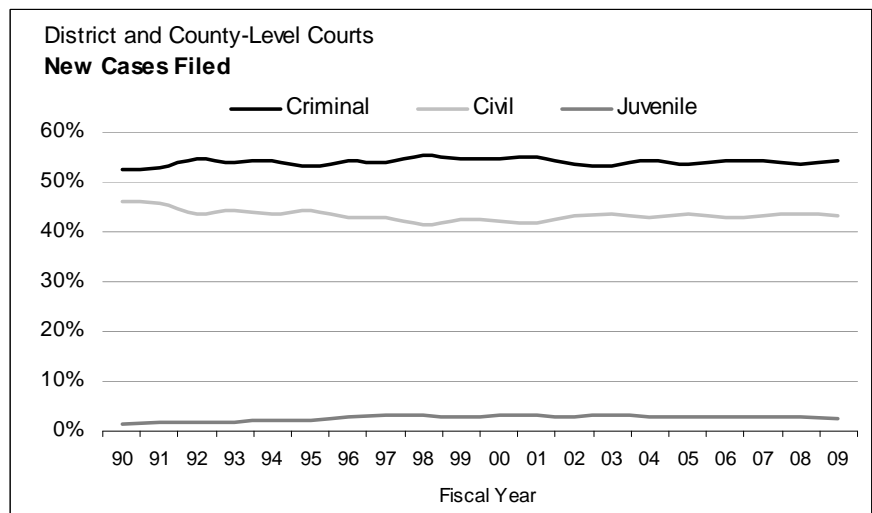
Texas Caseload Trends by Case Type 1990–2009

ALL NEW CASES IN DISTRICT AND COUNTY-LEVEL COURTS

Overall, the number of new cases filed in district and county-level courts increased 28 percent between 1990 and 2009. The number of new cases filed increased every year from 1995 to 2007, but has declined 11 percent since then.



In an average year, criminal cases accounted for 54 percent of the district and county-level courts' caseload, civil cases for 43 percent, and juvenile cases for 3 percent.

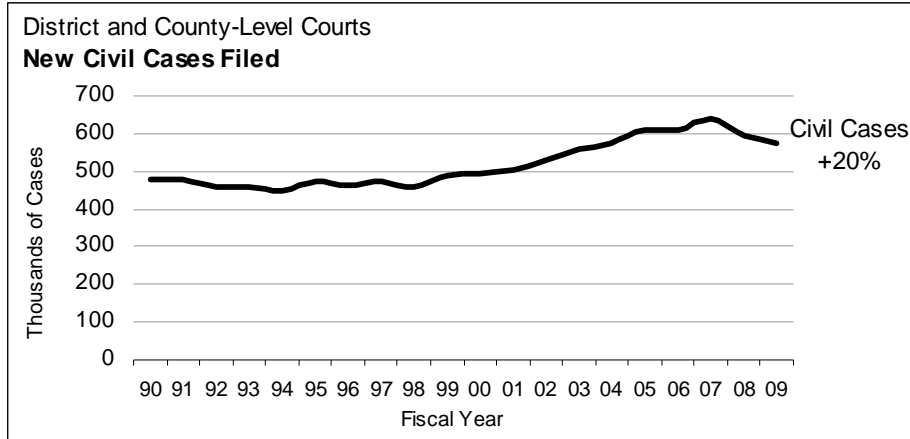


Over the last 20 years, juvenile cases were at their lowest percentage of district and county-level courts' caseload in 1990 at 1.4 percent, reached a high point in 1997 and 1998 at 3.2 percent, and then declined slightly to 2.6 percent by 2009. Criminal cases accounted for 52.3 percent of cases in 1990, the lowest percentage in the last two decades. They reached a high of 55.5 percent in 1998 but declined to 54.2 percent of total new filings in 2009. Civil cases followed an opposite trend with a high point in 1990 at 46.2 percent of total caseload and a low point in 1998 of 41.3 percent. By 2009, civil cases trended up to 43.2 percent of total new filings.

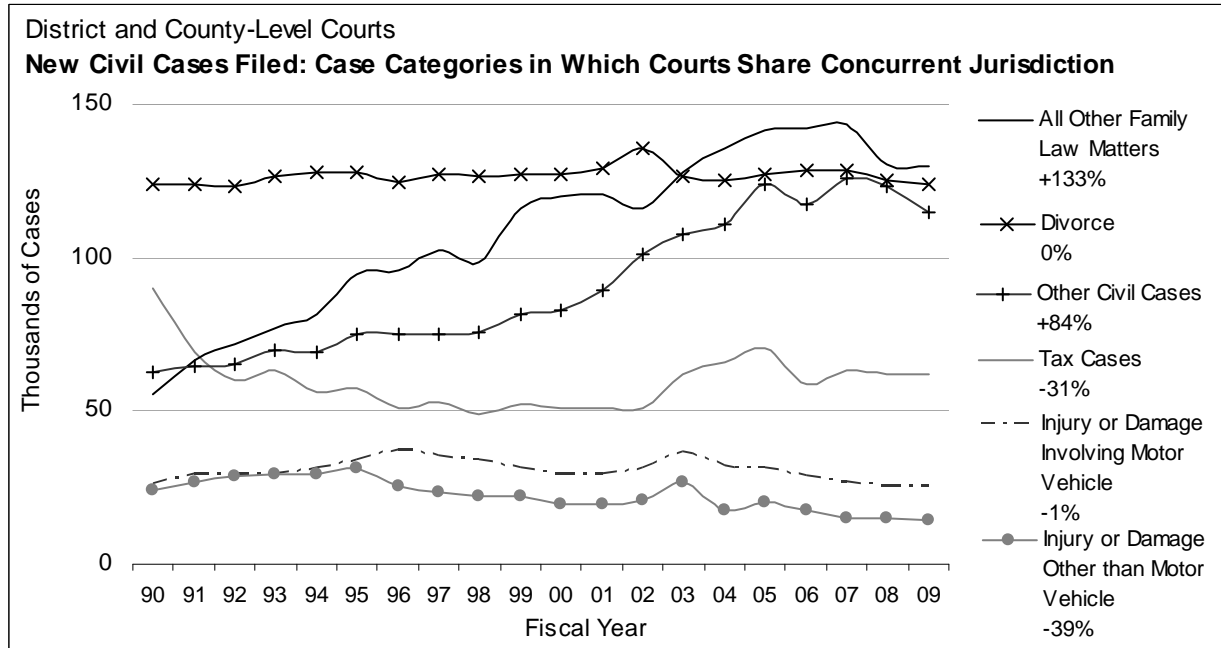
Texas Caseload Trends by Case Type

CIVIL CASES

In district and county-level courts, the number of new civil cases increased 20 percent between 1990 and 2009. After declining an average of less than 1 percent per year in the 1990s, civil filings increased an average of nearly 3 percent per year between 2000 and 2007. In 2008 and 2009, however, civil filings dropped an average of 5 percent each year.



All civil case categories in which district and county-level courts share concurrent jurisdiction saw declines between 2008 and 2009, except for cases involving injury or damage involving a motor vehicle, which saw an increase of 1.2 percent. “Other civil cases” saw a decline of 6.8 percent, and divorce cases declined 1.1 percent. While 2009 mostly saw declines, filings of new cases in most of these categories have remained fairly steady over the past two decades. The exceptions are “all other family law matters” and “other civil cases,” which have increased substantially.

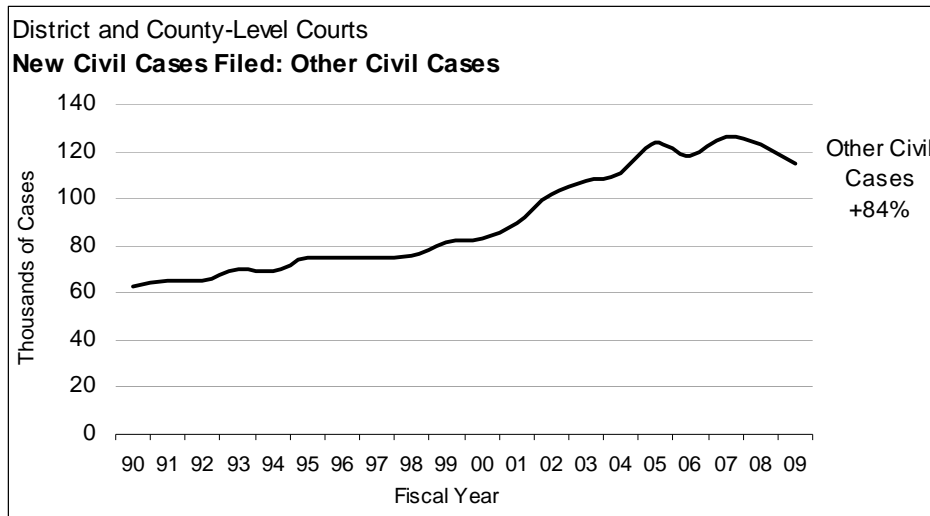


Filings of “all other family law matters” grew from 11.6 percent of the total civil caseload in 1990 to 22.6 percent in 2009, while the number of divorce cases filed declined from 25.8 percent

Texas Caseload Trends by Case Type

to 21.6 percent over the same time period. One factor that may be driving the increase in “all other family law matters” is the increase in child support cases. The Child Support Division of the Texas Attorney General’s Office reports that child support cases with court orders rose 76 percent from 520,918 in 1999 to 915,221 in 2008. This statistic does not include privately arranged child support cases; however, it does indicate the large growth in this type of case. Cases for the termination of parental rights (child protection cases) are also in this category. The number of investigated cases that were confirmed by Texas Department of Protective and Regulatory Services increased 58 percent over the last decade from 26,265 in 1999¹ to 41,591 in 2008.²

Filings of “other civil cases” increased 84 percent between 1990 and 2009 and rose from 13 percent to 20 percent of the total civil caseload. Because this category contains all civil cases that do not clearly fall into another category, it is difficult to speculate the cause for this increase.

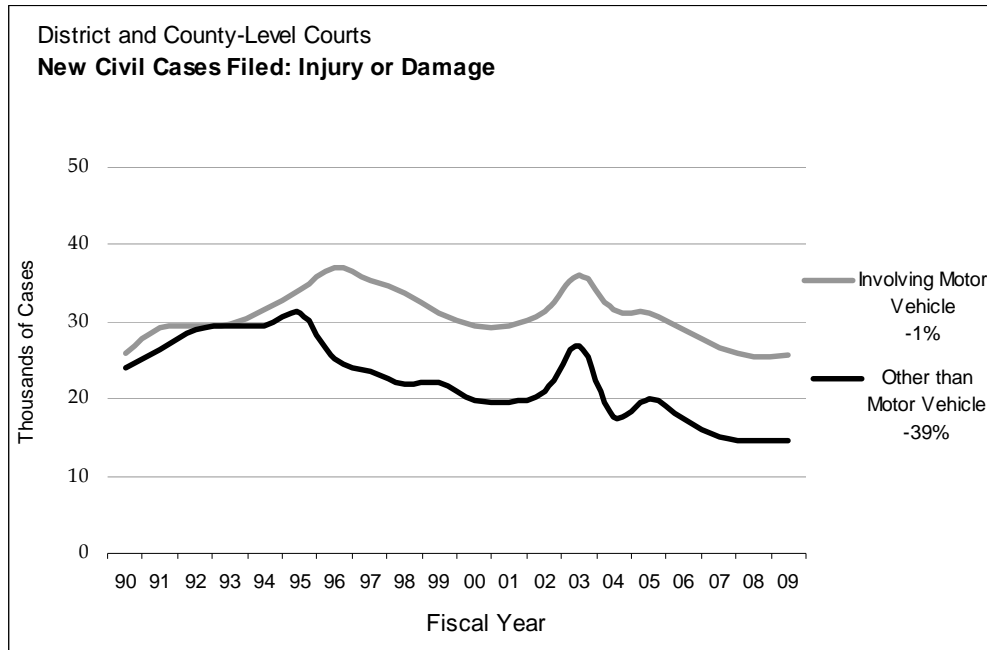


New filings for injury or damage involving a motor vehicle decreased 1 percent between 1990 and 2009. This category reached its high points in 1996 (36,913 cases) and 2003 (36,199 cases), but declined to 25,663 cases in 2009. New filings for other injury or damage cases followed a similar pattern with high points in 1995 (31,036 cases) and 2003 (26,996 cases). Cases in this category declined 39 percent over the past two decades.

¹ http://www.dfps.state.tx.us/Documents/about/Data_Books_and_Annual_Reports/1999/databook/pdf/119_124FY99.pdf.

² http://www.dfps.state.tx.us/documents/about/Data_Books_and_Annual_Reports/2008/Databook/CPSConfirmed.pdf.

Texas Caseload Trends by Case Type



Several factors may have influenced the trends in tort cases. The first was the Supreme Court’s decision in *Dow Chemical Co. v. Alfaro* (1990),³ which ruled that the Texas Legislature had abolished the doctrine of *forum non conveniens* in 1913. This ruling may have opened doors for lawsuits from around the world to be filed in Texas courts.⁴ The number of new cases filed increased 18 percent between 1990 and 1993.

The 1996 drop in tort cases was likely due to the large number of tort reform bills passed by the 74th Legislature (1995). Notably, SB 32⁵ helped close loopholes regarding venue created by the *Alfaro* decision.⁴ Other bills passed by the 74th Legislature included: SB 25,⁶ concerning limits to punitive damages; SB 28,⁷ concerning joint and several liability; HB 668,⁸ concerning the Deceptive Trade Practice Act; and SB 31,⁹ concerning frivolous lawsuits. In 2003, the 78th Legislature passed HB 4,¹⁰ which placed a cap on non-financial damages in cases filed prior to September 1, 2003 and may explain the spike in 2003, as litigants attempted to file their cases before the cap went into effect. In 2005, the 79th Legislature passed SB 890,¹¹ which restored the election of dollar-for-dollar settlement credits and which may have led to the small increase in cases that year.

³ *Dow Chemical Co. v. Alfaro*, 786 S.W. 2d 674 (Tex. 1990).

⁴ Daniel, B.D. and Weiss, Michael D. “Tort Reform: Has Texas Ended Its Lawsuit Lottery?” Texas Public Policy Tort Reform Publications. October 15, 1995. Texas Public Policy Foundation. September 28, 2007.

⁵ Act of May 18, 1995, 74th Leg. R.S., Chap 138, § 1-12, <http://www.legis.state.tx.us/tlodocs/74R/billtext/doc/SB00032F.doc>.

⁶ Act of April 20, 1995, 74th Leg. R.S., Chap 19, § 1-3, <http://www.legis.state.tx.us/tlodocs/74R/billtext/doc/SB00025F.doc>.

⁷ Act of May 18, 1995, 74th Leg. R.S., Chap 136 § 1-5, <http://www.legis.state.tx.us/tlodocs/74R/billtext/doc/SB00028F.doc>.

⁸ Deceptive Trade Practice Act, 74th Leg. R.S., Chap 414 § 1-22, <http://www.legis.state.tx.us/tlodocs/74R/billtext/doc/HB00668F.doc>.

⁹ Act of May 18, 1995, 74th Leg. R.S., Chap 137 § 1-3, <http://www.legis.state.tx.us/tlodocs/74R/billtext/doc/SB00031F.doc>.

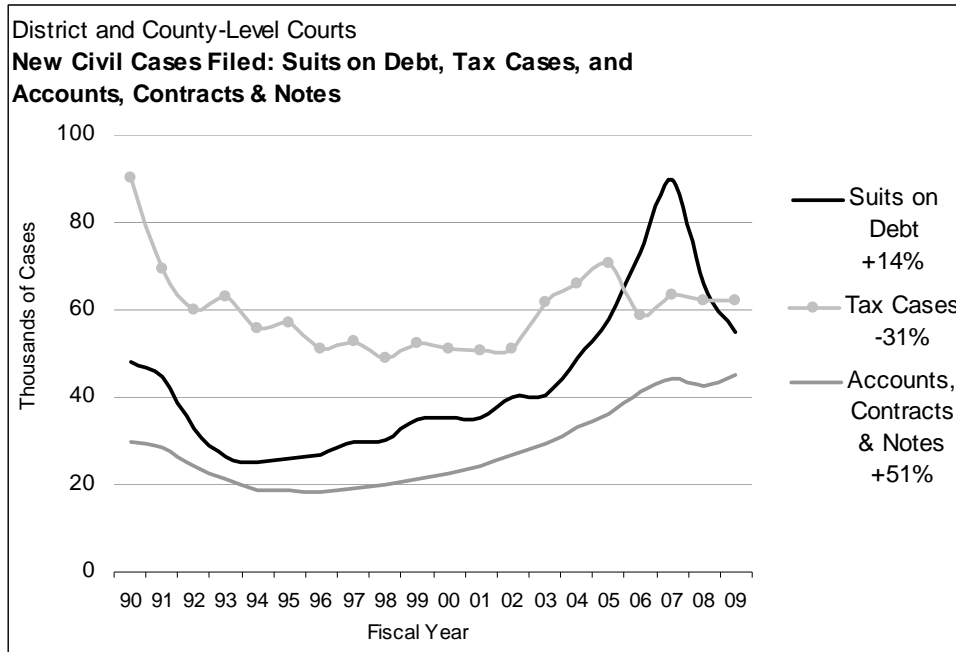
¹⁰ Medical Malpractice and Tort Reform Act, 78th Leg. R.S., Chap 204 § 1-23, <http://www.legis.state.tx.us/tlodocs/78R/billtext/pdf/HB00004F.pdf>.

¹¹ Act of May 17, 2005, 79th Leg. R.S., Chap 277 § 1-3, <http://www.legis.state.tx.us/tlodocs/79R/billtext/pdf/SB00890F.pdf>.

Texas Caseload Trends by Case Type

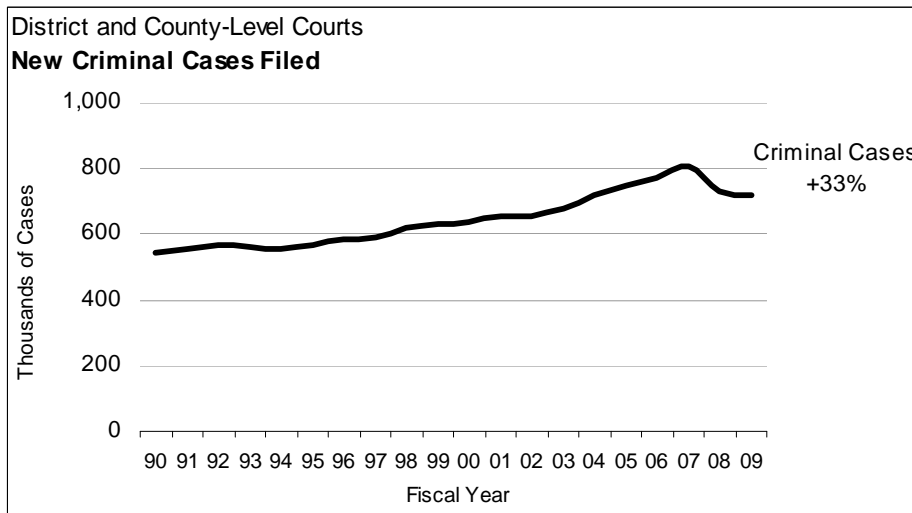
Debt cases in the county-level courts dropped dramatically between 1990 (48,167 cases) and 1994 (25,308 cases), but rose to a 20-year high in 2007 with 89,816 cases. Since 2007, the number of debt cases filed dropped 39 percent to 54,903 cases in 2009.

Tax cases saw a general downward trend between 1990 and 1998; however, the number of cases has generally risen in the past decade, increasing 22 percent between 2000 and 2009. In district courts, new filings for accounts, contracts, and notes (which include debt cases) followed a similar pattern. New filings dropped from 29,725 cases in 1990 to a low of 18,394 in 1996 then rose to 44,989 cases in 2009.



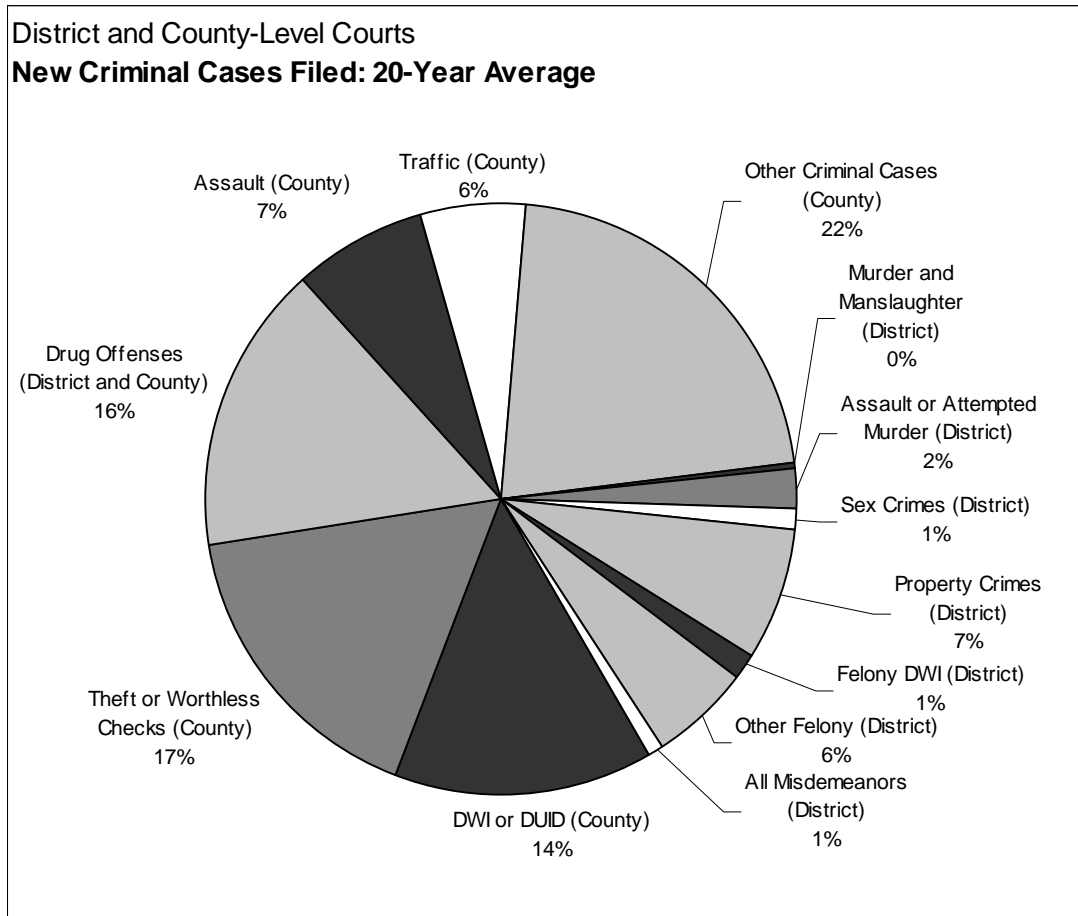
CRIMINAL CASES

The number of new criminal cases filed in district and county-level courts increased 33 percent between 1990 (542,582 cases) and 2009 (719,520 cases). While there has been a steady increase in filings over most of the 20-year period, a drop of 10.6 percent occurred between 2007 and 2009.



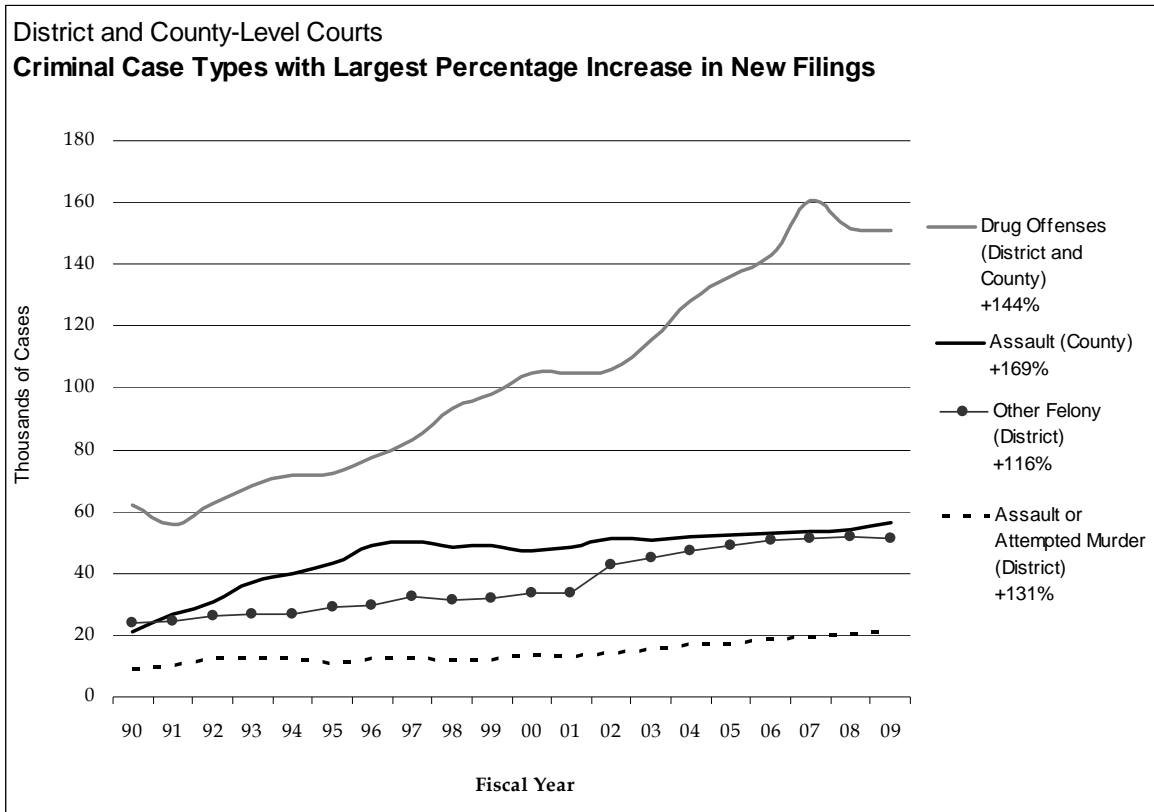
Texas Caseload Trends by Case Type

In an average year, the catch-all category “other criminal (misdemeanor) cases” in county-level courts accounted for the largest share of the criminal caseload with 22 percent of the total. Theft or worthless check cases (county-level courts) was the second largest category with 17 percent of the total, and drug offenses accounted for 16 percent of the total.

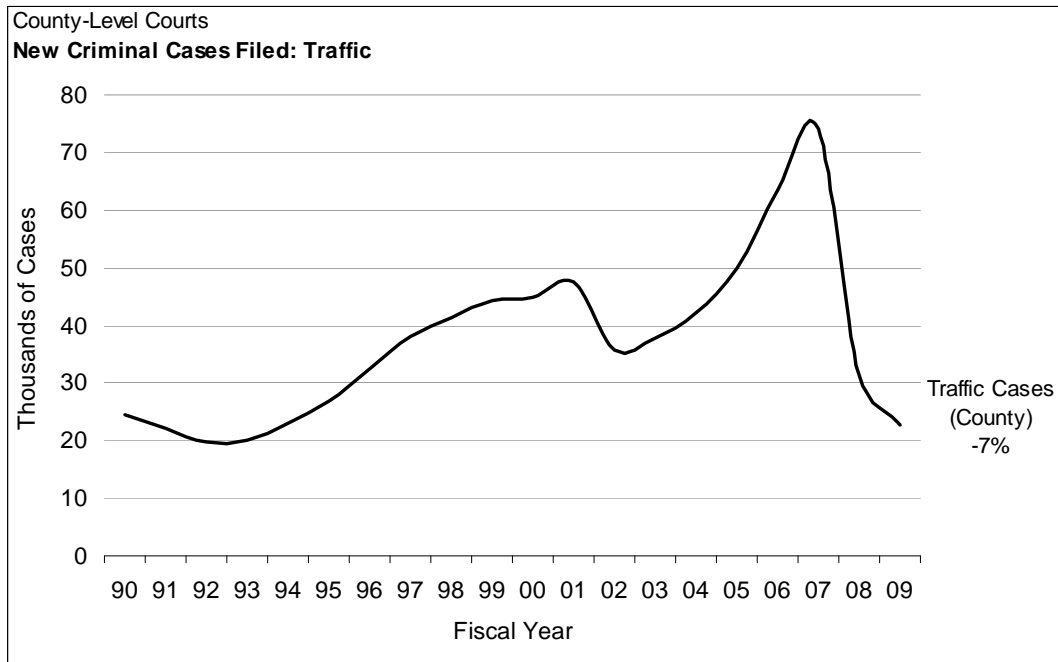


Four categories of criminal cases increased more than 100 percent in the past 20 years. Misdemeanor assault cases increased 169 percent; felony and misdemeanor drug offense cases increased 144 percent; felony assault or attempted murder cases increased 131 percent; and other felonies increased 116 percent.

Texas Caseload Trends by Case Type

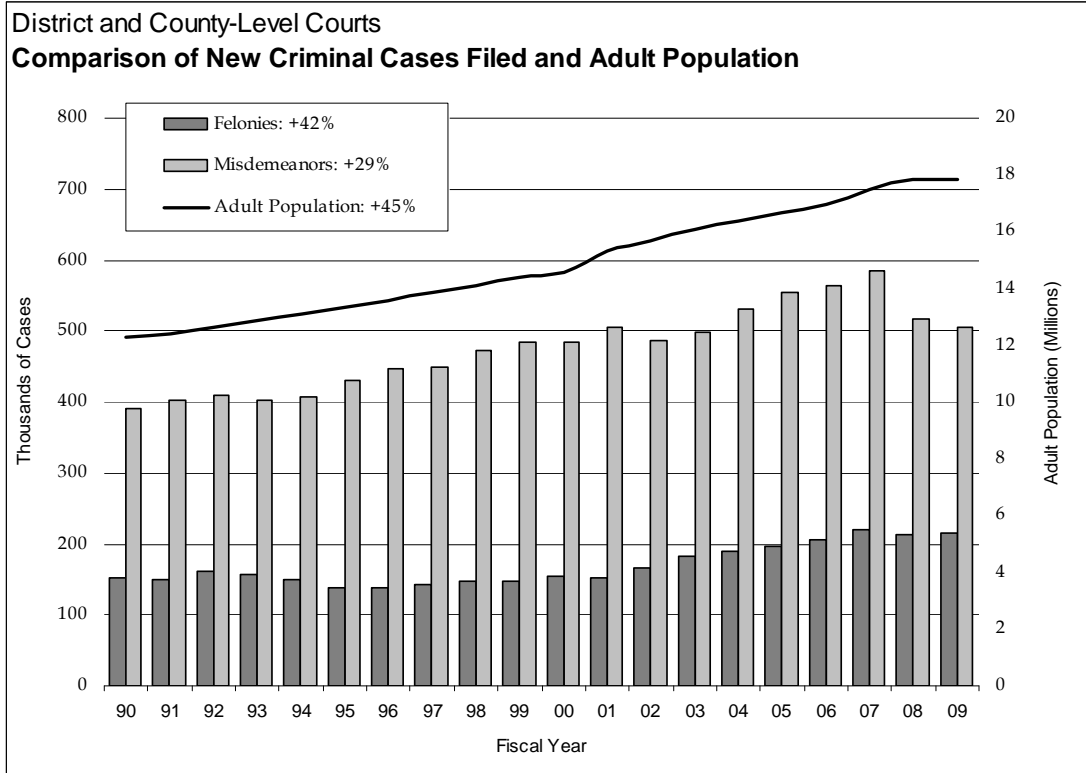


Between 1990 and 2007, traffic cases had grown more than cases in any other category. A drop of 58 percent from 74,145 cases in 2007 to 31,398 cases in 2008, and a further decline to 22,854 cases in 2009, resulted in an overall decrease of 7 percent between 1990 and 2009. It is possible that this decrease is the result of limited resources being directed to more serious crimes.



Texas Caseload Trends by Case Type

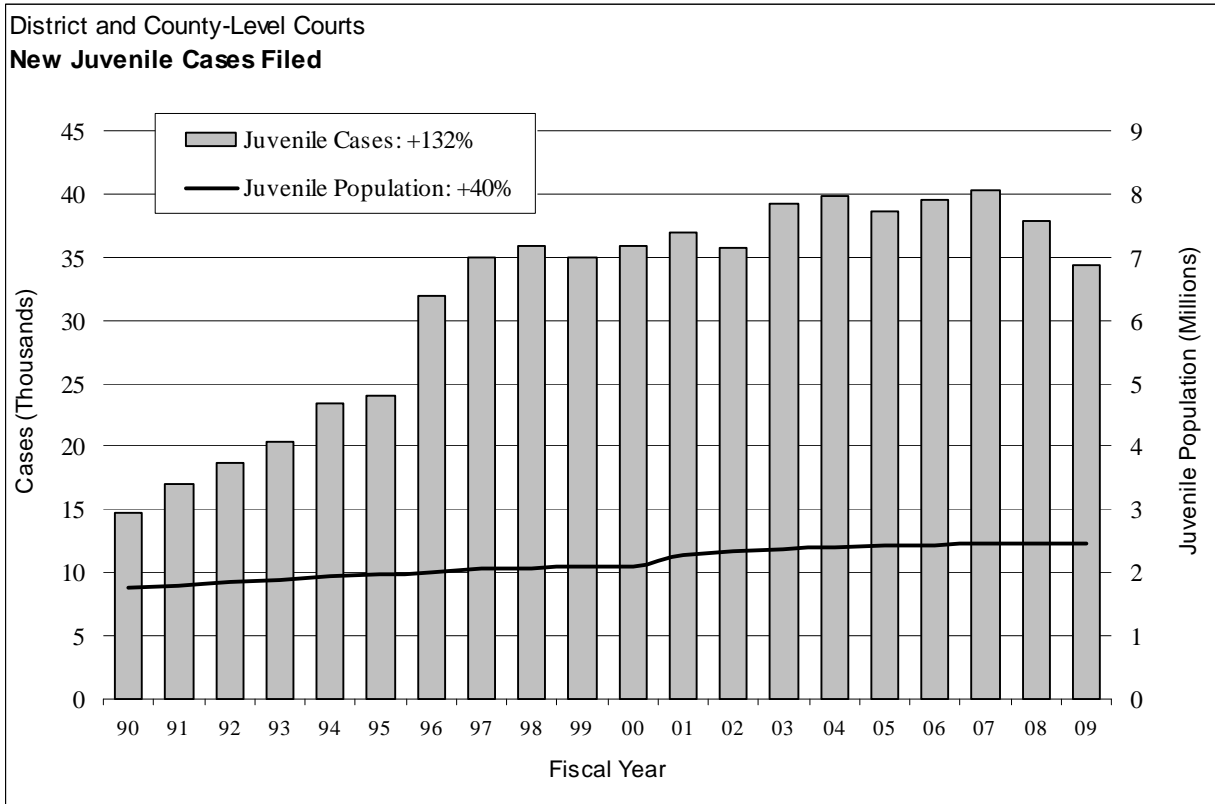
The number of new felony cases filed in the courts increased at a lower rate than the growth of Texas' adult population. Although this population increased 46 percent between 1990 and 2009 (from 12 million to almost 18 million), the number of felony cases rose 42 percent, and misdemeanor cases increased 29 percent. While felony cases remained relatively steady between 2007 and 2009, misdemeanor cases decreased 14 percent.



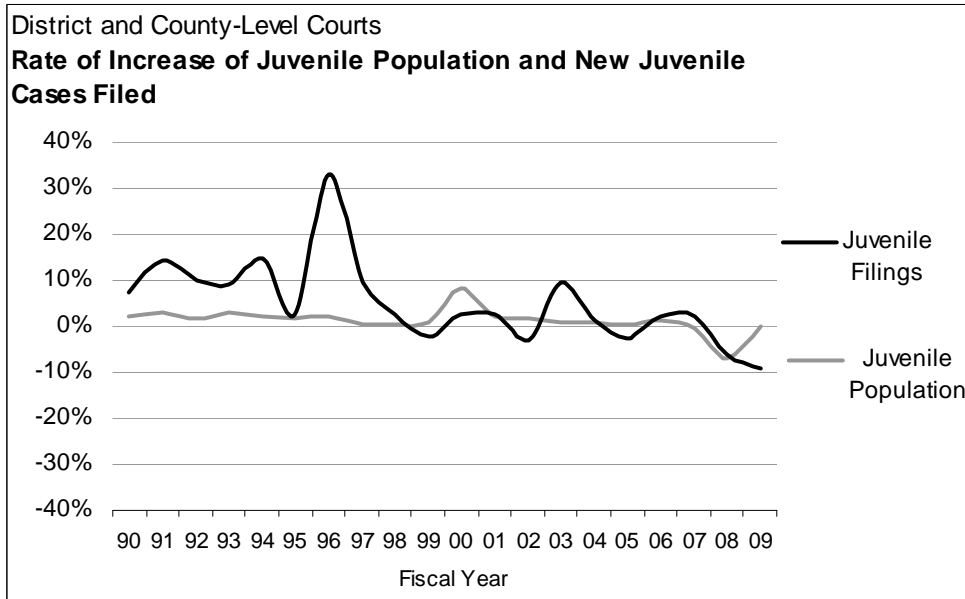
JUVENILE CASES

Although juvenile cases constituted only an average of 3 percent of new cases filed in district and county-level courts over the past 20 years, the number of cases increased dramatically during this timeframe. While the juvenile population in Texas increased by 40 percent between 1990 and 2009, the number of juvenile cases increased by 132 percent. The vast majority of new juvenile cases filed over the last two decades were delinquent conduct cases (97 percent). Conduct indicating a need for supervision (CINS) cases accounted for the remaining 3 percent.

Texas Caseload Trends by Case Type



The number of juvenile cases more than doubled over the past 20 years (14,814 in 1990 to 34,359 in 2009). The annual rate of increase of the juvenile population averaged 2 percent per year. However, the annual rate of increase of juvenile filings fluctuated greatly. The average rate of increase between 1990 and 2009 was 5 percent per year, but an increase of 33 percent occurred in 1996.



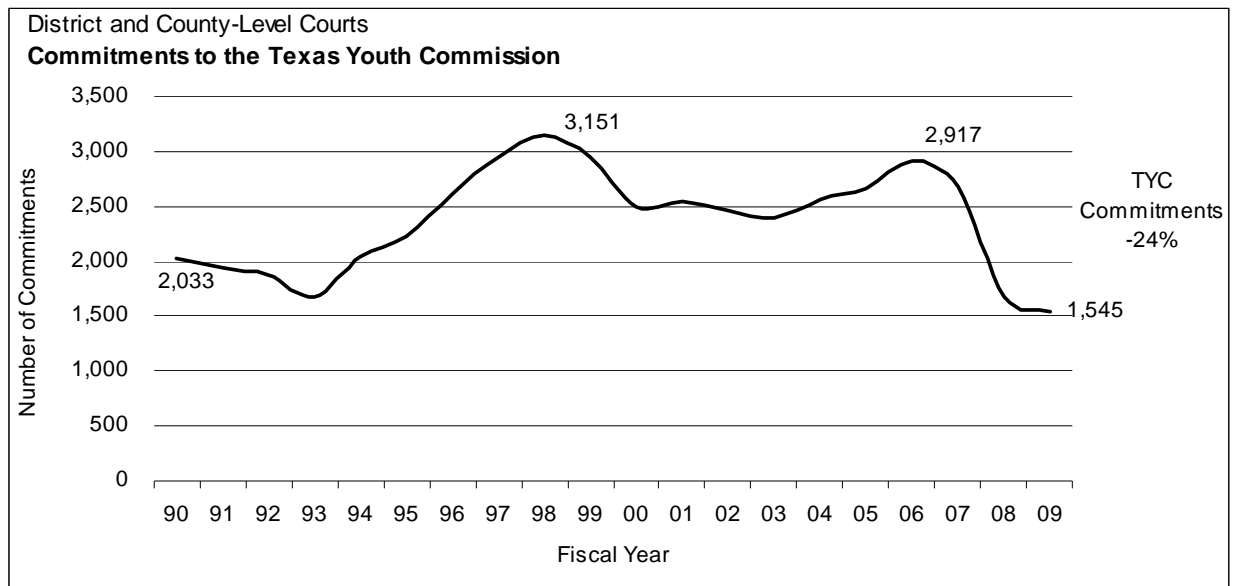
Texas Caseload Trends by Case Type

Reports from the Texas Youth Commission (TYC) corroborate a significant increase in juvenile arrests in the 1990s.¹² Legislation that became effective in 1996 considerably changed the state’s juvenile justice system, including the promotion of the concept of punishment for criminal acts, lowering the certification age from 15 to 14 for capital and first degree felonies, expanding determinate sentencing practices, and requiring all felonies, weapons offenses and misdemeanor assault offenses to be reviewed by the prosecutor.

This “get-tough” approach led to an increase in the TYC population. In 1991, the number of youth in TYC residential care exceeded 2,000. By 2001, the population had increased approximately 180 percent to peak at 5,599.¹³ In 2007, accusations of abuse and safety concerns led to reforms mandated by SB 103 of the 80th Legislature. SB 103 required the elimination of misdemeanant commitments to TYC and the reduction of residential populations.^{14,15}

SB 103 also authorized funding of community-based programs for juvenile offenders who, by statute, are no longer eligible for TYC commitment. In FY 2008, 676 juveniles received services provided by intensive community-based pilot programs.¹⁶ Concerns about TYC operations resulted in other changes in TYC commitments. Some judges decided to significantly reduce the number of TYC commitments because of TYC’s operational problems. In Travis County, for instance, juvenile commitments to TYC were reduced from 87 in 2006 to 10 in 2008.

From 1990 to 2006, commitments to TYC rose 43 percent. From 2006 to 2009, commitments dropped by 47 percent. Overall, TYC commitments dropped 24 percent from 1990 to 2009.



¹²⁻¹⁴Texas Youth Commission. *A Brief History of the Texas Youth Commission*, <http://www.tyc.state.tx.us/about/history.html>, accessed June 1, 2009.

¹⁵Act of June 8, 2007, 80th Leg. R.S., Chap. 263, §1-78, <http://www.legis.state.tx.us/tlodocs/80R/billtext/pdf/SB00103F.pdf>.

¹⁶Texas Juvenile Probation Commission. (2009). *Intensive Community Based Programs for Juvenile Offenders: A Report on the Implementation of Pilot Programs Established Under SB 103, FY 2008*. <http://www.tjpc.state.tx.us/publications/reports/RPTOTH200902.pdf>.